

## **ORDER 2020.3.1**

### **RECERTIFICATION OF IN-PERSON PROCEEDINGS**

#### **COVID-19 Operating Plan for the Tioga City Judiciary**

In response to the document dated December 17, 2020, issued by the Office of Court Administration, entitled, "COVID UPDATE # 19 – Required Recertification for In-Person Proceedings on or after January 1, 2021," on behalf on this Court, I offer the following:

##### **A: Statement of Recertification**

As presiding judge of this Court, I hereby recertify the Covid-19 Operating Plan of this Court with the amendments to the previously submitted plan approved by the First Administrative Judicial Region.

##### **B. Documentation of Consultation with Local Health Authority**

I consulted with Amanda Ortez, RS, MBA, Director of the Grayson County Health Department, and received approval on December 28, 2020, that my plan has been recertified.

##### **C. Objective Criteria to be used to Determine when an In-Person Hearing is Necessary**

In-Person Hearings will be used only if all reasonable efforts do not permit the matter to be conducted remotely, for example:

- a. One or more parties or participants lack technology;
  - i. And appropriate technology cannot be reasonably supplied;
- b. One or more parties or participants have a disability affecting participation;
  - i. And appropriate accommodation cannot be reasonably supplied.

##### **D. COVID-19 Operating Plan for the Tioga City Judiciary**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the building housing the court, the Municipal Court of the **City of Tioga** will implement the following protective measures:

##### **General**

1. All Court Staff 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. Use all reasonable efforts to obtain and conduct proceedings remotely.
3. The presiding judge of the municipal court will maintain regular communication with the local health authority and mayor adjusting this operating plan as necessary with conditions in the city.
4. Non-essential in-person proceedings will not commence until all safety, PPE, janitorial and other cleaning equipment supplies, and items are acquired, issued, placed into service, and any training necessary is received for the proper use of said items is received.
5. Court Staff will begin setting non-essential in-person proceedings no sooner than January 5, 2021.
6. If it should occur that PPE is not available at the time of docket call, the scheduled docket shall be moved to the next available date and all parties notified. No exception will be made. In-person proceedings are prohibited to be conducted in any manner other than that prescribed by the OCA.

### **Judge and Court Staff Health**

1. Judge and Court Staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and Court Staff Monitoring Requirements: Minimum Standard Health Protocols for COVID-19 as outlined by the Texas Department of State Health Services.
3. Judge 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 should seek medical advice.
4. Judge and court staff shall be required to wear face coverings when in contact with the public, unless separated by plexiglass, and they shall practice social distancing as required by Governor's Orders and OCA. All persons shall always practice appropriate hygiene recommendations.
5. Protective Measures: When possible, remote access or teleworking will be utilized to minimize the risk of exposure of COVID-19 to judges and court staff.

### **Scheduling**

1. The following court schedules are established to reduce occupancy in the court building:
  - a. As the primary function of the building housing the court is City Hall, the City Council shall determine the scheduling for city clerk personnel staffing the building during the operating hours when court is not in session.
  - b. Tuesdays beginning at 10:00 AM in-person hearings shall be held in accordance with the provisions set out within this plan and remain until the Emergency Orders are rescinded. Traffic flow to the area housing the court shall be in accordance with this plan and restricted to allow for the most protection of the participants and staff under the COVID-19 advisories and directives.

- c. The Associate Judge shall not be in present during the court proceedings where the Presiding Judge is conducting in-person hearings.
- d. Should the Associate Judge preside over an in-person hearing, the Presiding Judge shall not be present.

### **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. The 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 court's website and in conspicuous locations around the court building (a copy of which is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by being placed first on the docket if their condition is made known to the court in advance. If not identified beforehand, the case may be rescheduled as to prevent possible exposure to any individual.

### **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. Public common areas, including break areas, have been closed to the public.

#### *Gallery*

3. The maximum number of persons permitted in the gallery of the courtroom has been determined to be three (3) and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
4. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.
5. Foot traffic will flow in one direction. All individuals will enter from the (north) east entrance and exit through the main lobby on the (north) west.
6. Individuals will sign-in at the lobby of the City Hall/Court Building and be screened. They will be instructed to return to their vehicle until contacted by phone to enter the courtroom due to the social distancing requirements and physically limited space.
7. When an individual is called, they will be allowed into the east door, which is directly into the courtroom where they will be given a mask if they do not have a face cover, requested to use hand sanitizer, and staff will direct them to the appropriate location. No other traffic will be permitted to enter or exit from this location.

*Well*

8. In the courtroom, the counsel, witness, judge's, clerk, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space. Hand sanitizer will be available at the counsel table.

### **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrances to the building, and outside of bathrooms.
2. Tissues have been placed near the door of the courtroom, at counsel table, and at the judge's bench.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations of the court building in English and Spanish.

### **Screening**

1. When individuals attempt to enter the court building, court staff 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, court staff will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.
3. Staff who are screening individuals entering the court building will be provided personal protective equipment, including N95 mask, face shield or goggles, disposable gloves.

### **Face Coverings**

1. All individuals entering the court building will be required to wear face coverings at all times.
2. Anyone refusing to wear a face covering will be denied admittance. If a defendant refuses to comply with the instructions, their case shall be moved to the next available docket.
3. Anyone removing a face covering and refusing to replace it, will be removed from the building.
4. 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.
5. 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 at least every two hours when possible.
2. Court building cleaning staff will clean the courtroom between every hearing, between 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**

Continued effort shall be made to establish remote hearings.

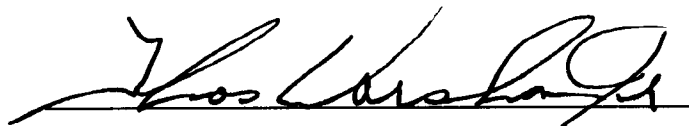
An increase in number of days per month for first appearance to allow for slower pace of proceedings as necessary.

Jury trials shall continue to be suspended until further notice, pending authorization of the Texas Court of Criminal Appeals and the Texas Supreme Court.

This Plan shall in no way contradict the orders of the Court of Criminal Appeals, the Texas Supreme Court, and the recommendations of the Office of Court Administration's guidance for returning to courthouse proceedings. Any conflicts with requirements by those entities shall be void and those become prevailing standing orders.

I have conferred with all judges of this court regarding this Operating Plan. In developing the plan, I consulted with the local health authority and mayor, documentation of which is attached to this plan. I will ensure that the judges of this court covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 12/29/2020



Presiding Judge of Municipal Court City of Tioga