

**IN THE UTAH JUDICIAL COUNCIL**

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**ADMINISTRATIVE ORDER**

**July 28, 2021**

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On May 21, 2021, the Chief Justice, on behalf of the Utah Judicial Council issued an administrative order ending the mask mandate in all courthouses. On June 3, 2021, the Chief Justice, on behalf of the Utah Judicial Council issued an order authorizing state courts and justice courts to operate in the Yellow phase of the Court's pandemic response plan which permits courts to hold in person hearings and jury trials. The Utah Judicial Council continued to monitor the developments of the Covid-19 pandemic and the recommendations of health experts. The seven day average of Covid-19 case counts in Utah dropped to a low of 200 in June 2021, and has now risen to 622. The recent increase in cases is attributed to the Delta variant which health experts report is significantly more transmissible than the original strain of Covid-19. Studies have shown that the vaccines are highly effective in preventing the spread of Covid-19 and fully vaccinated individuals are much less likely to contract or spread the virus. The Centers for Disease Control and Prevention reports that there is still some risk that fully vaccinated individuals can contract and spread Covid-19, and now advises that all individuals who are located in moderate or high transmission index locations should wear a mask when indoors.

The judiciary continues to be in the unique position of having authority to compel individuals to attend court proceedings in person. Recently, an unvaccinated court team member who did not know they had Covid-19 spread the virus to an individual who was compelled to attend court and to other team members. Now that the courts are operating in the Yellow phase, there will be an increase in the number of individuals who are compelled to come to the court, and the courts cannot assure these individuals that other people they may encounter in the courts are vaccinated.

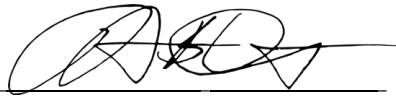
Throughout the pandemic the judiciary has consistently focused on the safety of court patrons and personnel. The courts will continue that focus while also monitoring developments of the pandemic, vaccination rates, and the advice of health experts.

It is therefore ordered as follows:

1. The May 21, 2021 Administrative Order ending the mask mandate is rescinded.
2. Effective Friday July 30, 2021, if a court is located in a county that has been designated by the Utah Department of Health as a moderate or high transmission index county, then Court patrons and court personnel are required to wear a mask over their nose and mouth while in court buildings. The court must supply a mask to an individual who is not wearing a mask.
3. The mask mandate in paragraph 2 does not apply:

- (a) To a court located in a county that is designated by the Utah Department of Health as a low transmission index county.
- (b) To a witness while the witness is testifying or to other individuals in a courtroom if the judge determines that the temporary removal of a mask is necessary for identification or other similar purposes.
- (c) If court personnel are at their desk, not dealing with the public, and physically distanced from others. Court personnel may also remove a mask when they are actively eating or drinking and physically distanced from others.

DATED this 28<sup>th</sup> day of July, 2021.

A handwritten signature in black ink, appearing to read 'M. B. Durrant', written over a horizontal line.

MATTHEW B. DURRANT  
Presiding Officer, Utah Judicial Council