IN THE FIFTH JUDICIAL DISTRICT OF IOWA

IN RE: TRIALS AND COURT PROCEEDINGS IN POLK COUNTY	ADMINISTRATIVE ORDER 2021-27 (RESCINDING ADMINISTRATIVE ORDER 2021-1)

On June 17, 2021, the Iowa Supreme Court entered a supervisory order rescinding three of its earlier supervisory orders (dated July 9, July 22 and July 29, 2020, respectively) which had dealt with precautions to be taken in courtrooms and court-controlled spaces arising from the COVID-19 pandemic. Previously, the court had directed that fully vaccinated persons were no longer subject to any requirements to wear face coverings in courtrooms or court-controlled spaces, as an outgrowth of the CDC directive that fully vaccinated persons were no longer subject to either face covering or physical distancing requirements; the issue of physical distancing was reserved, but has been addressed with the most recent supervisory order. Going forward, judges are allowed to use their discretion to provide for physical distancing in their courtrooms for those persons who request it because they are not fully vaccinated, and chief judges are allowed to use their discretion regarding physical distancing and cleansing requirements for all court-controlled spaces. In an effort to coordinate with these recent pronouncements, it is necessary to rescind Administrative Order 2021-1, which dealt with how to resume jury trials in Polk County in a socially-distanced environment and the resulting impact on non-jury trials. Accordingly, the following is ordered, effective for court proceedings that commence on or after June 28, 2021:

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CLERK DISTRICT COURT

1. Administrative Order 2021-1 is rescinded in its entirety. Jury trials shall be scheduled as had been done prior to the onset of the COVID-19 pandemic, consistent with previous administrative orders and practices at the Polk County Courthouse. In addition, the jury selection reporting and selection process will be undertaken as had been done prior to the pandemic, with such adjustments as deemed appropriate in the discretion of the jury clerk and jury judge.
2. When prospective jurors report in to the jury orientation room at either the Polk County Historic Courthouse or the Polk County Criminal Courts Building, they shall

be advised that fully vaccinated individuals are no longer subject to any face covering requirement while in a courtroom or a court-controlled space and that jury trials shall no longer be subject to any social distancing requirements. Prospective jurors may request to be deferred for jury service if they are uncomfortable serving in a non-socially distanced environment. This topic shall also be addressed by the presiding judge in his or her introductory comments to the jury panel; the intent of this order is to allow any prospective juror who has concerns (whether fully vaccinated or not) regarding being in a non-socially distanced environment) to not serve but be deferred to a later time.

3. For other court proceedings, the presiding judge shall endeavor to ensure that social distancing is provided, upon request by a participant to that proceeding.
4. Non-jury trials shall resume as in-person proceedings, subject to the ability of the parties to consent to a remote proceeding or the ability of the judge to order a remote proceeding over the objection of the parties, as currently provided for in prior supervisory orders of the supreme court.
5. Signage in courtrooms and court-controlled spaces shall be modified to reflect these changes.

Dated this 18th day of June, 2021.

MICHAEL D. HUPPERT, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Copies to:
Chief Justice Susan Christensen, Iowa Supreme Court
Liaison Justice Edward Mansfield, Iowa Supreme Court
Acting State Court Administrator, John Goerdt
Fifth Judicial District Judges, Staff and
Stakeholders by e-mail and
Posting on Judicial Branch Website