

IN THE SOUTHERN UTE TRIBAL COURT
ON THE SOUTHERN UTE INDIAN RESERVATION

ADMINISTRATIVE ORDER 2021-04

MODIFIED ADMINISTRATIVE ORDER IN RESPONSE TO THE CHANGING
CONDITIONS AND RISKS ASSOCIATED WITH COVID-19

WHEREAS, the COVID-19 virus has created a public health emergency, and the Southern Ute Tribal Court has taken measures reasonably necessary to protect the health of Tribal elders, Southern Ute Tribal membership, Southern Ute community, litigants, and court staff from the COVID-19 virus.

WHEREAS, the Southern Ute Indian Tribe, the State of Colorado, and the Southern Ute Indian community have worked to minimize the risk to all people in the face of COVID-19. The Southern Ute Tribal Court is not insulated from the impact of this virus and it has necessarily adjusted its operations to provide essential court services, while striking a balance between fulfilling our responsibilities and promoting public safety. While it has not always been easy, the Tribal Court has successfully accomplished much of its essential work under these trying circumstances.

WHEREAS, the Chief Judge of the Southern Ute Tribal Court possesses the inherent authority to establish Tribal Court standards and procedures by administrative order.

NOW, THEREFORE, IT IS ORDERED THAT:

Effective September 20, 2021, and continuing until further notice and order of the Court, the Southern Ute Tribal Court shall continue to hear all matters. Most cases shall be heard in-person, unless the presiding judge allows for remote appearances as allowed in a particular case or as allowed by this administrative order.

Modified Safety Protocols of the Court

All employees and other people entering the Tribal Court buildings shall follow the Southern Ute Indian Tribe's mandates related to face coverings, social distancing, and procedures if exhibiting COVID-19 symptoms.

Entry of the Tribal Courtrooms: This rule applies only to the entry of the Southern Ute Tribe's two courtrooms: Proof of vaccination will be required prior to entry of the courtrooms or a face covering must be worn. Witnesses may be allowed to testify without face coverings regardless of vaccination status, as the courtrooms are equipped with plexiglass shields and the witness area shall be cleaned after testimony is complete.

Attorneys and the public are encouraged to communicate with the Court via email, remote technology, and telephone to avoid any unnecessary appearances at the Southern Ute Tribal Court. The Clerk of the Court shall keep updated information on the telephone answering service (970.563.0240). The hours of operation may change as

conditions require and if in the interest of the Southern Ute Indian Tribe and its employees. Notice of the Court's hours of operation shall be posted on the Tribe's website: <https://www.southernute-nsn.gov/tribal-court/>

In-Person or Remote Appearance in Court

In all cases, any person may appear in court. If appearing for any hearing using remote technology (Zoom), the participant must use the video and audio features.

In all criminal matters, unless otherwise ordered or allowed by the presiding judge, hearings and trials shall be heard in-person. Attorneys and defendants are encouraged to request permission to appear remotely for routine matters or hearings not requiring testimony, pleas or sentencing.

Civil traffic infractions (traffic tickets with an option to pay without a hearing), wildlife and animal control cases may be heard either in-person or remotely. If attending a hearing remotely, video technology must be used to attend the hearing, unless the presiding judge otherwise permits.

In other civil matters (non-criminal cases), parties may attend either remotely or in-person. If attending a hearing remotely, video technology must be used to attend the hearing, unless the presiding judge otherwise permits.

Jury trials shall be permissible beginning in Phase 3 of the Southern Ute Tribe's COVID-19 plans. Pursuant to the Southern Ute Indian Tribal Code, the Court finds the delay of criminal trials beyond the 90-day speedy trial period to be "necessary", when a remote hearing is deemed insufficient. Bench trials may be in-person or remote, depending upon the needs of the parties and the judge's final determination on the safety of such a hearing.

This administrative order may be modified as conditions warrant.

DONE AND SIGNED THIS 17th DAY OF September, 2021.

M. SCOTT MOORE
CHIEF JUDGE, SOUTHERN UTE TRIBE