

506th Judicial District Court



Albert M. McCaig, Jr., Judge

www.Court506.com

Court Coordinator
Sheila Mundy

Court Reporter
Robyn S. Wiley

Grimes County
Waller County

December 28, 2020

836 Austin Street, Suite 307
Hempstead, Texas 77445
Fax: 979.826.9149
Ofc: 979.921.0921

Honorable Olen Underwood
Regional Administrative Judge
Second Administrative Judicial Region
301 North Thompson, Suite 102
Conroe, Texas 77301

Re: Submission of Waller County Courts Operating Plan regarding COVID-19
for Re-certification; and future operations

Judge Underwood:

Attached for your review and re-certification, and ultimately for submission to the Texas Office of Court Administration, is the Waller County Courts Operating Plan regarding COVID-19 and future operations. This plan was developed in accordance with guidance from the Office of Court Administration entitled Guidance for All Court Proceedings occurring on or after June 1, 2020. Further, the Plan was previously approved and has been in effect.

As noted, this plan was originally staffed through all the trial court judges in Waller County, the County Judge, County Sheriff, Emergency Action Manager, Director of Buildings and Maintenance, and security for the central courthouse and all county courthouse annexes. Further, the plan was submitted for review by the Local Health Authority for Waller County, Dr. Carlos Palencia, who approved the plan. The entire packet was re-submitted to the trial judges, with no recommended changes.

I request your re-certification of the Plan. Should you have any questions or concerns, please let me know and I will respond as quickly as possible. Pending re-certification of this plan, it will be placed into operation in Waller County, Texas.

Respectfully,

ALBERT M. McCAIG, JR.
Judge, Presiding

AMM/
enc



Second Administrative Judicial Region of Texas

Olen Underwood

Presiding Judge

Connie Teel
Administrative Assistant

May 26, 2020

RE: COVID-19 Operating Plan for All Court Proceedings

Dear Judge,

After review, the COVID-19 Operating Plan for the Waller County Judiciary, as submitted is APPROVED.

Please note a copy of the plan will be placed in the file within the Second Administrative Region of Texas and the Texas Office of Court Administration.

Operating plans will remain in effect until updated guidance is issued from OCA indicating they are no longer required or upon the expiration of the provisions in the Twelfth Emergency Order, as amended or extended, requiring adherence to OCA Guidelines.

Thank you,

A handwritten signature in cursive script that reads "Olen Underwood".

Olen Underwood,
Presiding Judge

OU/ct

506th Judicial District Court

Albert M. McCaig, Jr., Judge



www.Court506.com

Court Coordinator
Sheila Mundy

Court Reporter
Robyn S. Wiley

Grimes County
Waller County

May 18, 2020

836 Austin Street, Suite 307
Hempstead, Texas 77445
Fax: 979.826.9149
Ofc: 979.921.0921

Honorable Olen Underwood
Regional Administrative Judge
Second Administrative Judicial Region
301 North Thompson, Suite 102
Conroe, Texas 77301

Re: Submission of Waller County Courts Operating Plan regarding COVID-19
and future operations

Judge Underwood:

Attached for your review and ultimately for submission to the Texas Office of Court Administration is the Waller County Courts Operating Plan regarding COVID-19 and future operations. This plan has been developed in accordance with the May 4, 2020, email from the Office of Court Administration entitled Guidance for All Court Proceedings occurring on or after June 1, 2020.

As noted, this plan has been staffed through all the trial court judges in Waller County, the County Judge, County Sheriff, Emergency Action Manager, Director of Buildings and Maintenance, and security for the central courthouse and all county courthouse annexes. Further, the plan was submitted for review by the Local Health Authority for Waller County, Dr. Carols Plasencia, who has approved the plan as well.

Should you have any questions or concerns, please let me know and I will respond as quickly as possible. Pending approval this plan will be placed into operation in Waller County, Texas.

Respectfully,


ALBERT M. McCAIG, JR.
Judge, Presiding

AMM/
enc

5/18/2020

Waller County Courts Operating Plan Submission

From: judge@court506.com
Subject: Waller County Courts Operating Plan Submission
Date: Mon, May 18, 2020 9:28 am
To: "a.Connie Teel" <connie.teel@mctx.org>
Cc: "a.a.Shella Mundy" <Admin@court506.com>

Connie:

In accordance with OCA Guidance for All Court Proceedings occurring on or after June 1, 2020, attached is the Waller County Operating Plan for submission to Judge Underwood.

If he has any questions or concerns please let me know.

Thank you.

AMc
Albert M. McCaig, Jr.
Judge, 506th Judicial District Court
www.court506.com
979.921.0921

Attachments:

Waller County Plan Submission Packet to Judge Underwood.pdf
Size: 597 k
Type: application/pdf

IN THE TRIAL COURTS OF WALLER COUNTY, TEXAS
506th Judicial District Court, Waller County Court at Law; and
The Justice Courts of Waller County, Texas

COVID-19 Operating Plan for the Waller County Judiciary

This Operating Plan is effective immediately and shall remain in effect until further Order of this Court, or order of higher authority.

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing any of the courts of Waller County, the following protective measures are hereby implemented:

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 County Judge and Office of Emergency Management will maintain regular communication with the local health authority and the Local Administrative District Judge. This Plan will be adjusted as necessary according to the conditions within the county.
4. Judges will begin setting non-essential in-person proceedings no sooner than July 1, 2020.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. On a daily basis Judges shall discuss with personal staff and clerks interacting with the Judge about the need for self-monitoring and reporting of any symptoms of COVID-19. Adequate precautions have been made to protect the income of employees affected by the need for remote working or quarantine. Judges and court staff will comply with the health requirements set out in this Plan.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°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, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the county buildings and should seek medical advice.

4. During any in-person hearings or dockets, Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all times. Alternatively, if clear shielding is available, such shielding will be placed in such a manner to protect the Judge, the court reporter, the court staff, any witnesses, attorneys, and others attending any in-person court proceeding. While in chambers and staff work areas common to the Courts' chambers, masks or face coverings are optional, but must be made available to those who wish to use them.

Court Scheduling

1. Courts holding trials, hearings, and other judicial functions which are located in a building separate from other courtrooms shall establish individual court schedules in keeping with this Plan and the instructions emanating from the Office of Court Administration, the Supreme Court of Texas and the Texas Court of Criminal Appeals.
2. Magistration schedules for conducting inmate magistration at the Waller County Jail shall not be affected by this Plan. Magistrates shall otherwise maintain social distancing and hygienic procedures during magistration duties. To the extent possible, remote magistration shall be conducted.
3. Courtroom schedules currently employed by the District Court, County Court at Law and Commissioners Court shall remain in place as they are adequate to ensure separation of individuals and reduce populations within the Waller County courthouse itself.
4. Judges may increase the requirements contained in this Plan but may not decrease or diminish such requirements.

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*. A notice with this information and about accommodations for such individuals in both English and Spanish will be included with each docket, setting notices and other posting of schedules. A copy of such notice is attached.
2. Each judge will include information on orders setting hearings, dockets, notices, and 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 in both English and Spanish will be posted on each courts' website and in conspicuous locations around the court building. A copy of such notice is attached.
3. Except for specific legal requirements, vulnerable populations who are scheduled for court will be accommodated by being given an opportunity to appear by teleconference, to submit necessary information in written form, or by rescheduling of the in-person hearing until a

time after the crisis has diminished.

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.
2. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including break rooms and snack rooms, have been closed to the public.
5. 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 and security. Capacity shall be determined as shown at <https://www.density.io/blog/how-to-plan-conference-room-usage-in-the-age-of-social-distancing/>, which is incorporated herein.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating area. Seating is limited to spacing adequate to provide for social distancing.
7. In each courtroom, the counsel tables, witness stand, judge's bench, the clerks' area, the 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. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of restrooms.
2. Tissues have been 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" has been posted in multiple locations on each floor of the court building.
4. Red waste disposal containers will be located at each court building main entrance, and on each floor of the central courthouse. Red waste disposal containers will be marked as only for use to dispose of used masks, gloves, tissue, or other potentially contaminated personal hygiene items. The waste generated from these containers will be disposed of as medical waste.

Screening

1. When individuals attempt to enter the court building, the individuals on duty as courthouse security will ask the entering 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. Signs in both English and Spanish containing the questions may be posted at the public entrances to the court buildings and may be used in lieu of oral questioning. Written questionnaires containing such questions may be used in lieu of oral questioning.
2. When individuals attempt to enter the court building, the individuals on duty as courthouse security will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the court buildings 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 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including masks, gloves, and as requested, visors or safety glasses.

Face Coverings

1. All individuals entering the court building will be required to wear face coverings at all times while in the building. Courthouse workers, on entering personal work areas, may remove masks or face coverings, but shall use the mask for all contacts with others not of that office.
2. Individuals entering the court building will be encouraged to bring cloth face coverings with them, but if the individual does not have an adequate face covering a disposable face mask will be provided.
3. Individuals who will be required to be in the court building for over 1 hour will be provided surgical masks or N95 compatible 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 once each work day.
2. Court building cleaning staff will wipe down contact areas and, as needed, clean the courtrooms between every hearing, 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 against the coronavirus.


4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

1. Any of the trial courts of Waller County may take any other reasonable action necessary to avoid exposing court proceedings to the threat of COVID-19.
2. This Order may be extended or modified by written Order of this Court without notice. Any such extension or modification shall be delivered to all trial judges of Waller County, the County Clerk, the District Clerk, posted with the District Clerk of Waller County, and posted on the Court's website at www.court506.com.

I certify that I have conferred with all judges of all courts with courtrooms in the court buildings of Waller County regarding this Operating Plan. In developing the plan, I consulted with the local health authority, the Waller County Judge, the Waller County Sheriff, and the Waller County Office of Emergency Management, as evidenced by the documentation attached to this plan. I will ensure that the judges of courts with courtrooms in the court buildings covered by this Operating Plan conduct proceedings consistent with the plan.

Dated: May 18, 2020.


ALBERT M. McCAIG, JR.
Waller County Local Administrative
District Judge, Presiding

Template for Notice to Vulnerable Population Individuals.
Format for use as a posted sign.

**NOTICE TO
VULNERABLE POPULATION INDIVIDUALS**

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*.

Except for specific legal requirements, members of vulnerable populations who are scheduled for court will be accommodated by being given an opportunity to appear by teleconference, to submit necessary information in written form, or by rescheduling of the in-person hearing until a time after the COVID-19 crisis has diminished.

**Contact the Court for further information.
(Your phone number goes here)**

Aviso a personas de la población vulnerable

Las personas mayores de 65 años y personas con condiciones de salud subyacentes graves, como presión arterial alta, enfermedad pulmonar crónica, diabetes, obesidad, asthma y aquellos cuyos sistemas inmunes están comprometidos como por quimioterapia para el cáncer o otra condición que requiera dicha terapia se consideran *poblaciones vulnerables*.

Excepto por requisitos legales específicos, los miembros de poblaciones vulnerables que están programados para la corte serán acomodados al tener la oportunidad de presentarse por teleconferencia, para presentar la información necesaria por escrito, o reprogramando la audiencia en persona hasta un momento después de la crisis de COVID-19 ha disminuido.

**Contacte a la corte para más información.
(your number goes here)**

Template for Notice of Online Court Proceedings.
Format for inclusion with all dockets, setting notices, and signage, as needed.

NOTICE OF ONLINE COURT PROCEEDINGS

This Court has a YouTube Channel that allows compliance with the open courts requirements of the Texas and U.S. Constitutions.

The matters on the attached notice of setting or docket that are identified as "Zoom" will appear on that channel at the posted time. Matters are frequently passed or rescheduled.

Therefore, be prepared for changes to the schedule.

The YouTube Channel URL for this Court is as follows:

(place your Court's URL here)

506th Judicial District Court

Albert M. McCaig, Jr., Judge



www.Court506.com

Court Coordinator
Sheila Mundy

Court Reporter
Robyn S. Wiley

Grimes County
Waller County

May 18, 2020

836 Austin Street, Suite 307
Hempstead, Texas 77445
Fax: 979.826.9149
Ofc: 979.921.0921

MEMO FOR THE RECORD

SUBJECT: Waller County Courts Operating Plan

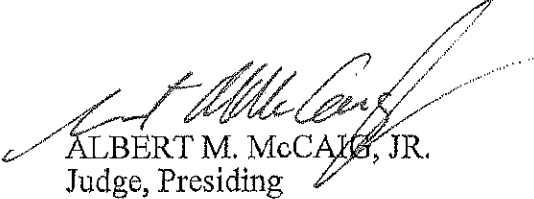
Re: Meeting of all judges in Waller County, Texas for discussion and implementation of Waller County Courts Operating Plan; and

Meeting of Security & Logistics personnel for discussion and implementation of Waller County Courts Operating Plan

1. On May 7, 2020, via email I contacted all judges in Waller County regarding setting up a meeting to discuss the Waller County Courts Operating Plan. Included with the email was the email from the Office of Court Administration guidance and template for the Plan. I solicited the best date out of five options give for conducting the meeting via Zoom teleconference.
2. On May 7, 2020, via email I contacted the County Judge, County Office of Emergency Management, County Sheriff, Building & Construction Supervisor, and Security for Waller County regarding setting up a meeting to discuss the Waller County Courts Operating Plan. Included with the email was the email from the Office of Court Administration guidance and template for the Plan.
3. I received email responses from all but one judge regarding a meeting time. Therefore, the judges' meeting was set for Monday, May 11, 2020, at 10:00 a.m., via Zoom teleconference.
4. I received email responses from all concerned regarding a meeting time dealing with Security & Logistics. Therefore, the Security & Logistics meeting was set for Wednesday, May 13, 2020, at 2:00 p.m., via Zoom teleconference.
5. On Monday, May 11, 2020, at 10:00 a.m., a Zoom teleconference meeting was held with all judges in Waller County to discuss the issues, concerns, and recommendations for preparing and implementing the Waller County Courts Operating Plan. As a judges' meeting, it was not recorded and was not subject to open meetings provisions. The proposed Plan was amended in accordance with many of the suggestions and concerns.
6. On Wednesday, May 13, 2020, at 2:00 p.m., a Zoom teleconference meeting was held with the Security & Logistics personnel in Waller County to discuss the issues,

concerns, and recommendations for preparing and implementing the Waller County Courts Operating Plan. As the meeting was directed by me as the Local Administrative District Judge, it was not recorded and was not subject to open meetings provisions. The proposed Plan was amended in accordance with many of the suggestions and concerns.

7. After both the judges' meeting and the meeting with Security & Logistics personnel, the plan was further amended and returned to all affected parties for final review on Thursday, May 14, 2020.
8. Following final review by all affected parties, the proposed Waller County Courts Operating Plan was forwarded to Dr. Carlos Plasensia, Local Health Authority, for review, comment, and request for approval.
9. Dr. Carlos Plasensia, Local Health Authority, has approved the proposed Waller County Courts Operating Plan. His recommendations have been incorporated into the Plan. A copy of his approval email is attached.


ALBERT M. McCAIG, JR.
Judge, Presiding

5/18/2020

RE: Review and Approval of Waller County Courts Operating Plan

From: "Plasencia, Carlos (DSHS)" <Carlos.Plasencia@dshs.texas.gov>
Subject: RE: Review and Approval of Waller County Courts Operating Plan
Date: Fri, May 15, 2020 10:33 am
To: "judge@court506.com" <judge@court506.com>
Cc: "b.Trey Duhon" <t.duhon@wallercounty.us>, "Etnyre, Greta (DSHS)" <Greta.Etnyre@dshs.texas.gov>

Sir, I have reviewed your plan for re-opening the court and my only recommendation is to limit occupancy of shared spaces to maintain the recommended 6 ft social distancing.

Determining the number of people allowed in a space at any given time will need some thoughtful consideration. A rough conservative approach, recommended by FEMA, is to divide the size of the room in square feet by 113 (the area of a 6' radius around each person).
https://www.usfa.fema.gov/coronavirus/planning_response/occupancy_social_distancing.html

Most of us would agree that is a bit excessive. A more liberal approach would divide the number of square feet by 28 (roughly equal to a 3' radius around each person).
<https://www.density.io/blog/how-to-plan-conference-room-usage-in-the-age-of-social-distancing/>

My recommendation is to start by using these two numbers as an initial range of options, then look at furnishings and room layout to decide what the final number should be. This allows you the opportunity to make changes in the configuration of the space in order to maximize occupancy.

Though I cannot vouch for its validity, there is also a calculator available online:
<https://www.banquetablespro.com/social-distancing-room-space-calculator>

Whenever possible, the use of technology that permits one to work remotely is preferred. Some additional suggestions include:
-- Limit seating or erect temporary physical barriers to ensure social distancing. In reconfiguring a space, attention should be paid to not blocking egress in emergencies.
-- Where physical barriers cannot be erected, visual reminders such as signs and tape marking where to stand or sit might be an option.
-- Consider using little used spaces as an option to spread people out or scheduling shifts to reduce space demands (for example, staggered times for breaks to reduce demand on the use of restrooms).

I hope you find these recommendations helpful. Other than the addition of setting occupancy limits to shared spaces, I agree with and support your plan for re-opening.

Thank you for the opportunity to provide input. Please feel free to reach out to me should you have any questions. Copying my Deputy Regional Director, Greta Etnyre, for awareness.

Carlos M. Plasencia, MD MSPH
Regional Medical Director
Public Health Region 8/5 south
5425 Polk St., Mail Code 1906
Houston, TX 77023
713-767-3000 office
832-260-5062 cell

Knowing is not enough; we must apply.
willing is not enough; we must do.
-- Leonardo da Vinci

-----Original Message-----

From: judge@court506.com
<judge@court506.com>
>
Sent: Thursday, May 14, 2020 3:06 PM
To: Plasencia, Carlos (DSHS) <Carlos.Plasencia@dshs.texas.gov>
>
Cc: b.Trey Duhon <t.duhon@wallercounty.us>
>
Subject: Review and Approval of Waller County Courts Operating Plan

WARNING: This email is from outside the HHS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Dr. Plasencia:

As I'm sure you are aware, each county in Texas has been required to develop a Courts Operating Plan. Those plans will ultimately be presented to the Office of Court Administration. Prior to that, those plans are to be reviewed and approved by the Local Health Authority.

Therefore, I am submitting the Waller County Courts Operating Plan for your review

5/18/2020

RE: Review and Approval of Waller County Courts Operating Plan

and comment. If it is acceptable, I will need a letter or email from you that specifically states that you have reviewed and approved the plan.

This plan was created through the OCA template, and discussions with each Judge in Waller County, the County Judge, the County Sheriff, the Emergency Management Officer, and others. I am open to any suggested changes or additions to the plan.

Thank you and I look forward to hearing from you.

Albert M. McCaig, Jr.
Judge, 506th Judicial District Court
www.court506.com
979.921.0921

Attachments:

Waller County COVID-19 Trial Courts Plan.pdf	
Size:	100 k
Type:	application/pdf
Info:	Waller County COVID-19 Trial Courts Plan.pdf
