

# COVID-19 Operating Plan for the Temple Municipal Court

## City of Temple, Texas

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 Temple 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: all persons working within the courtroom or in the clerk's office shall follow precautions laid out by the City of Temple for COVID-19, to include reporting of all symptoms listed in #3 below, along with reporting any contact needed for tracing the virus to the local health authorities.
3. 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. It is critical that such employees report their condition to supervision through email or phone call, and otherwise follow all requirements imposed by the City of Temple for protocol regarding COVID-19. Questions regarding how to proceed within the rules of employment can be directed to your immediate supervisor or Human Resources.
4. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all times or until this order is altered or modified. It is expected that adjustments will need to be made and addressed over time and in connection with county health department guidance.

5. Protective Measures: it is recommended that staff utilize protective gloves while handling money, mail, and credit cards.

### **Scheduling**

1. The following court schedules are established to reduce occupancy in the court building to no more than 10 persons total until further notice:  
All persons with matters before the court shall be directed to write to the court through email, fax, or letter. Where a person has 3 or more continuances and their matters remain unsolved, the case may be set for a ZOOM meeting or phone call meeting. Where Zoom or phone call is either not practical or cannot be performed, for example a homeless person who walks into court and does not have a phone available, the case may be set for live hearing per the schedule below:

#### Zoom Meetings and phone calls Tuesday and Thursday:

Cases may be set on Tuesday and Thursday mornings on a schedule of 6 persons per hour, in a block, for the following time slots: 9-10 am, 10-11 am, and 11-noon. The judge will allow an additional 2 persons to be added as a "last-minute" add-on, where needed for efficiency.

These settings shall be for any and all matters, much as the previous "walk-in" docket allowed for all matters to be handled, such as show causes, first appearances, indigent hearings, etc. In all cases, however, staff should attempt to have the person utilize the email/fax/mail process and these hearing times should be for those matters than are not being resolved.

#### Pre-Trials

Pre-trials will be set at these times as well but shall be performed through phone call, email, or online methods utilized by the prosecutor. These Pre-trials phone calls are set with a final Pre-trial live-date attached which will take place every other Wednesday, beginning in mid-June, called the Final Pre-Trial Wednesday Docket. All cases not resolved by the phone call pre-trial will be heard for a scheduling docket on the Final Pre-trial Wednesday in order to docket trials or finalize cases. Cases resolved prior to this date shall cause the date to be cancelled without further hearing. This docket is a last-resort docket and will be scheduled as a stop gap measure prior to scheduling trials. This docket is expected to shrink with the settlement of cases but live hearings will be set consistently with this order and in no event shall there be more than 10 persons in the court and clerk's office.

Final Pre-Trial Wednesday shall be set beginning at 1 pm and shall be set on a schedule of 6 persons per hour for the following time slots: 1-2 pm, 2-3 pm, and 3-4 pm. When a person appears for their time slot, they will check-in and will provide their cell phone number in order to be called into their hearing for their specific hearing and will then be sent to wait in their vehicle for their call or time slot. Where a person

cannot wait in a vehicle, they may either wait in the parking area for a cell phone call, or for a time-slot that is given to them at that time, or they shall be permitted to wait in the courtroom with the social distancing measures specified below. Persons waiting in the area outside the building will have social distancing markings available in order to protect one another.

#### Live Hearings

At this time, live hearings are a last resort. All prior methods must have been attempted without success. Persons appearing for live hearings shall be screened in the methods herein and shall wear fascial covering consistent with this order. Cases meeting this description may be set in the following manner:

Monday and Wednesday mornings on a schedule of 6 persons per hour for the following time slots: 9-10 am, 10-11 am, and 11-noon. The judge will allow an additional 2 persons to be added as a “last-minute” add-on, where needed for efficiency. When a person appears for their time slot, they will check-in and will provide their cell phone number in order to be called into their hearing for their specific hearing and will then be sent to wait in their vehicle for their call or time slot. Where a person cannot wait in a vehicle, they may either wait in the parking area for a cell phone call, or for a time-slot that is given to them at that time, or they shall be permitted to wait in the courtroom with the social distancing measures specified below. Persons waiting in the area outside the building will have social distancing markings available in order to protect one another.

In order to avoid clusters of persons, and also to avoid overwhelming court staff by creating situations where sanitation cannot be maintained, only persons who have either utilized all other resolution methods unsuccessfully or who demonstrate an inability to utilize those out of court methods will be added to this docket. Examples include persons experiencing homelessness or hardship such that they have no phone or ability to access phone or online services.

The Presiding Judge reserves the right to add persons to this docket where safety protocols can be met and where efficiency requires such. Additionally, the Presiding Judge has the right to ask persons to leave the court who are appearing live and who do not demonstrate the safety protocols listed herein. Such persons will be rescheduled to the next available time-slot with or without prior agreement to the setting.

#### **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.
3. Vulnerable populations who are scheduled for court will be accommodated by first having all attempts made to resolve all matters without in-court appearances. Where online, email, fax, or letter are not successful, the party will be set for ZOOM or phone call hearing next. Finally, the person shall be given continuances wherever practicable, and phone call shall be made to attempt to resolve the case/matter. Where no resolution is possible, the case may be set on a special hearing date and time utilizing the limited appearance schedule above for Mondays and Wednesdays.

### **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. Persons who appear with a matter before the court shall have no more than one person from their household who does not have a matter before the court.
3. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
4. 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. To wit: the restrooms provided in the court lobby have a capacity for one person per restroom and there are two independent restrooms available.
5. Public common areas, including breakrooms and snack-rooms, have been closed to the public.

### *Gallery*

6. 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.
7. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

### *Well*

8. There is only one courtroom in the building. In the 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. Additionally, large shields have been placed between each of the two seats

available at counsel tables. The clerks sit behind a wall with a small opening for documents to pass and all attempts shall be made to pass documents in one direction. The judge has a shield providing a barrier with a small opening for documents and so forth. The area for the defendant to approach the bench within the well is more than 6 feet from the judge and from all other persons required to be present.

### **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on the first floor, outside of the courtroom, and outside of bathrooms. Please note that the elevator is not a public elevator and court proceedings and clerk office staff are not accessed by the public on the second floor. Additionally, dispensers are in the courtroom at each counsel table, the judge's bench, the prosecutor's station and the clerk's station.
2. Tissues or paper towels have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and at each clerk's station in the lobby.
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 they will be directed to the clerk's desk which is immediately in front of them as they walk-in, where practical and available, an assigned individual 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 and will be reset via letter or email at a date 30 days away.
2. When individuals attempt to enter the court building, they will be directed to the clerk's desk which is immediately in front of them as they walk-in, and where practical and available the person assigned will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6°F will be refused admittance to the court building.
3. 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.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including a mask for the nose and mouth, a shield for the entire face, and standard disposable gloves.

### **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 where available.
3. 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. Where supplies are not available to the court, the person will be required to wear a face-covering consistent with this order.
4. Person's who do not wear a face-covering and who refuse to wear a face-covering will be reset until they come into compliance with the safety protocols in this order. In no instances will a person utilize these protocols to avoid court or to be aggressive toward staff. Such persons may be subject to contempt proceedings or other appropriate charges filed. The court is a no-violence zone and staff and public safety will be given high priority.

#### **Cleaning**

1. Court staff will wipe their common area each hour.
2. Court building cleaning staff will clean the courtrooms between hearings, between morning and afternoon 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**

This area reserved for additional needs as they are defined.

I am the only judge of this court and have conferred with the Court Administrator and the Deputy City Attorney and Prosecutor assigned to the court for their in-put. I have also sent a copy to the facilities maintenance director and have discussed this order with him. In developing the plan, I consulted with the local health authority and mayor, documentation of which is attached to this plan. I will do what is in my power as judge to ensure that proceedings in this courtroom remain consistent with the plan.

  
\_\_\_\_\_