

COVID-19 Operating Plan for the McMullen County Judiciary

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

McMullen 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. All judges will use all reasonable efforts to conduct proceedings remotely.
3. The local administrative district judge will maintain regular communication with the local health authority and county judge and adjust this operating plan as necessary with conditions in the county.
4. Judges may begin setting non-essential in-person proceedings no sooner than June 1, 2020.

Judge and Court Staff Health

1. Judge and court staff who can perform the essential functions of their job remotely will work remotely whenever possible.
2. Judges, and court staff who feel feverish or have measured temperatures equal to or greater than 99.5°F, are experiencing cold or flu-like symptoms, or 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, or have had known close contact with a person who is confirmed or probable to have COVID-19, will not be permitted to enter the building and should seek medical advice.
3. Judges and court staff will follow the county's requirements for wearing face coverings. Judges and all shall practice social distancing, and follow appropriate hygiene recommendations at all times.

Scheduling

1. Judges must coordinate scheduling of any in person proceedings to reduce the number of people in the courthouse/county buildings at one time.

Vulnerable Populations

1. Individuals age 65 to 72, who have no serious underlying health conditions such as high blood pressure, chronic lung disease, decreased lung capacity, diabetes, obesity, asthma, compromised immune systems (including by chemotherapy for cancer or other conditions requiring such therapy), or are receiving oxygen therapy, are considered to be Vulnerable Populations.

2. Individuals age 73 and over, and individuals of any age who have serious underlying health conditions, such as high blood pressure, chronic lung disease, decreased lung capacity, diabetes, obesity, asthma, compromised immune systems (including by chemotherapy for cancer or other conditions requiring such therapy), or are receiving oxygen therapy, are considered to be Highly Vulnerable Populations. Each judge shall ensure that if an individual requests to be identified as a vulnerable population, they are able to contact the court to request accommodations. A notice with this information will be posted on the courts' websites and on doors entering the court building.
3. Each judge shall ensure that if an individual requests to be identified as a vulnerable population, they are able to contact the court to request accommodations. A notice with this information will be posted on the courts' websites and on doors entering the court building.
4. Any requests for those that need accommodations as a member of a vulnerable population who are scheduled for court can be made if requested. The Court must be contacted prior to the set court date in order to schedule/make these accommodations.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.

Gallery

2. 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 staff.
3. The gallery of the courtroom has been marked to identify appropriate social distancing in seating.

Well

4. 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.

Hygiene

1. All persons entering the court building should follow proper hygiene practices including washing hands often, avoiding close contact with other people, and covering coughs and sneezes.
2. Hand sanitizer dispensers have been placed in the building.

Screening

1. Individuals who are named parties in a case on that day's court docket and their attorneys will be given priority regarding entering the court building.
2. When individuals attempt to enter the court building for a court proceeding, County officials will

- a. Screening questionnaire: 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.
- b. Temperature screen: Take the temperature of the individual. An individual whose temperature equals or exceeds 99.5°F will be refused admittance to the court building.

If the answer is YES to any of the screening questionnaire and/or the temperature screen - DO NOT LET IN COURT BUILDING/COURTHOUSE,, NOTIFY THE JUDGE OF THE COURT THEY ARE ATTEMPTING TO ATTEND AND HAVE THEM AWAIT FURTHER INSTRUCTIONS FROM JUDGE FOR RESCHEDULING.

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 99.5°F will not be transported to the court building. JAIL STAFF WILL NOTIFY THE PRESIDING JUDGES' OFFICER PRIOR TO THE START OF THE DOCKET IF AN INMATE WILL NOT BE TRANSPORTED TO COURT.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment by the County.

Face Coverings

1. All individuals entering the court building will be required to follow the County's requirements regarding wearing of face coverings.
2. If face coverings are required, individuals will be required to bring their own cloth face coverings. If they do not have such each Court will determine how to proceed.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building and ensure common spaces are cleaned twice a day.
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 have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other


1. Bailiffs and courthouse security personnel are authorized to enforce all provisions of this Operating Plan.
2. Bailiffs and courthouse security personnel may refuse entry to anyone who does not comply with this Operating Plan, or refuses to comply with the directives of those enforcing this Operating Plan.

3. Any person may be removed from the courtroom and court building at the discretion of the Bailiff or courthouse security personnel unless they are a litigant/defendant and then only with the approval of the judge presiding over their case
4. All presiding judiciary will work closely with each County Judge and Commissioners Court to ensure that all available safety precautions are being followed.

36th, 156th and 343rd District Court Infectious Disease Protocol - Revised May 15, 2020 is also attached for further reference.

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: 5/18²⁰/2020


Local Administrative District Judge
Janna K. Whatley, 343rd District Court Judge

36th, 156th, and 343rd DISTRICT COURT INFECTIOUS DISEASE PROTOCOL
Revised May 15, 2020

1. **STATEMENT AND POLICY**

In response to the threat of the Coronavirus and other infectious diseases, this Court hereby has implemented a COVID-19 Operating Plan for each county along with this Infectious Disease Protocol, to minimize the risk of community transmission of COVID-19. This Protocol covers persons with scheduled hearings, appearances or trials in the 36th, 156th, and 343rd District Courts who have reason to believe that they, their attorney, client or necessary witness have been **exposed to COVID-19**, are **experiencing the flu-like symptoms** (hereafter referred to as a “*Covered Person*”), are considered a member of the **Vulnerable Population** or feel they need to request special accommodations from the Court.

POLICY: No person who has been exposed to COVID-19 or is experiencing flu-like symptoms may personally appear in court while this protocol is in force, without prior express permission of the Court. It is the sole and exclusive obligation of each attorney or self-represented litigant to comply with this protocol.

2. **CIVIL CASES**

Civil matters may be held via Zoom as long as the authority to have such is in effect by the Texas Supreme Court. All requests must be made to the court 48 hours prior to any court date.

3. **FELONY CRIMINAL CASES**

Beginning June 1, 2020, Defendants in felony criminal cases must appear in person as summoned for each setting unless their appearance has been waived and non-appearance has been approved by the presiding Judge. Approved forms for waivers of appearance, arraignment and Pre-Trial hearing may be obtained via e-mail from the Court Coordinators or at **www.36-156-343districtcourts.org**. Any ***Covered Person*** who is a **defendant** in a felony criminal case must contact their attorney ***prior*** to the setting in order to request to be excused from court. A request for a Zoom hearing must be made 48 hours prior to any court hearing and will need to be approved by the judge presiding over the case that day.

4. **CONTINUANCES AND ALTERNATIVES TO ORAL HEARINGS**

All requests for continuance *under this protocol* must include a certificate of conference stating the agreement or opposition of opposing counsel. The **motion must state** that it is asserted pursuant to the Infectious Disease Protocol, identify the Covered Person or Persons, and describe why they are necessary for the hearing in question. **IF NO CONTESTED ISSUE NEEDS TO BE CONSIDERED BY THE COURT, RULE 11 AGREEMENTS SHOULD BE UTILIZED.**

5. **CONTACT INFORMATION**

Questions and requests for waiver forms should be directed to:

CRIMINAL CASES: 361-364-9310 or email: Districtjudges@gmail.com

All OTHER: 361-364-9310 or email the particular court

36th Judicial District Court – Judge Starr Bauer – 36districtcourt@gmail.com

156th Judicial District Court – Judge Patrick Flanigan – 156districtcourt@gmail.com

343rd Judicial District Court – Judge Janna Whatley – 343districtcourt@gmail.com

Effective May 15, 2020.