

**OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY**  
**MEMORANDUM**

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TO: Lawyers Professional Responsibility Board Referees  
The Honorable Ivy Bernhardson  
The Honorable Gail Chang Bohr  
The Honorable Kevin Burke  
The Honorable Christopher J. Dietzen  
The Honorable Jon Maturi  
The Honorable John McBride  
The Honorable E. Anne McKinsey  
The Honorable Susan Miles  
The Honorable Rosanne Nathanson  
The Honorable Richard C. Perkins

FROM: Susan M. Humiston, Director

 Humiston, Susan  
Apr 4 2022 10:44 AM

CC: OLPR Personnel

DATE: April 4, 2022

RE: OLPR Courtroom COVID-19 Procedures

The Branch has updated both its requirements regarding masking in the courtroom, as well as the pandemic plan relating to distancing in the courtroom. I wanted to make sure you had copies of both updated documents.

Attached is Chief Justice Gildea's Order of March 3, 2022, and the revised COVID-19 Preparedness Plan.

A reasonable amount of distancing between people within court facilities and courtrooms should be maintained, as practicable. Face coverings are no longer required anywhere within the Judicial Branch, however, individuals are free to wear a mask if they so choose.

If you have questions, please connect with the Commissioner's Office or feel free to contact me.

STATE OF MINNESOTA  
IN SUPREME COURT  
ADM20-8001



**ORDER GOVERNING THE CONTINUING OPERATIONS OF THE  
MINNESOTA JUDICIAL BRANCH**

O R D E R

The operations of the Minnesota Judicial Branch are currently governed by the order filed on June 28, 2021, which was extended and modified in part by orders filed on July 30, 2021, and October 18, 2021. *See* Order Governing the Continuing Operations of the Minnesota Judicial Branch, No. ADM20-8001 (Minn. filed June 28, 2021) (setting out COVID-19 prevention practices affecting case processing, court facilities, public access, and court administration); Order Governing the Continuing Operations of the Minnesota Judicial Branch, No. ADM20-8001 (Minn. filed July 30, 2021) (modifying provisions of the June 28 order and extending that order indefinitely); Order Governing the Continuing Operations of the Minnesota Judicial Branch, No. ADM20-8001 (Minn. filed Oct. 18, 2021) (modifying provisions of the June 28 and July 30 orders). On February 25, 2022, the Centers for Disease Control and Prevention (CDC) updated its guidance as to what prevention steps should be taken based on a county’s COVID-19 Community Level. *COVID-19 by County*, CDC (Feb. 25, 2022), <https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>. Under the CDC’s current guidance, wearing a mask indoors in public is a recommended prevention step only for counties at a “high” COVID-19 Community Level. *Id.* The CDC recognizes, however, that “[p]eople may choose to mask at any time” and that “[p]eople with symptoms, a positive test, or exposure

to someone with COVID-19 should wear a mask.” *Id.* Consistent with this updated mask-related guidance from the CDC, as set out below, the Judicial Branch will lift the statewide requirement for face coverings in Judicial Branch facilities, effective March 7, 2022. The chief judges of the ten judicial districts are authorized to require face coverings at court facilities in individual districts or counties that are designated as a “high” COVID-19 Community Level by the CDC.

IT IS HEREBY ORDERED THAT:

1. Effective March 7, 2022, the face covering requirement for every person entering a court facility, set forth in the order dated October 18, 2021, is lifted.
2. Effective March 7, 2022, the chief judge of each district is to review the CDC’s COVID-19 Community Level for the districts and counties which they oversee. Each chief judge is authorized to require face coverings at the court facilities in the districts or counties which they oversee if the CDC’s COVID-19 Community Level in that district or county is “high.”
3. The Chief Justice will determine, based on the COVID-19 Community Level in Ramsey County, whether to require face coverings at the Minnesota Judicial Center.
4. Effective March 7, 2022, the Directors of the Office of Lawyers Professional Responsibility and the Board of Law Examiners are to review the CDC’s COVID-19 Community Level for the counties in which those offices operate. Each Director is authorized to require face coverings for operations of the office, and any boards or panels of the office, if the CDC’s COVID-19 Community Level for the local county is “high.”

5. Nothing in this order prevents an individual from choosing to wear a face covering at any court facility.

6. The orders filed on June 28, 2021, July 30, 2021, and October 18, 2021, all of which govern the continuing operations of the Minnesota Judicial Branch, remain in effect unless expressly superseded by the provisions of this order.

Dated: March 3, 2022

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lorie S. Gildea". The signature is written in a cursive, flowing style.

Lorie S. Gildea  
Chief Justice



# MINNESOTA JUDICIAL BRANCH

## STATE COURT ADMINISTRATOR'S OFFICE

### Minnesota Judicial Branch COVID-19 Preparedness Plan REVISED: March 17, 2022

Under Supreme Court Order No. ADM 20-8001 (March 3, 2022), the Minnesota Judicial Branch continues operations consistent with evolving conditions and public health guidance as more people become vaccinated against COVID-19, the number of positive cases declines, and the strain on the health care systems subsides. The Minnesota Judicial Branch's top priority continues to be protecting the health and safety of judicial officers, staff, and court users. This plan outlines the health and safety parameters that every court facility must maintain to the extent possible and as appropriate, as in-person operations continue to increase. It is based on guidance from the Minnesota Department of Health (MDH) and the Centers for Disease Control and Prevention (CDC), and on the monitoring of three key indicators:

1. **Positivity Rate:** The Minnesota Department of Health (MDH) releases a 7-day rolling average positivity rate for COVID-19 statewide Monday through Friday. Due to reporting lag time this rate is 7-10 days behind current trends.
2. **Employee Case Rates:** The Judicial Branch utilizes a SharePoint reporting form to capture reported positive cases of COVID-19.
3. **Juror Postponement Rates:** The Judicial Branch initiated the COVID-19 Postponement Code in WebGen to track the number of jurors granted a postponement due to COVID-19.

This Preparedness Plan identifies mitigation efforts supported by the Branch in our on-going efforts to minimize the effects of COVID-19 on Branch operations:

**Stay Home When Feeling Ill:** As judicial officers and employees return to their workplaces, they are encouraged to do a daily personal health check and to stay home when feeling ill. People must stay home when sick or [experiencing symptoms of coronavirus](#). If a household member or close contact has tested positive for COVID-19, people not [up to date](#) on COVID-19 vaccines must stay home per [CDC guidelines](#). People who are fully vaccinated or have had COVID-19 within the past 3 months, do not need to quarantine unless they are experiencing symptoms of COVID-19.

**Reporting Cases of COVID-19:** Judicial officers, employees, jurors, justice partners, and contractors are strongly encouraged to report all cases of COVID-19 or COVID-19 symptoms that result in impacting the operations of the Branch (NOTIFY HR (judicial officer and employee) and/or LOCAL COUNTY COURT ADMINISTRATOR (non-judicial officer and employee)).

**Face Coverings:** Face coverings are not required, except as provided in the Chief Justice’s March 3, 2022 order, No. ADM20-8011.

**Signage:** Signage must be posted at exterior entrances to court facilities to remind customers and justice partners NOT to enter if they are experiencing any COVID-19 related symptoms, have recently been exposed to someone with COVID-19, or are otherwise feeling sick. This signage should direct them to a location, i.e., a webpage or a call-in number, with instructions on what to do if they cannot enter.

**Jury Practices:** Adjusted jury practices will be maintained as appropriate, including, but not limited to:

- a. Individual voir dire
- b. Jury deliberations in the courtroom
- c. Staggering jury/juror times
- d. Implement social distancing where possible
- e. Eliminate communal food and drink opportunities

**Distancing Measures:** The Judicial Branch will maintain a reasonable amount of distancing between people within court facilities and courtrooms, as practicable.

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***Preparedness Plan Internal Addendum:***

Judicial officers and employees should follow this guidance in court facilities to support in-person court operations:

**Vaccination Status Verification Program:** Judicial officers and employees are encouraged to keep their vaccination status up to date in the [Vaccination Status Verification Program](#), which allows judicial officers and employees to self-report their vaccination status to the Judicial Branch. This information will be treated as non-public personnel records and only shared with those people with a business need to know.

**Building and Work Environment Ventilation:** Ventilation remains an important factor in preventing COVID-19 transmission indoors. Tenants should continue to consult with facility owners and operators to evaluate the operational capacity of ventilation systems provided throughout the building and advocate for system improvements if available.

**Partitions or Barriers:** Continue to utilize existing physical barriers, such as plexiglass at customer service counters and in courtrooms.

**Reminder: Employee Notification Protocol**

1. Encourage judicial officers and employees to do a daily personal health check and to stay home when feeling ill.
2. Judicial officers and employees are encouraged to reach out to local Human Resources staff with questions on current quarantine and isolation guidelines should they become ill or exposed to a known case of COVID-19. Information on quarantine protocols is also found on the CDC website ([Quarantine-Isolation](#)).
3. If a judicial officer or court employee reports a positive COVID-19 test, they shall notify their supervisor or local HR office and the Employee Notification Protocol shall be followed.