

**MARLIN MUNICIPAL COURT OF RECORD**  
**FIRST AMENDED ORDER REGARDING COURT OPERATIONS**  
**DURING COVID-19 PANDEMIC**

WHEREAS, the Marlin Municipal Court of Record serves a community of approximately 5,000 people and has one part-time presiding judge and two court clerks and operates as an integrated part of the Marlin City Hall.

WHEREAS, the City of Marlin and Marlin community do not generally have the service of a high-speed internet provider such as AT&T, Grande Communication, or Spectrum and are limited to AT&T DSL service that provides a maximum rate of 1.5 mbps up and 18 mbps down.

WHEREAS, AT&T describes DSL internet serve as a service that “is great for light internet use, such as web browsing or email. It is not recommended that require significant speed, such as multi-screen HD video streaming...”

WHEREAS, the City Council, Mayor, and City Administration have established COVID-19 operational procedures for the Marlin City Hall, including procedures addressing social distancing, public access, and the health and safety of City employees and members of the public.

WHEREAS, the Texas Supreme Court, Court of Criminal Appeals, and Office of Court Administration have issued orders and guidelines for the resumed operational status of the Texas Judiciary that direct the Court to establish operational procedures during this period of the COVID-19 Pandemic.

WHEREAS, the Court finds that the following orders and attached COVID-19 Operating Plan for the Marlin City Judiciary effect the Texas Judiciary directives, coordinate with the City’s policies and procedures, and utilize the local resources available to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts.

IT IS THEREFORE ORDERED that:

1. All court operations will comply with the Orders issued by the Texas Supreme Court, Texas Court of Criminal Appeals and the guidelines issued by the Office of Court Administration.
2. The attached COVID-19 Operating Plan for the Marlin Judiciary is hereby adopted for all in-person Court hearings at the Marlin City Hall.
3. The presiding judge will communicate with City and County officials regarding the status of the COVID-19 conditions within the City of Marlin and will adjust this order as necessary.
4. Court proceedings will be administered remotely if the presiding judge determines it appropriate after considering the circumstances of the case and the parties.

5. If a court proceeding is determined appropriate for remote appearance(s), the parties will be notified of the opportunity to remotely appear and will be required to comply with the instructions in the Court's notice.
6. The presiding judge will monitor if in-person proceedings would be more appropriately held at an alternate location within the City, such as the Falls County Courthouse Annex, and coordinate with the County Judge and the City Manager as necessary.
7. Non-essential court operations will begin no sooner than June 1, 2020 and are tentatively scheduled to begin on June 9, 2020 with in-person proceedings to commence after July 6, 2020

Entered and signed on June 1, 2020.



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DENNY LESSMAN  
PRESIDING JUDGE

# COVID-19 Operating Plan for the Marlin City 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 Marlin, Texas 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 City Manager 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. 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 should seek medical advice.
3. Judges and court staff will practice social distancing and practice appropriate hygiene recommendations at all time including face masks as needed.

## **Scheduling**

1. The following court schedules are established to reduce occupancy in the court building: The Marlin Municipal Courtroom has a regular capacity of approximately 100 people and the court docket will be scheduled in a rotating manner through the day to minimize courtroom attendance at a level in practice with the current COVID-19 protocol

## **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 person that qualifies as part of a vulnerable population will be requested to contact the court and identify themselves as a vulnerable individual and to arrange 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).

### **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. No more than one person will be allowed in the City's public bathrooms unless the persons are members of the same household.
3. Courtroom seating will be adjusted to enforce the 6-foot social distancing requirements.
4. 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.

### **Hygiene**

1. All individuals entering the Court will be subject to having their temperature check with non-invasive thermometer.
2. Hand sanitizer dispensers, tissues, and the Department of State Health Service's "Stop the Spread of Germs Flyer" will be placed in prominent areas of City Hall for public usage.

### **Screening**

1. When individuals attempt to enter the courtroom, the Bailiff and Court staff will inquire about COVID-19 symptoms and will be subject to having their temperature taken by a non-invasive thermometer.
2. 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.
3. Staff who are screening individuals entering the court building will be provided personal protective equipment, including gloves and masks.

### **Face Coverings**

1. All individuals entering the court building will be encouraged to wear face coverings at all times.

### **Cleaning**

1. Court building cleaning staff will clean the entire facility prior to the court opening. All flat counter surfaces, glass partitions, door handles, bathroom surfaces, and chair handles will be treated with germ-killing chemicals that is shown to be effective against COVID-19. Floors will be mopped with a cleaning solution that is shown to be effective against COVID-19.

### **Other**

The Bailiff is positioned within the courtroom to easily monitor compliance with the Court's social distancing order and the COVID-19 questioning and temperature checking will be accomplished at the security screening at the courtroom entrance.

I have consulted with the Marlin City Manager and the Falls County Judge in establishing this plan.

Date: 6/1/2020

A handwritten signature in blue ink, appearing to read "David B. Lessor". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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Presiding Judge of Municipal Court

DO NOT ENTER IF YOU ARE EXPERIENCING ANY OF THE FOLLOWING COVID-19 SYMPTOMS: COUGH, SHORTNESS OF BREATH, FEVER, CHILLS, MUSCLE PAIN, HEADACHE, SORE THROAT, NEW LOSS OF TASTE OR SMELL, DIARRHEA, VOMITING, NAUSEA, OR FATIGUE, OR IF YOU HAVE BEEN IN CLOSE CONTACT WITH A PERSON WHO IS CONFIRMED TO HAVE COVID-19. CALL 254-883-1450 TO DISCUSS YOUR OPTIONS. ANYONE WHO ENTERS AND APPEARS TO HAVE COVID-19 SYMPTOMS WILL BE IMMEDIATELY ESCORTED OUT AND ASKED ABOUT THEIR SYMPTOMS. IF NECESSARY, THEY WILL BE REQUIRED TO LEAVE AND WILL BE ADVISED TO CALL THE COURT.

THANK YOU FOR YOUR COOPERATION AND UNDERSTANDING.  
MARLIN MUNICIPAL COURT OF RECORD