

COVID-19 Operating Plan for the Bexar County Judiciary



Effective January 11, 2021

**Prepared by Judge Ron Rangel,
Local Administrative Judge, Bexar County, Texas**

COVID-19 Operating Plan for the Bexar County Judiciary

Effective January 11, 2021

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of **Bexar County** will implement the following protective measures:

General

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. The local administrative district judge will maintain regular communication with the local health authority and the county judge and adjust this operating plan as necessary with conditions in the county.
3. Courts should use all reasonable efforts to conduct proceedings remotely. All proceedings should occur remotely (such as by teleconferencing, videoconferencing, or other means) unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible. All judges and court staff will self-monitor for symptoms of COVID-19 while working from home, avoid unnecessary travel other than in their private vehicles, and avoid any gatherings of over 50 people.
2. Judge and Court Staff Monitoring Requirements: please see attachments documenting monitoring standards used by University Health System.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 100.0°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, (note, local guidelines also include nausea or vomiting as screening questions) or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.
4. Judges and court staff will be required to wear face coverings in public areas, practice social distancing, and practice appropriate hygiene recommendations at all times.
5. Protective Measures: Judges and court staff are discouraged from any non-essential travel. Those who travel outside of Bexar County to places with higher COVID-19 prevalence should self-quarantine at home for 14 days before returning to work.

Members of the public entering the courthouse should wear face coverings to comply with city and county guidelines. The purpose of face coverings is to prevent the spread of COVID-19 from an asymptomatic or pre-symptomatic person to others in the same room. Judges' benches should be well-supplied with hand sanitizer and surface cleaning materials. Time should be allowed for hand hygiene measures for all courtroom participants, before and after each hearing. Additional physical barriers to ensure 6 foot social distancing in the form of stanchions or plexiglass, for example, will be placed in the courtroom in front of the well.

6. Cleaning products will be available in each courtroom and court offices for use by court staff to sanitize and to build public confidence in the precautions being taken by the courts.

Scheduling

1. The following court schedules are established to reduce occupancy in the Bexar County Justice Center Complex and other Court Buildings:

CRIMINAL DISTRICT COURTS

Courts will continue to use all reasonable efforts to conduct proceedings remotely. If it is not feasible to handle a proceeding remotely and the court deems the proceeding essential, then the court may hold a hybrid proceeding (combination of in-person and remote) or may hold an in-person proceeding. Hybrid or in-person proceedings may be conducted in a court with no more than five defendants set in the morning and no more than five defendants set in the afternoon. At no time, may the number of people in a court exceed the recommended guidelines.

Once every two weeks, each court will have a designated "jail docket day". (See attached Jail Docket Day Schedule). This docket will be held remotely, as a hybrid docket, or in-person. The designated court will have preferential settings with the jail. Should the preferential court not utilize their designated jail day, then all other courts, in sequential order and depending on availability, will be permitted to set remote jail proceedings or will utilize the jail court.

If the court chooses to proceed with a hybrid or an in-person proceeding, the docket will have a maximum of five defendants who are incarcerated at the Adult Detention Center or Annex on that particular court's "Jail Docket Day" in the courtroom.

District court specialty courts (Drug Court, Esperanza Court, Veteran's Court, and Mental Health Docket), in-person dockets are allowable after June 15, 2020, with the same parameters previously outlined.

Criminal District Court Impact Court and Jail Court will follow the same guidelines set forth for the criminal district courts.

Magistrate Court will follow these guidelines.

Grand Jury selection will comply with all recommended safety measures and guidelines.

In compliance with social distancing recommendations in common areas, until further notice, the courts will follow a prepared schedule that has the courts in session on two days each week. If the court is holding an in-person hearing, they will hold the docket only on the designated days. (See Attached Court Session Schedule).

JUVENILE DISTRICT COURTS

The courts are strongly encouraged to continue to handle all dockets remotely where possible and where state and local rules allow. While remote proceedings are preferred and encouraged, should a court determine an in-court proceeding is necessary, it will be set no earlier than July 13, 2020. For in-person proceedings, courts are limited to two dockets per day with no more than five individuals set in the morning and five in the afternoon. With regard to children who are detained, each court can either set remote hearings for those children (depending on availability of remote hearing technology in the detention center) or in-person hearings, but should limit the number of children brought to the courtrooms from detention to no more than two in the morning and two in the afternoon.

Similarly, the courts' specialty court dockets (Drug Court [pre and post adjudication], Crossroads, MIND Court, STRIVE Court, JUNTOS Court, Family Enrichment Court, Restore Court and Crossover Court Docket), should be held remotely whenever possible; however, in-person dockets, when necessary, are allowable beginning July 13, 2020 as described above.

The limits regarding the number and frequency of in-person hearings described in this plan may be modified with permission of the Local Administrative Judge.

COUNTY COURTS AT LAW (CRIMINAL)

In-person docket appearances in the County Courts at Law may be split in the mornings and afternoons and staggered to accommodate no more than ten defendants to appear in the morning and ten in the afternoon, in a manner such that there will be no more than five defendants scheduled in any given time frame. Absent technical issues, the County Courts at Law will continue to utilize remote hearings at the Bexar County Jail and Annex via Zoom for all inmate hearings. Inmates will not be brought to the courthouse for the Bexar County Courts at Law, unless they are appearing for trial. No more than five inmates will be physically brought to the Justice Center for all County Courts at Law, on a given day.

COUNTY COURTS AT LAW (CIVIL)

A mix of remote and in-person hearings, with a preference for remote hearings shall be conducted in the Civil County Courts. In person hearings will take place in the immediate future only if deemed necessary and essential. Only necessary parties and or counsel will be allowed in the courtroom and it will be limited to ten individuals, including staff. Remote dockets will be held on Thursday and Friday mornings and afternoons and will consist of no more than 20 individuals per docket. In-person hearings will be limited to essential hearings that are agreed to by the parties.

CIVIL DISTRICT COURTS

The Bexar County Civil District Courts are awaiting guidance from the Office of Court Administration and the Texas Supreme Court as far as what the courts must do to reopen operations. At present, the 14 Civil District Courts and 2 Children's Courts are operating remotely pursuant to their Second Amended Operational Plan. As the Texas Supreme Court and the Office of Court Administration modify their guidance, the Civil District Courts will follow those directives. When all protective equipment including plexiglass partitions, sanitation equipment, hand sanitizer stations and other measures suggested by the Metropolitan Health District are in place and the Courts have been authorized to hear more in-person proceedings, the Courts will amend the Operational Plan to allow for certain non-essential in-person proceedings and continue to conduct Zoom hearings.

In addition to the 14 Civil District Courts, there are six divisions under these Courts. They are Civil District Court Administration, Children's Court, Staff Attorneys' Office, Civil Trial Assignment Clerk, Domestic Relations Office and Child Support Probation. Each division will continue to work remotely where possible and will begin a gradual return to in-person operations with strict health and safety requirements, including wearing of face coverings and gloves, social distancing and limiting the number of individuals within confined spaces. None of the offices will reopen to significant public contact until plexiglass sneeze guards have been installed in the offices where required. Even then, these offices will continue efforts to limit the number of in-person contacts in each office. The Staff Attorney's Office remains a high volume public operation, often communicating with more than 100 citizens per day. The Staff Attorney's Office will consistently work on enhancing its online presence to offer more services online rather than requiring self-represented litigants to come into the courthouse to obtain information.

PROBATE COURTS

In all instances, remote proceedings are preferred and encouraged, but should the court determine in-court proceedings are necessary, the court would be limited to two dockets per day with no more than five cases set in the morning and five in the afternoon and

staggered to accommodate no more than ten individuals in the courtroom at any given time frame. At all times, face coverings will be required.

JUSTICE OF THE PEACE COURTS

Due to the unique, high volume nature of the Bexar County Justice Courts and the several buildings they are located in, the individual Justices of the Peace will set their dockets with all consideration for public health and safety and in accordance with this Operating Plan. In all instances, remote proceedings are encouraged in the JP courts. The courts are strongly encouraged to handle dockets remotely where possible and where state and local rules allow.

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Each judge will include information on orders setting hearings, docket notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations around the court building (a copy of which is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by allowing for the opportunity to appear for hearings remotely or, in the alternative, providing a continuance upon notice and good cause to the court in advance of the scheduled hearing date.

Social Distancing

1. All persons who are not from the same household and who are permitted in any court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than four individuals who not from the same household will be permitted in the elevators in the Bexar County Courthouse. No more than four individuals who are not from the same household will be permitted in the elevators located in the Paul Elizondo Tower and the Justice Center.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity will be posted on each restroom door. Additional staff may be necessary to monitor and prevent bathroom crowding, and to enhance the frequency of environmental surface cleaning.
4. Public common areas, including breakrooms and snackrooms, have been closed to the public.

5. Courtroom which are not in use should be made available for parties to confer to minimize crowding in the hallways and other common areas.

Courtroom Gallery

6. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court security.
7. The gallery of each courtroom has been marked to identify appropriate social distancing in the seating. Seating will be limited to every other row.

Courtroom Well

8. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space. Where possible, the judge's bench, witness stand and court reporter chairs and desks should be rearranged for additional physical distancing (to at least 6 feet). If 6 feet of distance in between these individuals is not possible, plexiglass barriers should be installed to prevent transmission of respiratory droplets in the courtroom.

Hygiene

1. Hand sanitizer dispensers will be placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom and court offices, and outside of bathrooms.
2. Tissues and trash receptacles will be placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" will be posted in multiple locations on each floor of the court building. Signage should be in both the Spanish and English languages, with larger font and photos to assist all those who enter the courthouses.

Screening

1. When individuals attempt to enter the court building, trained courthouse staff or guards will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building. Additional screening questions are included in appendix.

2. When individuals attempt to enter the court building, trained courthouse staff or guards will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 100.0°F will not be transported to the court building. Inmates known to be COVID+ by a molecular test due to screening in the jail should not be transported to the court building until ten days have passed since the positive test (for asymptomatic individuals); for COVID+ symptomatic individuals, CDC criteria for ending isolation for a COVID-19 case must be met before transport to court building (at least 72 hours without fever, AND ten days have passed since the onset of symptoms AND symptoms are improved).
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including gloves, face shields, and barrier face masks (see attached guidance from University Health Systems).

Face Coverings

1. All individuals entering the court building will be required to wear face coverings at all times that cover both the mouth and nose of the individual at all times. This includes all judges and court staff.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals who will be required to be in the court building for over 15 minutes will be provided surgical masks and required to wear them while in the court building if the supply is available.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every two hours. High touch surface areas such as bathroom doors and elevator buttons should be cleaned at least hourly, and as frequently as possible.
2. Court building cleaning staff will clean the courtrooms, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court building cleaning staff and court staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff and court staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

Additional Dr. Berggren suggestions considered for incorporation into subsequent addendums to this plan:

1. Open Court proceedings incrementally, with a soft reopening to make sure processes and procedures are understood by all participants.
2. Provide bilingual educational video and online education about the new normal operations standards. These materials should be aimed at targeted appropriate audiences and should differ for judges / courtroom staff and the public.
3. Provide frequent and transparent communication to all judges and staff at the courthouse (regarding state and local guideline changes, availability of testing, number of people out sick for quarantine or illness). Proactive communications increase trust and assure stakeholder buy-in for COVID-19 prevention measures. Online town hall meetings offered with opportunities for question and answer sessions from medical experts and SA Metro Health.
4. Manage the flow of people by limiting the number who enter the building in any time period.
5. Look for alternative waiting areas to de-congest the central jury room. Courts to consider digital options for screening potential jurors.
6. Ensure that all housekeeping staff, delivery persons and other staff undergo the same temperature and symptom screening as judges, staff and public.
7. Be prepared to hire temporary workers if staff test positive, to prevent a shut down in operations if the community experiences a surge.
8. Cross train staff so they can fill in or help with other responsibilities if personnel are becoming ill.
9. Notify the public that vulnerable populations, especially those over the age of 65 years, will not be required to fulfill jury duty, but will need a medical excuse if they are claiming medical exemption.
10. Additional environmental service personnel will be needed to monitor /refill the hand sanitizer stations, monitor and prevent crowding in the bathrooms and hallways, remind people to keep face coverings on properly, and to cleanse high touch surface areas frequently. This increase in staffing is essential to permit the minimal hygiene requirements of the state.
11. Anyone summoned will be advised to bring their own pens and their own food, so as to avoid transmission of viral particles on shared writing implements and utensils.
12. Seats for potential jurors should be assigned to individuals, to minimize crowd movement in the central jury room.
13. Food service area should remain closed through 2020.
14. Plexiglass shield protections should be installed at Judges benches.
15. Provide gloves and training on donning and doffing gloves to personnel who handle documents from the public.

16. Families with children over the age of 2 years are all encouraged to wear face coverings. However, a young child who is crying should be permitted to remove the covering if this will help them to calm down: a screaming child with a face covering on is more likely to transmit virus than a calm, unmasked child.
17. If any member of a family has a fever or COVID-19 symptoms, the entire family should be excluded from the courthouse.
18. As a harm reduction measure, consider placing portable heating, ventilation and air conditioning (HVAC) units (such as commercially available air scrubbers with HEPA filters) in any courtroom with greater than 25 people.
19. No courtroom should have more than 50 occupants, except the Central Jury Room, which should not have more than 105 persons, assuming 6 foot distancing between persons can be maintained.

The central jury room, and other high occupancy rooms, might be made somewhat safer if equipped with free standing HVAC units with high-efficiency particulate air (HEPA) filters. The ventilation system in the courthouse should be inspected and proper air filters should be changed regularly according to industry standards.

This plan will be reviewed as needed and updated when appropriate.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 1/11/2021

Ron Rangel

Ron Rangel (Jan 10, 2021 19:46 CST)

Ron Rangel
Local Administrative District Judge,
Bexar County, Texas