

COVID-19 Operating Plan for the City of Lake Dallas Municipal Court

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 **Lake Dallas Municipal Court** 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 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 presiding judge of the municipal court will maintain regular communication with the local health authority and mayor and adjust this operating plan as necessary with conditions in the city.
4. Judges will begin setting non-essential in-person proceedings no sooner than June 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. Judge and Court Staff Monitoring Requirements:
 - Continue to monitor directives and guidance from City of Lake Dallas and Texas Office of Court Administration.
 - Ensure that all Court personnel are following COVID-19 precautions regarding social distancing measures and appropriate respiratory etiquette.
 - Continue to monitor screen employees for fever.
 - monitor employees and refer those employees for testing if they present with signs of COVID-19 infection (fever, fatigue or tiredness, dry cough) or having known close contact with a person who is confirmed to have COVID-19. Anyone with positive symptoms will not be permitted to enter the building and will be directed to seek medical advice.
 - encourage wear face coverings while interacting with the public at the public service window.
3. Protective Measures: Judges and Court Staff will follow CDC and Texas DHS recommendations
4. Encourage defendants to resolve their court matters through alternative contact points (i.e., phone, mail or online)
5. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.
6. Refer anyone wanting to pay their fines to the on-line payment group or calling them at 1-800-444-1187

Scheduling

The following court schedules are established to reduce occupancy in the court building:

1. **General Public:**
 - reduce the number of defendants in the courtroom on dockets by utilizing the community room for a waiting room to allow social distancing
 - limit in-person dockets for essential proceedings only, or for those cases that cannot be accomplished remotely (i.e., for defendants with limited/no internet or mobile phone access).
2. Jury Trials will not resume until after September 14, 2020.

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 who are scheduled for court will be accommodated by special docket settings upon request.

Social Distancing

Court office

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 will be posted with appropriate signage requiring adherence to social distancing directive; 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. Breakrooms will remain closed to the public.

Courtroom Gallery

4. The maximum number of persons permitted in the courtroom gallery is 15, exclusive of the court staff. 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 and seating is designated with appropriate markings

Courtroom Well

6. A podium will be installed in the courtroom and used when addressing the court;
7. In courtroom, the counsel tables, witness stand, judge's bench, and clerk and bailiff seating have been arranged to ensure social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers have been placed outside of the courtroom and the public service windows.
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, city personnel 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, city personnel 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 gloves and a mask.

Face Coverings

1. All individuals 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 a mask and required to wear them while in the court building if the supply is available.

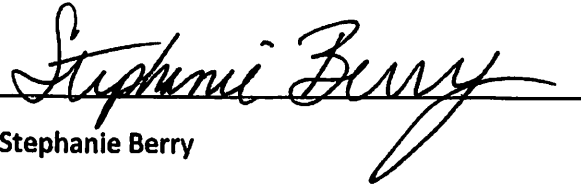
Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned daily.
2. Court building cleaning staff will clean the courtrooms 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.

I have attempted to confer with all judges of courts with courtrooms in the court building 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 courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 5/19/2020

A handwritten signature in cursive script, reading "Stephanie Berry", written over a horizontal line.

Stephanie Berry

Presiding Judge of Municipal Court



Guidance for All Court Proceedings During COVID-19 Pandemic (For Proceedings on or after June 1, 2020)

On or after June 1 until further updated¹:

NOTE: Courts are not required to commence in-person proceedings on June 1 and should include in their discussions with the county judge/mayor and local health authority a proper date for commencing in-person hearings under the operating plan.

- **Courts should use all reasonable efforts to conduct proceedings remotely.²** All proceedings, both essential and non-essential, should occur remotely (such as by teleconferencing, videoconferencing, or other means) unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control.³ Courts may need to conduct hybrid hearings in certain proceedings.
- **Jury trials must not be held until further guidance is issued by the Office of Court Administration (expected to be released no later than mid-May for proceedings in the summer).** It is anticipated that jury trials can safely resume in the summer; however, due to the unique nature of these proceedings, special attention must be provided to ensure the safety of jurors and others in these large group gatherings. Specific guidance to assist jurisdictions in planning resumption of jury proceedings will be issued soon.
- **Prior to any court holding in-person proceedings, other than essential hearings that cannot be conducted remotely because doing so is not possible or practicable,⁴ the local administrative district judge for a county or the presiding judge of a municipal court, as applicable, must submit an operating plan for all courts in the county or municipality to the Regional Presiding Judge.⁵**
 - Each local administrative district judge must attempt to confer with judges of all courts with courtrooms in county buildings, including district judges, county court at law judges, county judges, justices of the peace, associate judges, magistrates, and chief justices of the courts of appeals where applicable.

¹ It is possible that some of the limitations and restrictions may be modified or removed as public health officials indicate those are necessary or possible.

² See Twelfth Emergency Order Regarding the COVID-19 State of Disaster, #4.

³ Courts who need technical assistance with remote proceedings may contact the Office of Court Administration at zoomhelp@txcourts.gov.

⁴ Essential proceedings include, but are not limited to, criminal magistration proceedings, CPS removal hearings, temporary restraining orders / temporary injunctions, juvenile detention hearings, family violence protective orders, and certain mental health proceedings. Guidance issued since March 26 has required all essential hearings to be conducted remotely unless holding the proceeding remotely is not possible or feasible.

⁵ This process is similar to the requirement for the Local Administrative District Judge and Municipal Court Presiding Judge to preside over a court security committee involving all affected courts as required by Secs. 29.014, 30.00007(b)(6), and 74.092(a)(13), Government Code.

- In developing the operating plan, the local administrative district judge or presiding judge of a municipal court must consult with the local health authority and county judge/mayor.⁶ Documentation (e.g. email, letter, etc.) from the local health authority and county judge/mayor showing that the consultation has occurred must be submitted with the operating plan.
- Upon written acknowledgement by the Regional Presiding Judge that the operating plan meets the requirements of an operating plan discussed below, the courts in the county or city may commence in-person proceedings only in accordance with the guidance issued by the Office of Court Administration (OCA) and the operating plan.
- The Regional Presiding Judge must forward a copy of each operating plan to the OCA at coronavirus@txcourts.gov.

Operating plans will remain in effect until updated guidance is issued from the 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 guidance.

- **An operating plan must contain the following components:⁷**
 - **Judge and Court Staff Health – how the courts will ensure judges and court staff do not enter the courthouse if they have new or worsening signs or symptoms⁸ and will protect judges and staff from exposure to the degree possible.⁹**

Courts should take precautions to ensure judges and courts staff do not enter the courthouse when there is a likelihood that they may have COVID-19, and courts should take reasonable steps to protect judges and court staff from contracting COVID-19.

Courts should consider encourage teleworking for judges and court staff whenever possible and feasible.

- **Scheduling – how the courts in the building(s) covered by the plan will coordinate scheduling to reduce occupancy in the courthouse to the lowest degree possible.¹⁰**

In-person proceedings must be scheduled to reduce the number of people entering or in the courthouse at any one period of time. Judges in counties and cities with multiple judges in a building must coordinate scheduling of any in-person proceedings to reduce the number of people in the courthouse at one time.

⁶ Local Administrative District Judges should consult with the county judge at a minimum, and presiding judges of a municipal court should consult with the mayor at a minimum.

⁷ In developing the plan, courts should review the Texas Department of Health Services' Minimum Standard Health Protocols for COVID-19.

⁸ CDC. Symptoms of Coronavirus.

⁹ DSHS. Checklist for All Employers.

¹⁰ CDC. Get Your Mass Gathering or Large Community Events Ready.

- **Vulnerable Populations – how the courts will provide notice to vulnerable individuals and those who live with or are caregivers for vulnerable individuals and provide accommodations to reduce the appearance of those individuals at the courthouse.**^{11,12}

Vulnerable individuals are those 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.

- **Social Distancing – how the courts will ensure that adequate social distancing will be maintained for all individuals not within the same household who may be in a courthouse.**¹³

Courts should consider how to ensure distancing in public common areas, galleries of courtrooms,¹⁴ wells of the courtroom, hallways, elevators, restrooms, or other locations where the public might gather.

Special attention should be given to scheduling in buildings with multiple courtrooms, as common areas such as waiting areas, halls and elevators may become crowded in such a way that it is impossible to maintain appropriate social distancing.¹⁵

- **Hygiene – how the courts will ensure that individuals in the courthouse will have access to supplies to maintain high levels of hygiene**¹⁶

Courts should consider having hand sanitizer dispensers available at various locations around the courthouse, including at the entry and exits from the building and courtrooms. Courts should ensure that tissues are available for public use in courtrooms and other public areas. Courts should post readily visible signage reminding individuals of best hygiene protocols.¹⁷

- **Screening – how the courts will ensure screening of all individuals entering the courthouse or courtroom areas**¹⁸

Individuals feeling feverish or with measured temperatures equal to or greater than 100.0°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 must not be permitted entry.¹⁹

Special attention should be given to how inmates or detainees from jail and juvenile facilities who may be transported to a courtroom will be screened,

¹¹ CDC. *People who are at Higher Risk for Severe Illness.*

¹² CDC. *What Can You Do.*

¹³ CDC. *Social Distancing, Quarantine, and Isolation.*

¹⁴ DSHS. *Checklist for Churches/Places of Worship.*

¹⁵ White House, CDC. See pp. 10 & 14 in the *Guidelines for Opening Up America Again.*

¹⁶ CDC. *How to Protect Yourself and Others.*

¹⁷ DSHS. Stop the Spread of Germs Flyer. <https://dshs.texas.gov/coronavirus/docs/StopSpreadofGerms-English.pdf> (English) and <https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs-sp.pdf> (Spanish).

¹⁸ CDC. *Symptoms of Coronavirus.*

¹⁹ DSHS. *Checklist for All Employers.*

including consideration of a lower threshold temperature of 99.6°F as an indicator of symptoms.²⁰

Screeners should be provided appropriate face protection and gloves.²¹

- **Face coverings – how the courts will ensure face coverings over the nose and mouth are worn.²²**

Cloth face coverings, at a minimum, should be required of individuals while in the courthouse. Should an individual be in the courthouse for lengthy periods of time, non-medical grade face masks should be considered if they are available.¹⁹

- **Cleaning – how the courts will ensure frequent and appropriate cleaning of surfaces in and around courtrooms and common areas.²³**

Sanitizing should be routinely and more regularly performed, including when a transition of participants occurs within a courtroom between hearings and after recesses.¹⁹

²⁰ Suggestion for considering lower threshold for jail inmates made by DSHS physicians.

²¹ CDC. *Personal Protective Equipment: Questions and Answers.*

²² CDC. *Use of Cloth Face Coverings to Help Slow the Spread of COVID-19.*

²³ CDC. *Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes.*