

Emergency COVID-19 Operating Plan for the Webb 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 the **Webb County Justice Center** 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 essential 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 may adjust this operating plan as necessary with conditions in the county.
4. Any in-person proceedings that comply with these orders may be scheduled no sooner than June 15, 2020.

Judge and Court Staff Health

1. Judges and Court staff may perform the essential functions of their job remotely at the presiding judge's discretion.
2. Judge and Court Staff Monitoring Requirements: Self Reporting and Infrared Thermometer readings will occur upon entry into the courthouse.
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 building and will be instructed to seek medical advice.
4. Judges and court staff will wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.
5. Protective Measures: Hand sanitizer and tissues will be set up at each courtroom entrance and all visitors will be required to apply same before entering the

courtroom. The district judges will arrange to have their respective courtrooms disinfected before and after each court session.

Scheduling

1. The following court docket schedules are established to minimize the court visitor occupancy in the court building:

The four district court judges will continue to coordinate, and jointly schedule, their respective "inmate" criminal dockets, by consolidating their dockets and holding only one "inmate" docket per week with each district court judge rotating as the presiding judge. Furthermore, the district court judges will schedule their "in-person" proceedings weekly on an alternating and rotating basis as follows: Two district court judges will schedule "in-person" proceedings on their respective dockets on every Monday and Wednesday mornings, and the other two district court judges will schedule their respective "in-court" proceedings on their dockets during the afternoon on said days of the week. This process will be reversed on Tuesdays and Thursdays, with the district court judges who scheduled "in-person" proceedings during the morning on Mondays/Wednesdays now scheduling same during the afternoon, and the remaining two courts scheduling same during the morning. If it becomes necessary to schedule any "in-person" proceedings on Fridays, the judge presiding over same shall coordinate with the district court judges to avoid having multiple settings on said day. The district court judges will further utilize the services of their designated associate magistrate judge to preside over a consolidated "uncontested docket, and when appropriate and necessary, a consolidated contested docket. All district court judges will maintain their ability to schedule any other proceedings(s) remotely on any given day.

2. The remainder of the courts will coordinate their schedules in the same or like manner.

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, dockets 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 scheduled to appear in court will be accommodated by telephonic/video conferencing or other available means.

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. Elevators and common areas are controlled and secured by the Webb County Sheriff and Webb County Judge. The district judges will recommend the following social distancing measures to the Sheriff and County Judge: No more than two individuals not from the same household should be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals should 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 breakrooms and snack rooms, have been closed to the public.

Gallery

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.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Well

7. In each courtroom, the counsel tables, witness stand, judge's bench, clerk, court reporter, and bailiff seating have been arranged in such a way so that there is a safe social distancing 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 bathrooms.
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.

Screening

1. When individuals attempt to enter the court building, Sheriff Deputy or Court Bailiff 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 prohibited from entering the building.
2. Additionally, a Sheriff's Deputy will use an infrared thermometer to determine the temperature of everyone attempting to enter the building. 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 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 face masks.

Face Coverings

1. All individuals over the age of 2 years entering the court building will be required to wear face coverings at all times.
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 1 hour 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 between court sessions and before the start of any other County business in the court building (Webb County Justice Center).
2. Court building cleaning staff or court staff will clean the courtrooms and holding cells before and after every court session.
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

The Webb County courts have revised their Jury Plan to limit the amount of persons in the building and to promote safe social distancing while selecting and conducting jury trials. See Addendum B.

I have conferred with each of the district court judges and have attempted to confer with all other judges with courtrooms in the Webb County court building regarding this Emergency Operating Plan. In developing the plan, I also 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 Emergency Operating Plan conduct proceedings in a socially safe manner consistent with the instant plan.

Date: 5/13/2020



Monica Z. Notzon, 111th District Court Judge
Local Administrative District Judge

MARGIE R. IBARRA
COUNTY CLERK
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WEBB COUNTY TEXAS
DEPUTY

**WEBB COUNTY DISTRICT JUDGES
EMERGENCY JURY SELECTION PLAN AND METHOD
FOR 2020 AND 2021 JUDICIAL CALENDARS**

The current plan for the method of selecting jurors in Webb County, by mechanical and electronic means, was adopted, implemented, and became effective as of May 1, 2019. The District Court Judges of Webb County hereby submit this newly amended 'emergency' plan for the method of selecting jurors during the 2020-2021 judicial calendar years in an effort, and during this imminent crisis, to continue complying with the following administrative, constitutional and statutory duties which apply to all of the judges with jurisdiction in Webb County:

WHEREAS the District Court Judges of Webb County acknowledge their statutory duties to provide all litigants access to the courts; and

WHEREAS the District Court Judges of Webb County acknowledge their administrative duties to efficiently manage their respective caseloads; and

WHEREAS the District Court Judges of Webb County acknowledge their constitutional duties to administer and dispense justice; and

WHEREAS the District Court Judges of Webb County also recognize the legitimate public interest in minimizing the size of public gatherings during this pandemic crisis; and

WHEREAS the District Court Judges of Webb County also recognize their statutory duty to provide a fair, impartial, and objective method of selecting names of persons for jury service pursuant to Texas Government Code Sections 62.001, 62.011(b)(2), and 62.102.

IT THEREFORE ORDERED that the method of selecting jurors in Webb County shall be amended, and that all prior Plans and Methods, including the Plan previously adopted on May 1, 2019, shall be superseded by this order and by the following jury selection plan and method:

Jury Selection Plan and Method for 2020-2021

I. SOURCE OF NAMES

Pursuant to Section 62.001, Texas Government Code, the source of which names of prospective jurors will be taken, shall be:

1. The names of all persons on the current voter registration list from all the precincts in the county and which have been pre-qualified prior to January 1, 2018; and
2. All names on a current list to be furnished by the Texas Department of Public Safety, showing the citizens of Webb County who hold a valid Texas driver's license, and the citizens of the county who hold a valid personal identification card or certificate issued by the department, other than persons who are disqualified from jury service, and who have also been pre-qualified prior to January 1, 2018; and
3. Any other person who requests to be added to the list of prospective jurors, and is not otherwise disqualified pursuant to Section 62.102, Texas Government Code.

Moreover, the source of names shall not include those persons listed in a register of:

1. Persons exempt from jury service under Govt. Code 62.108, permanent exemption because of age.
2. Persons exempt from jury service under Govt. Code 62.109, permanent exemption because of physical or mental impairment or inability to comprehend English.
3. Persons exempt from jury service under Govt. Code. 62.113, because the person is not a citizen of the United States.
4. Persons convicted of a felony, residing outside the country or who has been duplicated on the source list as a potential juror. Govt. Code 62.001(f).

II. METHOD

Persons shall be selected for jury service at random with the aid of electronic equipment in a fair, impartial and objective manner from the source of names as specified above.

III. OFFICIAL IN CHARGE

The Clerk of the District Courts of Webb County, Texas is designated by the District Court Judges as the official to be in charge of the selection process and shall have the duties and authority set forth herein.

IV. SELECTION OF JURORS

The selection of the names of persons for jury service will be made with the aid of electronic equipment. Once the prospective jurors for the 2020-2021 judicial calendar year have been loaded in the system the presiding judge from time to time shall order the District Clerk to summon however many jurors are needed for a particular jury day or week. Upon receipt of instructions from a District Judge, County Court at Law Judge, the County Judge or a Justice of the Peace or a designee to select a list of prospective jurors for a certain day or week, the District Clerk or the designee will program the computer application and/or software to randomly summon the number of jurors ordered to be selected. The jurors so selected and qualified may serve interchangeably in all courts of Webb County in accordance with Texas Statutes and/or Texas Supreme Court Administrative Rules and Orders.

V. NOTICE TO PROSPECTIVE JURORS

The Judges of the District Courts, County Courts at Law, County Court and Justice Courts shall provide, in a timely manner to the District Clerk, information regarding the required jury panels for the respective courts, consistent with the local rules as adopted by the Webb County Board of Judges.

A true and complete written list showing the names and addresses of the persons summoned to begin service on a date specified by the courts shall be printed and kept by the District Clerk until said list has been used.

The District Clerk shall summon by first class mail all persons randomly selected and listed for a particular day or week in a particular court to appear as jurors.

Jurors selected under this plan and Govt. Code 62.0111(b) may appear in response to a summons by (1) contacting the county officer or a designee responsible for summoning jurors by computer [electronic mail], (2) by calling an automated telephone system, or (3) by appearing in person and/or by appearing via remote broadcast as designated and provided by the District Court Judges or as per the local rules as adopted by the Webb County Board of Judges.

A juror selected under this plan, the county officer or a designee and the Court or a designee may provide or exchange information as allowed above to: (1) determine qualifications under 62.102, (2) determine exemptions under 62.106, (3) submit requests for postponement or excuses under 62.110, and (4) exchange information of juror reassignment under 62.106.

All costs incident to this plan shall be paid from the appropriate designated fund maintained by the county for paying the costs of jury trials.

VI. ADDITIONAL JURORS

If the Presiding Judge determines that the number of jurors previously selected for any designated date is insufficient, said judge shall direct the Clerk to prepare a supplemental list containing a specified number of persons to be called for jury service in addition to those previously selected. Such additional persons shall be selected, listed and summoned in the same manner as those previously selected.

VII. JUDICIAL EXCUSES

As provided by Section 62.110, Government Code, a court may hear any reasonable excuse of a prospective juror and release said juror from jury service entirely or until another day of the term.

In all cases, except a capital murder case, the Court's designee may hear any reasonable excuse of a prospective juror and discharge the juror or release him/her from jury service until a specified day of the term. During any and all jury selection proceedings on any capital murder case, the Clerk and the Judges shall follow all applicable rules pursuant to the Texas Code of Criminal Procedure. For the purpose of this jury selection plan, the District Judges appoint the District Clerk and their respective Court Administrator as their designees.

A prospective juror may not be excused for an economic reason unless each party of record is present and approves the release of the juror for that reason or the presiding judge makes a good cause determination.

VIII. POSTPONED JURORS

The District Clerk may hear requests for and grant a postponement if the person summoned has not been granted a postponement within the preceding year. The substitute date shall be within six months of the date the person was originally summoned.

IX. RECONSTITUTION OF JURY SOURCE

The list of prospective jurors shall be reconstituted before the end of the 2021 Judicial Calendar year or when the list is exhausted, whichever occurs first. The District Clerk shall keep the District Court Judges apprised of the number of prospective jurors used and the number of names remaining on the list. The District Clerk, in his or her discretion, may order the reconstitution of the Voter Registration list or the Department of Public Safety list and the addition of new names to the lists as provided above, but in no event may the duration of the list be more than 2 years.


X. RECOMMENDATION

It is hereby ordered that this plan for the selection and management of persons for jury service with the aid of electronic or mechanical equipment pursuant to Government Code 62.011 be submitted to the Commissioner's Court of Webb County for approval and entry in the minutes of the Court. The plan will become effective June 1st, 2020.

IT IS THEREFORE ORDERED that the District Court Judges of Webb County hereby implement a new 2020-2021 judicial calendar plan of selecting the source of names of persons provided for prospective jury service in Webb County by modifying the current method and plan to include solely the names of all prospective jurors previously pre-qualified by the District Court Judges prior to January 1, 2018 and by excluding all persons exempted and/or deemed disqualified by said District Court Judges or their assigns during previously conducted juror qualification hearings; and

IT IS FURTHER ORDERED that the District Court Judges of Webb County hereby authorize, due to the imminent health crisis, all prospective jurors summoned during the 2020 or 2021 judicial calendars to participate, and respond, to the courts' jury summons by appearing via a remote broadcast method made available, and as designated, by the District Court Judges of Webb County.


Signed on this 7th day of May, 2020.



Joe Lopez, Judge
49th Judicial District Court



Beckie Palomo, Judge
341st Judicial District Court



Monica Z. Notzon, Judge
111th Judicial District Court



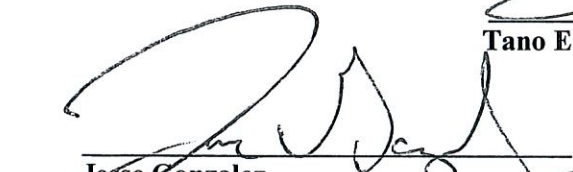
Oscar J. Hale, Jr., Judge
406th Judicial District Court

WHEREAS, the District Judges of Webb County have recommended to the Commissioner's Court of Webb county that the herein proposed "Webb County District Judges Emergency Jury Selection Plan and Method for the 2020 and 2021 Judicial Calendars" be officially approved and adopted for Webb County, Texas and;

NOW, THEREFORE, IT IS ORDERED by the Commissioner's Court of Webb County, Texas that the proposed "Webb County District Judges Emergency Jury Selection Plan And Method for 2020 and 2021 Judicial Calendars" is hereby officially approved and adopted to become effective June 1st, 2020 and **ORDERED** to be recorded in the official minutes of this Court on the 11th day of May, 2020.




Tano E. Tijerina, Webb County Judge




Jesse Gonzalez
Commissioner, Precinct 1



Rosaura "Wawi" Tijerina
Commissioner, Precinct 2



John Galo
Commissioner, Precinct 3



Cindy Liendo
Commissioner, Precinct 4

Attest:


Margie Ibarra, Webb County Clerk