

AMENDMENT 3
TENTH CIRCUIT PHASE 2 OPERATIONAL PLAN (COVID-19)

On August 24, 2020, the Court approved the *Tenth Circuit Phase 2 Operational Plan (COVID-19)* (hereinafter “Operational Plan”). The Court transitioned Hardee, Highlands, and Polk Counties to Phase 2 court operations on August 25, 2020, by entry of Administrative Order Number 1-57.0, *In Re: Phase 2 COVID-19 Emergency Court Operations Procedures*.¹ Thereafter, on September 22, 2020, the Court entered Amendment 1 to the Operational Plan requiring a plexiglass barrier or a clear face mask for persons testifying in a court proceeding. Thereafter, on December 10, 2020, the Court entered Amendment 2 to the Operational Plan which modified building partners and implemented a revaluation of the remote work of court employees.

A review of the recent changes to AOSC20-32, *In Re: COVID-19 Public Health and Safety Precautions for Phase Transitions, Amendment 6* (December 22, 2020), necessitate the following changes to the Operational Plan:

Amendment to the Operational Plan:

- **Hygiene Protocols and Personal Protective Equipment (PPE):** Bullet point 5 of the Hygiene Protocols and Personal Protective Equipment (PPE) section, as amended on September 22, 2020, is deleted and replaced with the following:

The use of face masks that completely cover the nose and mouth and fit snugly around the nose, chin, and sides of the face is mandatory. In the event that a witness testifying in a court proceeding is not wearing a clear face mask or a cloth face mask that has a clear plastic panel (hereinafter “clear face mask”), and a clear face mask has been deemed necessary to afford due process, the witness may be permitted by the presiding judge to replace the opaque face mask with a clear face mask when in the witness chair for use during their testimony.

As required by the Operational Plan, the Chief Judge reviews local public health data and conditions weekly to determine if a change to the Operational Plan or to the Court’s operations is necessary. A review of the current and previous week’s data for Hardee, Highlands, and Polk Counties necessitates the following changes to the Court’s operations:

Changes to the Court’s Operations:

- The Polk County Janet A. Essary Drug Court Lab (hereinafter “Lab”) will be closed until January 4, 2021. Beginning on January 4, 2021, the Lab will test no more than 10 people per hour through and including January 31, 2021.
- The Polk County Trial Court Coordinator will reduce juror panels for trials held in Polk County by 35% through and including January 31, 2021, in order to reduce the number of jurors summoned.

¹ Administrative Order 1-57.0 was amended by Administrative Order 1-57.1 on September 22, 2020, and by Administrative Order 1-57.2 on October 7, 2020.

- No jury trials will be conducted in Hardee, Highlands, or Polk Counties until January 4, 2021.

This third amendment shall be effective on the date approved below. All other provisions of the Operational Plan, including previous amendments not modified herein, shall remain in full force and effect.

Approved on this 22nd day of December, 2020.

s/ELLEN S. MASTERS, Chief Judge