

Jury Proceeding Addendum to COVID-19 Operating Plan for the Hunt County Judiciary

Effective on and after October 1, 2020

Recognizing the need to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of **Hunt County** will implement, in addition to the procedures and protocols in the previously submitted COVID-19 Operating Plan, the following protective measures for jury proceedings:

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 jury proceedings according to the guidance issued by the Office of Court Administration.
2. The justice courts will not conduct an in-person jury proceeding until the Supreme Court permits such proceedings.
3. Judges of the district courts, constitutional and statutory county courts, and statutory probate courts will conduct in-person jury proceedings only in accordance with the previously approved Operating Plan and this addendum only after this jury proceeding addendum is submitted and accepted by the Regional Presiding Judge.
4. Not more than five days before an approved in-person jury proceeding is scheduled to occur, the local administrative district judge or designee will consult with the local public health authority to verify that local health conditions and plan precautions are appropriate for the jury proceeding to proceed.
5. Except for criminal cases where confinement in jail or prison is a potential punishment, judges may conduct remote jury proceedings if the court follows the requirements of the hearings on objections or motions section below and ensures that all potential and selected petit jurors have access to technology to participate remotely. Judges may conduct remote jury proceedings in a criminal case where confinement in jail or prison is a potential punishment only with appropriate waivers and consent obtained on the record from the defendant and the prosecutor.

Jury Proceeding Approval Process

1. Judges wishing to conduct a jury proceeding will follow the procedure detailed below to obtain approval to proceed with the jury proceeding from the local administrative district judge and Regional Presiding Judge:
 - a. The judge will fill out a form available from the LADJ requesting a jury trial date, providing the style of the case, any statutory deadlines that apply, and the number of venire members requested.
 - b. The LADJ will review the request, visit with the judge if necessary, assign a potential trial date and forward the request to the Regional Presiding Judge for approval.

- c. Upon receipt of the approval or denial of the request, the LADJ will forward the information to the appropriate court.
2. The local administrative district judge will, not more than five days before the jury proceeding, consult with the local public health authority to verify that the local health conditions and plan precautions are appropriate for the jury proceeding to proceed with the following procedure:
 - a. The LADJ will provide a copy of the jury trial schedule to the local health authority with updates as new trials are approved.
 - b. The LADJ will contact the local health authority each Thursday before Monday jury selection.
 - c. The local health authority has been consulted in drafting both plans and will have a copy of the current jury trial plan as well as the Operating Plan for Hunt County Courts.
 - d. The LADJ will re-confirm the appropriateness of these plans and make any changes accordingly through the amendment process.
 - e. If the local health authority confirms the conditions and plan precautions are appropriate, the trial will go forward.
 - f. If the local health authority raises any concerns they will be addressed appropriately by the LADJ prior to start of the jury selection process.

Hearings on Objections or Motions Related to Proceeding

1. Parties who are scheduled for a jury proceeding are encouraged to make any objections or motions related to the manner of the proceedings at least 10 days prior to the trial setting.
2. Any objections or motions related to the manner of the proceeding with a jury trial will be heard by the judge presiding over the case at least seven days prior to the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding.

Communication Protocols

1. Each judge with an approved in-person jury proceeding will require the parties to communicate with the court if any participant in the jury proceeding, including attorneys, parties, attorney support staff, or witnesses, has tested positive for COVID-19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19.
2. If the approved in-person jury proceeding involves an incarcerated participant, the judge will require the sheriff to report any positive COVID-19 test of the incarcerated participant within the previous 30 days prior to any portion of the jury proceeding, any current symptoms of COVID-19, or any recent known exposure to COVID-19.

Scheduling

1. A judge who obtains approval for an in-person jury proceeding will schedule no more than ten cases for that jury trial setting, unless pre-approval for larger dockets is obtained from the Regional Presiding Judge.
2. For a trial docket with more than one case scheduled, judges will hold a mandatory pretrial hearing or conference to determine the order of trial at least by 5:00 p.m. on the Thursday before Monday jury selection.
3. Judges should attempt to alert parties who will not be proceeding prior to the day of trial to reduce attendance at the court facility.

Summoning Jurors

1. The jury clerk must include, with in-person juror summonses, information regarding precautions that have been taken to protect the health and safety of prospective jurors and COVID questionnaires that elicit from prospective jurors information about their exposure or vulnerability to COVID-19. The Hunt County District Clerk will use the questionnaires and jury letter signed by the LADJ.
2. Judges will consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons.
3. Excuses or requests to reschedule from in-person prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone vulnerable to COVID-19 will be liberally granted.

Location for Jury Selection, Trial, and Deliberation

1. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:
 - a. Jury Qualification: Greenville Municipal Auditorium
 - b. Voir Dire:
 - i. Greenville Municipal Auditorium for district courts;
 - ii. The Texan Theatre for both district and county court at law cases; and
 - iii. The Hunt County Criminal Justice Center for justice court cases.
 - c. Trial:
 - i. District courts will conduct trial in their courtrooms and have designated gallery spacing to be used for the jury;
 - ii. County Courts at law will conduct trial in their courtrooms and have designated gallery spacing to be used for the jury;
 - iii. Justice Courts will coordinate trials to be conducted at Justice of the Peace Court 1 and Court 2 in their courtrooms with appropriate seating designated for the jury in the gallery.
 - d. Jury Deliberation: Each court clear the courtroom at the end of the trial to allow the jury the use of the closed courtroom for deliberation purposes.

- e. Security protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for the proceeding.

Screening

1. In addition to the requirements of the previously submitted in-person Operating Plan, all court participants and observers attending an in-person jury proceeding will be screened for elevated temperatures and will be questioned to determine if the individual has recently had symptoms of COVID-19 or been exposed to COVID-19.
2. All participants in a trial who are incarcerated will be screened by the jail/prison prior to transport to the courtroom and any known exposure, symptoms, or COVID-19 positive test results within the past 30 days will be reported to the judge presiding over the jury trial prior to the transport of the participant to the courtroom.

Face Coverings

1. In addition to the requirements of the previously submitted in-person Operating Plan, all persons entering the common areas of a courthouse, including a courtroom or any other location being used to conduct a jury trial, will be required to wear a face covering at all times unless the person is an individual that is not recommended to wear a mask by the Centers for Disease Control or the Texas Department of State Health Services.
2. All court participants will be required to wear face coverings from jury qualification through the end of trial.
3. Court participants who may need to lower their face mask to speak or for a short period of time will be required to wear a face shield. When speaking, judges will permit a court participant to lower his or her mask so long as a face shield is worn, and the person speaking is immobile.
4. Each of the courtrooms have Plexiglas dividers for the bench so that the judge may remove their mask once behind the Plexiglas.
5. Each of the courtrooms have Plexiglas dividers for the witness box so that witnesses may remove their mask once seated in the witness chair. The witness box will be cleaned between witnesses by spraying and wiping down the surfaces with the approved cleaning supplies provided by the Hunt County Maintenance Department.

Social Distancing

1. Social distancing of all court participants and observers will be maintained at all times during the jury proceeding, including during the trial and deliberation.
2. Special attention will be paid by courts to ensure adequate social distancing and managed exits of individuals during breaks, especially when dismissing large groups of people for a break.

Alternate Jurors

1. Each judge with an approved in-person jury proceeding will be encouraged to consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming

ineligible to serve for a reason unrelated to that person's exposure to or contraction of COVID-19.

Arrangement of Courtroom

1. The following description details how each of the courtrooms or facilities will be arranged during the jury proceeding:

At the Greenville Municipal Auditorium

- a. The GMA has alternating rows blocked off with seating arranged so that the venire members maintain six foot distancing. Rows are arranged with one occupant every 3 seats. Potential jurors are seated on the bottom floor of the auditorium in three divided areas with one designated entrance and one designated exit.
- b. The bailiff's are stationed on either the entrance or exit row at the end towards the stage. We have monitors at each door to direct individuals to their assigned seat.
- c. The judge and court reporter are positioned on the stage at a table where each is at one end.
- d. The clerk is at a separate table on the stage and the parties are arranged in tables with six foot distancing on the stage or in the well of the auditorium (depending on how many parties are involved).

At the Texan Theatre

- a. The Texan Theatre has rows that allow for six foot distancing and will also have assigned seats for the venire members in the gallery.
- b. The judge, clerk, court reporter and parties will be seated at tables on the stage (or in some instances in front of the stage, depending on how many parties are involved).

In the Courtrooms

- a. In each court, the judges have designated seating within the gallery for the jury. They also have a few remaining seats designated for observers. All of the seats are six feet apart.
- b. The courtrooms have jury rooms with the accessibility of separate restrooms for the jurors where they would be allowed rotate through during breaks in approved capacity amounts. Each courtroom has the ability to close the court and remove everyone but the jurors from the courtroom to allow for deliberation.
- c. Each court has Plexiglas dividers for both the bench and witness chair to allow the judge and witness who is testifying to remove their masks during trial.
- d. The well of each courtroom has adequate spacing for parties with social distancing to allow one attorney at each table with parties seated either at the end of the table or on the front row behind counsel.
- e. The court reporters will be seated either in front of the witness stand (with Plexiglas between them and the witness) or any area in the courtroom that allows for six foot distancing so they can hear adequately.
- f. Bailiffs will be stationed either at the door or at a specified desk. Clerks will have designated seating at the bench (with Plexiglas between them and the judge).

- g. On breaks the courtroom will be cleared of all participants so the jurors can go to the jury room in appropriate numbers or be escorted downstairs for smoke breaks, if necessary.
- h. On breaks, witnesses will be disbursed and ordered not to congregate in the hallways and to observe capacity limits for the hallways, restrooms and common areas. Witnesses will be encouraged to step outside the courthouse during breaks.
- i. The witnesses who are not in the courtroom will be required to wait either in the attorney's office or outside the courthouse in their personal vehicle. The attorney is responsible for contacting each witness approximately fifteen minutes prior to their testimony to allow them time to get through screening and wait out in the assigned hallway to be called into the courtroom.
- j. Each courtroom has a very limited number of seats for observers. The observers will have to clear the courtroom on breaks and during deliberation. They will be reminded to observe capacity restrictions in hallways, restrooms and common areas. Observers will be encouraged to step outside the courthouse during breaks.
- k. During breaks the court staff will return to their respective offices unless they are finishing a task required for the trial and then they may remain in the courtroom so long as the jury is not deliberating and the bailiff is present.
- l. During breaks the bailiff or other security staff will be required to monitor the courtroom, hallway and jury room to provide for the safety of the jury and make sure capacity restrictions are met.
- m. Judges are encouraged to hold breaks at regular intervals to allow for cleaning of the witness stand and to give ample time to allow the jurors to have a restroom break while adhering to capacity requirements.
- n. During deliberation, all persons but the jury will clear the courtroom. The security cameras will either be disabled or the cameras will be blocked.
- o. The court staff will retire to their offices with the exception of the bailiff who will guard the door to the courtroom.
- p. Attorneys will return to their offices with a number provided to the judge so they can be called to return.
- q. Parties will return to their personal vehicles with a number provided to the attorney who called them so they can be notified to return.
- r. Witnesses will be excused and allowed to return if they provide a number to be notified.
- s. At all times the capacity requirements will be enforced in the hallway and courtroom.

Microphone Protection Protocols

1. Judges will limit, to the degree possible, the shared use of microphones during the jury proceeding.
2. If a microphone must be shared, judges will limit the passing of the microphone unless the microphone is cleaned between each user.
3. Disposable microphone covers will be placed on shared microphones and changed between each user.

Exhibit/Evidence Management

1. Judges will limit, to the degree possible, the use of physical or paper exhibits/evidence where feasible or appropriate by converting the exhibit/evidence to a digital form.
2. When physical or paper exhibits/evidence is required, judges will reduce the exchange of that exhibit/evidence to the number of persons necessary and will limit passing the exhibit/evidence to the individual members of the jury.
3. If an exhibit/evidence is required to be transferred from person-to-person, single use gloves will be provided, worn, and discarded immediately after handling the exhibit/evidence.
4. During jury deliberations, judges will make efforts to provide the jury with access to digital exhibits/evidence that would normally be shared with the jury during deliberation. Where digital exhibits/evidence is not feasible, judges will consider limiting the transfer of the exhibits/evidence from juror-to-juror by spreading the exhibits/evidence on a table for inspection from the table in the jury deliberation room.

Witnesses

1. Judges will inquire whether witnesses to the proceedings have COVID-related issues.
2. To the degree constitutionally permissible or with the consent of the parties, judges will permit witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVID-19, has been recently exposed, or is vulnerable to contracting COVID-19.

Food Precautions

1. Courts that provide food to jurors or other participants during a jury proceeding will ensure individual food portions, such as individually boxed meals, are provided.

Cleaning

1. In addition to the requirements of the previously submitted in-person Operating Plan, frequent cleaning protocols in the courtrooms and facilities will be maintained throughout the jury proceeding as appropriate.
2. Shared spaces such as witness stands, seating in the gallery, and seating during qualification/voir dire will be cleaned during transitions of those spaces.
3. Seats for members of the jury panel and selected jurors will be assigned to reduce potential transmission and the need for more frequent cleaning.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding the Jury Proceeding Addendum to the 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: 9/25/2020



Keli M. Aiken

Local Administrative District Judge

354th Judicial District Court

Hunt County, Texas

APPROVED 9/25/2020

As the assigned local health authority representative for Hunt County, Texas, I have reviewed the Jury Proceeding Addendum to the Operating Plan and consulted with Judge Keli M. Aiken regarding the plan and any suggestions I had to provide for the safe operation of the Hunt County Courts.

Date: 9/25/2020.


Dr. Gina Rushing

Hunt County Local Health Authority

APPROVED 9/25/2020

As the Hunt County Judge, I have reviewed the Jury Proceeding Addendum to the Operating Plan and consulted with Judge Keli M. Aiken regarding the plan and any suggestions I had to provide for the safe operation of the Hunt County Courts.

Date: 9-25-2020



Bobby Stovall

Hunt County Judge