

1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **March 31, 2023**

3 **NO. 23-8500-010**

4 **IN THE MATTER OF RESCINDING**
5 **ORDER NO. 22-8500-037 AND THE NEW**
6 **MEXICO JUDICIARY’S EMERGENCY**
7 **COURT PROTOCOLS NOS. 1, 2, AND 3**

8
9 **ORDER**

10 WHEREAS, March 11, 2023, marked three years since the first confirmed
11 COVID-19 case in New Mexico, initiating the Public Health Emergency still in
12 effect in New Mexico until today, March 31, 2023, when the executive order
13 declaring the emergency will expire;

14 WHEREAS, the New Mexico Supreme Court created the Emergency
15 Response Team (ERT) to develop pandemic protocols and policies, effectively
16 communicate these protocols and policies throughout the Judiciary, and respond to
17 inquiries consistently to ensure the safety of employees and court visitors;

18 WHEREAS, the primary goal of the ERT has been to keep courthouses open
19 while promoting public health and safety;

20 WHEREAS, COVID-19 related hospitalizations and deaths have declined,
21 and based on the latest Centers for Disease Control and Prevention’s research,
22 information, education, and training regarding occupational health, the ERT

1 recommends that the Court rescind Order No. 22-8500-037 and the New Mexico
2 Judiciary’s Emergency Court Protocols Nos. 1, 2, and 3; and

3 WHEREAS, in light of the foregoing, and the Court being sufficiently
4 advised, Chief Justice C. Shannon Bacon, Justice Michael E. Vigil, Justice David K.
5 Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora, concurring;

6 NOW, THEREFORE, IT IS ORDERED that Order No. 22-8500-037 and the
7 New Mexico Judiciary’s Emergency Court Protocols Nos. 1, 2, and 3 are rescinded
8 in their entirety, **effective today, March 31, 2023.**

9 IT IS SO ORDERED.



10 WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 31st day of March 2023.

A handwritten signature in black ink that reads "Elizabeth A. Garcia".

Elizabeth A. Garcia, Chief Clerk of the Supreme Court
of the State of New Mexico



New Mexico
Courts

A Message from the New Mexico Supreme Court

Emergency Response Team <emergencyresponse-grp@nmcourts.gov>
Reply-To: emergencyresponse-grp@nmcourts.gov
Bcc: nmcourts-grp@nmcourts.gov

Thu, Mar 30, 2023 at 10:06 AM

Good morning New Mexico Judiciary,

Please see the latest Memo and Video Message from our New Mexico Supreme Court.

RE: COVID-19 Endemic Protocols

Dear Judicial Officers and Judicial Employees,

March 11, 2023 marks three years since the first case of Coronavirus was confirmed in New Mexico, beginning the Public Health Emergency.

The New Mexico Supreme Court quickly created the Emergency Response Team to develop pandemic protocols and policies, effectively communicate protocols and policies throughout the Judiciary, and answer the myriad of questions with one voice focused on assuring safety for the public and employees. The primary goal was, and still is, to keep our courthouses open while maximizing public health and safety.

Three years later, we have learned to live with COVID-19, and COVID-19 cases are down, as are hospitalizations and deaths, with the worst of the pandemic behind us. During those three years, the ERT has learned and shared research, information, education, and training toward the occupational health of our courts.

The ERT's recommendations remain based on the latest CDC guidance on workplace and employee safety, the SC ERT guidance currently in place, as well as careful observation and monitoring of a slow and steady rollback of protocols on the courts. The Judiciary found a way to continue to successfully and safely keep courts open, jury trials progressing, and staff safe.

The Supreme Court has approved the following ERT recommendations, which treat COVID-19 similar to other infectious illnesses, though with enhanced awareness based on three years of education and protocols:

- **Masking & Screening Questions for Jurors:** Screening questions and masks for Jurors will no longer be required after March 31, 2023, although masks must be available for any juror who chooses to wear one.
- **Masking:** No longer required after March 31, 2023.
- **Physical Distancing:** No longer required after March 31, 2023.

- **Events and Gathering Limitations:** No longer required after March 31, 2023.
- **Daily Health Check (self-assessment):** No longer required after March 31, 2023.

Stay Home if You Feel Sick Guidance:

- Employees and Judicial Officers who are ill and unable to work should stay home.
- Employees and Judicial Officers who have COVID-19 symptoms, as defined by the CDC (Here is a link to the CDC guidance), must test and may not return to work until they test negative. Management may require employees to submit evidence of their negative test results if they are in question.
- Employees and Judicial Officers who test positive must self-isolate for 5 days from the date the positive test was taken and may return to the workplace after symptoms have subsided and wear a mask for a total of 10 days from the date of the positive test.
- Employees may consult with their Administrative Authority and manager to determine if they can telework while symptomatic before testing or if they test positive.
- Employees and Judicial Officers may return to the workplace if they test negative but remain symptomatic.
- If chronic symptoms persist for an employee, management should consult with HR and their administrative authority to determine whether the employee can remain in the workplace or telework.
- There are no restrictions on the type of COVID test that may be taken.
- For more specific guidance, employees and Judicial Officers should refer to the CDC or their medical provider.

Reminders:

- If you have COVID-19, you can spread the virus to others. There are precautions you can take to prevent spreading it to others including isolation, masking, and avoiding contact with people who are at high risk of getting very sick. Isolation is used to separate people with confirmed or suspected COVID-19 from those without COVID-19.
- ADA accommodation requests from the public or employees will continue to be handled by the judicial entity's HR Professional and ADA Coordinator.
- Regardless of vaccination status, **you should isolate yourself from others when you have COVID-19, or other contagious viruses or illnesses.**
- Washing and sanitizing hands can abate contagious viruses including COVID-19.
- Take advantage of advances in modern technology.
- Continue to ventilate work areas and common spaces.
- Wear a mask any time you feel it's necessary.

Please click the image to view the video message.

The video message can also be viewed on Inside NMCourts.



Respectfully,
The Emergency Response Team

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This email was sent to the entire judiciary. Please DO NOT use REPLY-ALL to reply to this email. This could cause unneeded spam to all court employees. Thank you.