

# Minimum Standard Health Protocols for the Montague County 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 District, County and Justice Courts of Montague County will implement the following protective measures:

## General

1. All judges will comply with 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 should use all reasonable efforts to conduct proceedings remotely. In-person and hybrid proceedings should be conducted if litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control.
3. Upon request and for good cause shown, judges shall permit any court participant, other than a juror, to participate remotely in any proceeding, subject to constitutional limitations.
4. The local administrative district judge will maintain regular communication with the county judge and justices of the peace and adjust this operating plan as necessary with conditions in the county.
5. Judges may conduct in-person hearings, both jury and non-jury, subject to being conducted in accordance with these Minimum Standard Health Protocols.
6. To conduct in-person jury proceedings, all courts must obtain prior approval, including a prior approved schedule, from the administrative District Judge for proceedings conducted in the primary Courthouse or at locations away from the Courthouse and, additionally from the County Judge, in the case of jury trials to be conducted in the Courthouse Annex of the County or away from the Courthouse Annex as applicable.
7. Remote jury proceedings may be conducted without the consent of the parties-except in jailable criminal cases-as long as the trial court considers on the record any objections or motions related to proceeding with the remote jury proceeding at least seven days before the proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding and ensures that all potential and selected petit jurors have access to technology to participate remotely.
8. Judges will determine whether witnesses in proceedings have COVID-19-related issues. To the degree constitutionally permissible, judges should permit witnesses to testify remotely via videoconference, especially if that witness has symptoms of a recent positive test for COVID-19, has recently been exposed, or is vulnerable to contracting COVID-19.

## 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: Judges and Court Staff will self-monitor for COVID-19 symptoms, daily monitoring body temperature, presence of 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 had known close contact with a person confirmed to have COVID-19. Judges or Court Staff exhibiting any of the symptoms noted or measuring temperatures equal to or greater than 99.6 degrees F shall notify the Judge or more immediate superior immediately and arrange for COVID-19 testing with 24 hours of the onset of symptoms.
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.
4. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.
5. Protective Measures: Hand sanitizer and facilities for hand-washing shall be available to the Judges and all Court Staff and shall be utilized at the discretion of the Judge or Court Staff according to the individual's timing and discretion. Court staff shall monitor all person entering the courtroom for business and see that all rules are being followed by such persons.

### Scheduling

1. The following court schedules are established to reduce occupancy in the court building: All civil and criminal dockets except for criminal jury trials in aailable case and other cases which are required to be conducted in person under applicable law or Orders of the Texas Supreme Court, may be held remotely via Zoom or telephonic conferencing. unless a litigant or other court participant disabled or is otherwise unable to successfully participate in a remote hearing for reasons for lack of technology or other reasons beyond the control of the Judge Presiding. If a hearing cannot be conducted remotely for these reasons, the Judge may require a hearing in person, with the number of persons permitted in the Courtroom for any purpose limited to 10 persons. Persons participating in court proceedings shall be required to wear non-surgical face masks during the proceedings. Spectators will also be required to wear non-surgical face masks while in the Courtroom. All persons, whether participants in proceedings or spectators are required to maintain a distance of six feet between themselves and the nearest person, with such exceptions as may be granted by the Court.

For jury proceedings, the trial court must consider on the record any objection or motion related to continuing the jury proceeding at least seven days before the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding. Additionally, the trial court must establish communication protocols to ensure that no court participants have tested positive for COVID-19 within the previous 10 days, have

had symptoms of COVID-19 within the previous 10 days, or have had recent known exposure to COVID-19 within the previous 14 days.

For jury proceedings, the trial court must include with the jury summons information on the precautions that have been taken to protect the health and safety of prospective jurors and a COVID-19 questionnaire to be submitted in advance of the jury selection that solicits from prospective jurors information about their exposure and vulnerability to COVID-19. Further, on request from a prospective juror, the trial court must excuse or reschedule any prospective juror who provides information confirming his or her COVID-19 infection or exposure or his or her prospective vulnerability to COVID-19.

Judges should limit docket sizes to ensure that adequate social distancing is maintained in the courtroom, in areas around the courtroom, and in the courthouse.

### **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 in-person 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 in-person court proceedings will be accommodated by permitting testimony of such persons by affidavit or deposition, providing non-surgical face masks to such persons and by making available hand sanitizers to such persons.

### **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 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.
3. Each restroom will be evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including breakrooms and snack rooms, will be closed to the public, when court proceedings are in progress.

### **Gallery and Well of the Courtroom**

5. The maximum number of persons permitted in the gallery of each courtroom will be determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
6. The gallery of the courtroom will be marked to identify appropriate social distancing in the seating. Seating is limited to every other row.
7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating will be arranged in such a way so that there is social distancing of at least 6 feet between each space.

### **Hygiene**

1. Hand sanitizer dispensers will be placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Tissues will be 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" will be posted in multiple locations on each floor of the court building.

### **Screening**

1. When individuals attempt to enter the court building during scheduled court dockets, courthouse 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 during a scheduled court docket, courthouse staff 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 non-surgical mask and latex or plastic gloves.

### **Face Coverings**

1. All court participants or individuals entering the courtroom or court-related offices will be required to wear cloth face coverings 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.

2. Court participants who may need to lower their face masks to speak for a short period of time are required to wear a face shield. When speaking, a court shall permit a court participant to lower his or her mask so long as a face shield is worn and the person speaking is immobile.
3. 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.
4. 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 24 hours.
2. Court building cleaning staff will clean the courtrooms between every hearing, 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.

### **Summoning Jurors**

1. Courts must include with juror summonses information on precautions that have been taken to protect the health and safety of prospective jurors and COVID-19 questionnaires that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
2. Courts should consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons. Courts should liberally grant excuses or reschedule prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone vulnerable to COVID-19.
3. Courts should consider conducting voir dire remotely even if the trial portion will be conducted in person.

### **Locations for Jury Selection, Trial and Deliberation**

Courts shall identify appropriate locations for conducting various phases of a jury proceeding that enable adequate social distancing at all phases. Courts shall detail how the court will ensure adequate security at the alternative location.

### **Alternative Jurors**

Courts should select alternate jurors to permit trial to continue in the event of a juror becoming ineligible to serve for a reason related to that person's exposure to or contraction of COVID-19.

### **Arrangement of the Courtroom**

Courts should modify the way in which courtroom participants, including the public, will be arranged in the courtroom. Special attention should be paid to placement of witnesses and parties so that jurors, the judge and attorneys can see the witnesses and parties during testimony. Special attention should be paid to placement of evidence presentation displays so that jurors and witnesses can see the information being displayed. Courts should plan to spaces where a judge can have a sidebar or private conversations with jurors and counsel.

### **Microphone Protection Protocols**

Courts shall limit, to the degree possible, the shared use of microphones during the jury proceeding. If a microphone must be shared, court should limit the passing of the microphone unless the microphone is cleaned between each user. In addition, disposable microphone covers should be placed on the shared microphones and changed between each user.

### **Exhibit/Evidence Management**

Courts shall 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. When physical or paper exhibits/evidence is required, courts should reduce the exchange of that exhibit/evidence to the number of persons necessary and should limit passing the exhibit/evidence to the individual members of the jury. If an exhibit/evidence is required to be transferred from person to person, single use gloves should be worn and discarded immediately after handling the exhibit/evidence.

During jury deliberation, courts should 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, court should consider limiting the transfer of the exhibit/evidence from juror-to-juror by spreading the exhibits/evidence on a table for inspection from the table in the jury deliberation room.

### **Food**

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

### **Other**

There will be meetings between the District Judge and the County judges to assure that adjustments are made as necessary to ensure public health and safety.

Date:30 March 2021



Local Administrative District Judge