

FOURTH JUDICIAL DISTRICT

**ADMINISTRATIVE ORDER
PERTAINING TO FACE MASKS
OR FACE COVERINGS IN
DISTRICT COURT COURTROOMS
DURING COVID-19 EMERGENCY**

WHEREAS, On March 13, 2020, the Minnesota Governor Tim Walz declared a peacetime state of emergency pursuant to the issuance of Executive Order 20-01 due to the worldwide spread of COVID-19, also referred to as the Coronavirus and in his latest Executive Order 20-56 issued May 13, 2020, he strongly encouraged all Minnesotans to wear a cloth face covering when in a public setting; and

WHEREAS, Minnesota Supreme Court Administrative Order ADM20-8001 issued May 15, 2020 concerning the continuing operations of the courts of the state of Minnesota provides that the Judicial Branch is in a transitional phase and is implementing transitional case strategies approved by the Judicial Council and the guidelines and exposure precautionary measures in the Judicial Branch COVID-19 Preparedness Plan, which strongly encourages staff, judicial officers and visitors to wear face coverings, and the Judicial Branch is furnishing each staff person and judicial officer with cloth face coverings and furnishing all jurors with paper face coverings; and

WHEREAS, pursuant to Minn. Stat. § 484.69, subd. 3, the chief judge of the judicial district has general administrative authority over the courts in the judicial district; and

WHEREAS, the federal Center for Disease Control has recommended that guidelines for social distancing be implemented and that masks be worn in public settings where other social distancing measures are difficult to maintain; and

WHEREAS, on May 19, 2020, the Hennepin County Board of Commissioners approved the County's COVID-19 Preparedness Plan, which requires all persons to wear face coverings while in a County facility and outside an individual workspace, including in common spaces such as break rooms, elevators, hallways, meeting spaces and entrances/exits; and

WHEREAS, all Fourth Judicial District Court facilities are located in Hennepin County owned or controlled facilities and Fourth Judicial District Court visitors, staff and judicial officers are subject to the above requirement; and

WHEREAS, the Court is vested with the right and obligation to preserve order and decorum in its courtrooms. Minn. R. Crim. P. 26.03, Subd. 3(a); Minn. R. Gen. Prac. 2.01(a) and 2.02(e); and

WHEREAS, the presiding judge has the duty to see that all persons speak clearly so that the reporter may obtain a correct record of all proceedings in court. Minn. R. Gen. P. 2.02(f).

Based on the foregoing, this Court makes the following:

ORDER

1. This order is supplemental to the order dated May 18, 2020 entitled “Administrative Order Pertaining to Fourth Judicial District Courtrooms during COVID-Emergency” pertaining to social distancing. Face masks or face coverings need not be worn in private work areas of Court operations (such as chambers) or in courtrooms, if appropriate social distancing can be maintained.
2. The judge presiding in any courtroom of the Fourth Judicial District has the full right, authority and discretion to order the removal of face masks or face coverings in that courtroom as they deem necessary or appropriate for the particular proceedings, including, but not limited to, the removal of face masks or face coverings as appropriate for (i) live witness testimony; (ii) photo and/or in person identification of criminal defendants when required; (iii) voir dire of jury panelists; (iv) lawyer presentation of case to jury; (v) when the presiding judge is ruling on a motion, addressing parties or counsel, or instructing a jury; and (vi) to ensure that the court record is clear; provided that the requisite social distancing of six (6) feet between persons remains intact.
3. The Hennepin County Sheriff’s Office is hereby authorized to enforce the presiding judge’s order regarding face masks or face coverings in that courtroom.
4. This Order is effective as of 7 a.m. on Thursday, May 21, 2020, and shall remain in effect until further Court order.

5. The presiding judge in any matter may also make such further order, issued from the bench or by written order, as may be necessary or appropriate under the specific circumstances, to adopt other measures to protect public health and safety in the courtroom in which they are presiding, and also has authority to have any person removed from that courtroom based on violation of applicable Rules or existing policy of District Court, including the person's violation of required courtroom decorum.

Dated: May 20, 2020

BY THE COURT:

Ivy S. Bernhardson
Chief Judge
Fourth Judicial District