

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

2 **March 04, 2022**

3 **NO. 22-8500-010**

4 **IN THE MATTER OF THE AMENDMENT**
5 **OF NEW MEXICO JUDICIARY PUBLIC**
6 **HEALTH EMERGENCY PROTOCOL NO. 1 TO**
7 **REVISE THE MASKING REQUIREMENTS,**
8 **NO. 2 TO REVISE THE SOCIAL DISTANCING**
9 **REQUIREMENT, AND NO. 3 TO**
10 **STREAMLINE THE PROCESSING OF CRIMINAL**
11 **CASES IN THE METROPOLITAN AND MAGISTRATE**
12 **COURTS DURING THE COVID-19**
13 **PUBLIC HEALTH EMERGENCY**

14 **ORDER**

16 WHEREAS, this matter having come before the Court upon recommendation
17 to amend the New Mexico Judiciary’s Emergency Court Protocol No. 1 to revise the
18 face mask requirements for members of the public, including jurors, witnesses,
19 parties, attorneys, sheriffs, and other participants, to require face masks while in a
20 courtroom or jury assembly area of a courthouse, judicial building, or other physical
21 space used, occupied, or operated as a courtroom or jury assembly area by the New
22 Mexico Judiciary, and to require judicial officers and employees to wear face masks
23 while in a courtroom or jury assembly area, or while interacting with the public on
24 the grounds of a courthouse, judicial building, or other physical space used,
25 occupied, or operated by the New Mexico Judiciary, and to allow impaneled jurors
26 to use one KN95 or KF94 mask instead of double-masking, and to amend the New
27 Mexico Judiciary’s Emergency Court Protocol No. 2 to revise the social distancing

1 requirement so that a minimum of three (3) feet in each direction must be maintained
2 between every individual regardless of vaccination status while entering, inside, and
3 exiting the courthouse, and to amend the New Mexico Judiciary's Emergency Court
4 Protocol No. 3 to reinstate the suspension of the exercise of peremptory excusals for
5 criminal cases in the metropolitan and magistrate courts for a period of one year,
6 effective February 1, 2022, to be lifted February 1, 2023, and to permit a party to a
7 criminal case in the metropolitan and magistrate courts to petition the Chief Justice
8 to effect the excusal of a presiding judge for cause, Chief Justice Michael E. Vigil,
9 Justice C. Shannon Bacon, Justice David K. Thomson, Justice Julie J. Vargas, and
10 Justice Briana H. Zamora concurring;

11 NOW, THEREFORE, IT IS ORDERED that the recommendation is
12 ADOPTED and the amendment of Emergency Court Protocol No. 1, Emergency
13 Court Protocol No. 2, and Emergency Court Protocol No. 3, is APPROVED,
14 **effective March 21, 2022;**

15 IT IS FURTHER ORDERED that each judicial district shall update its plan
16 for conducting jury trials and other in-person proceedings to incorporate the changes
17 to the Emergency Court Protocols consistent with this order, including the number
18 of jury trials expected and any off-site voir dire, pursuant to Emergency Court
19 Protocol No. 2, Subparagraph (C)(3), by **March 21, 2022;** and


20 IT IS FURTHER ORDERED that the Administrative Office of the Courts

1 shall secure air purifiers for all courts to further protect members of the public and
2 judicial officers and employees during the COVID-19 public health emergency. Air
3 purifiers must be operated during business hours.

4 IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 4th day of March, 2022.



Jennifer L. Scott, Chief Clerk of the Supreme Court
of the State of New Mexico