

COVID-19
JURY TRIAL OPERATING PLAN
Pursuant to Texas Supreme Court Emergency Order
For Trial Operations after October 1, 2020

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the court, the 5th District Court of Cass County and the County Court at Law will implement the following protective measures for jury trial operations after October 1, 2020:

General

1. The judge 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, as deemed appropriate by the Presiding Judge of the Court.
2. The judge will use all reasonable efforts to conduct proceedings remotely or within the proscribed social distancing recommendations of the National, State and Local Health authorities.
3. The local administrative district judge will maintain regular communication with the county judge and adjust this operating plan as necessary with conditions in Cass County.

Judge and Court Staff Health

1. The judge and all court personnel will be self-monitoring and have been trained on the symptoms to monitor for exposure to COVID-19. If a staff member reports symptoms, they will be required to self-quarantine and not report to work, and will perform their work functions, as possible, remotely.
2. The judge or court staff who feel feverish or have measured temperatures equal to or greater than 100.4°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 be required to self-quarantine and seek medical advice.
3. The judge and court staff will wear face coverings in all courtroom settings or will have screening devices in place, will be required to practice social distancing, and practice appropriate hygiene recommendations at all time.

Social Distancing

1. All persons not from the same household who are permitted in the courtroom setting will be required to maintain adequate social distancing of at least 6 feet.
2. 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.
3. Public common areas, including breakrooms and snack rooms, have been closed to the public. Hallways outside courtrooms will be arraigned for social distancing and person limits enforced.

Gallery

4. 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.
5. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating.
6. 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 and person limits will be enforced. Modifications to spacing requirements may be granted by the Court depending on requests by counsel and parties.

Hygiene

1. Hand sanitizer dispensers will be made available for public use in or near each courtroom.
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, as necessary, for each space being utilized by the courts.
3. The Health Service "Stop the Spread of Germs Flyer" and other CDC flyers have been posted in multiple locations around the various courtrooms and court spaces.

Screening

1. When individuals attempt to enter the court building, Courthouse Security 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.
2. When individuals attempt to enter the court building, Courthouse Security will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.4°F will be refused admittance to the courtrooms.

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 100.4°F will not be transported to the court building.
4. Staff who are screening individuals entering the courtrooms will be provided personal protective equipment.

Face Coverings

1. All individuals entering the courthouse will be offered disposable face coverings for use while in the courthouse or awaiting hearings in portions of the courthouse while awaiting hearings or testifying. All persons in public spaces will be required to wear face coverings pursuant to GA-29 and /or the orders of the local county Judge.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every four to five hours.
2. Court building cleaning staff will clean the all courtrooms, jury rooms, and other court spaces twice during the day (if being used that day).
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.

Jury Qualification

1. Jury qualification will be conducted in multiple groups (for example 8:30 am, 10:00 am and 11:30 am) to allow for adequate social distancing. The individual group's reporting times will be staggered to allow for adequate time to ingress and egress the premises in a socially distanced manner as well as allow for proper cleaning of the room between groups. All prospective jurors will be requested to report to Mattie Lanier Richey Center (normal occupancy 320). If required by current conditions and the Local Health Authority, group size will be reduced as necessary. Jury qualification will occur on Tuesdays.
2. A pre-screening questionnaire will be presented to each prospective juror prior with the Jury Summons. All prospective jurors who indicate an individual or household exposure to COVID-19 within 14 days prior to qualification will be turned away at the Courthouse entrance and excused from service.
3. Prospective jurors will be pre-screened prior to entry to the courtroom or other facilities used for qualification.
4. The prospective jurors will be seated with all social distancing requirements observed.

5. All prospective jurors will be provided a disposable face covering upon entry into the Mattie Lanier Richey Center and required to wear face covering pursuant to GA-29.
6. In each location where proceedings are conducted, 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 social distancing of at least 6 feet between each space and person limits will be enforced. Modifications to spacing requirements may be granted by the Court depending on requests by counsel and parties.

Voir dire examination and Jury Selection

1. *Voir dire* examination and Jury selection will be conducted in Atlanta, Texas at the Mattie Lanier Richey Center (normal occupancy 320). All qualified prospective jurors will be requested to report to the Mattie Lanier Richey Center on the afternoon of jury qualification or at another time or date for *voir dire* examination if trial is to be conducted on different weeks.
2. Prospective Jurors will be pre-screened for COVID-19 symptoms prior to entry to the Mattie Lanier Richey Center.
3. The Prospective Jurors will be seated with all social distancing requirements observed.
4. All prospective jurors will be provided a disposable face covering upon entry into the Mattie Lanier Richey Center.
5. Public access will be permitted by a rotation of the public desiring to attend in numbers that allow adequate social distancing in a separate section of the Mattie Lanier Richey Center. If social distancing requires closing of the Mattie Lanier Richey Center for *voir dire*, those proceedings will be broadcast via zoom, without broadcasting prospective jurors, on the Court's YouTube Channel or to a public viewing room at the Historic County Courthouse or Law Enforcement and Justice Center.

Conduct of Jury Trial

1. The trial will be conducted in the 5th District or CCL courtroom in the Cass County Law Enforcement and Justice Center. 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 social distancing of at least 6 feet between each space and person limits will be enforced. Modifications to spacing requirements may be granted by the Court depending on requests by counsel and parties.
2. The jury will be maintained in one or more jury rooms selected for social distancing spacing.
3. Plexiglass/glass partitions will be utilized when possible for courtroom locations requiring activities that require less than 6 foot social distance.
4. Upon reporting to the courthouse, each juror, attorney, party, and court personnel will be screened for COVID-19 symptoms as set forth in the in-person operating plan for Cass County Courts.
5. All trial participants will be provided face coverings daily, if necessary.

6. Witness attendance will be limited to social distancing spacing throughout the courthouse. Additional witnesses can be staged in their vehicle in the parking lot to be notified to enter the courthouse for testimony. Any witness experiencing COVID-19 symptoms or actively quarantined may be offered through teleconference broadcast to the courtroom via zoom.
7. Counsel and parties will maintain social distancing requirements throughout the conduct of the trial.
8. The 5th District Courtroom will be re-arraigned to accommodate social distance requirements throughout the conduct of the trial.
9. Public access will be permitted by a rotation of the public desiring to attend in numbers that allow adequate social distancing or, if the courtroom is closed due to COVID-19 restrictions, the trial will be available via zoom viewing in a public viewing room held in a separate room of the courthouse.
10. The all courtrooms, jury rooms, and court spaces will be cleaned a minimum of twice daily with one cleaning during lunch recesses.
11. At least 7 days prior to trial, the Trial court will conduct a record hearing concerning any party's objections to the COVID-19 procedures.
12. At the hearing for any objections, the Judge will inquire form all parties whether any witnesses or parties or trial participants have tested positive for COVID-19 within the previous 30 days, currently have symptoms of COVID-19, or have had recent known exposure to COVID-19 and the Court will consider any necessary modification to the trial or trial procedures.
13. The Local Administrative District judge will maintain regular contact with the Local Health Authority regarding community conditions prior to weekly trials
14. Public access will be permitted by a rotation of the public desiring to attend in numbers that allow adequate social distancing or, if the courtroom is closed because of Coronavirus issues, the proceedings will be broadcast via Zoom to viewing in a public viewing room held in the courthouse.

Date: October 30, 2020


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Bill Miller, 5th Judicial District of Texas