



COVID-19 Operating Plan for the Tom Green County Judiciary After March 10, 2021

Recognizing the need to continue to ensure the health and safety of litigants, jurors, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the Courts of Tom Green County, those Courts will continue to practice the following protective measures:

I. Hearings and Non-Jury Trials

General

1. "Court buildings," as used herein, means the Tom Green County Courthouse, the Judge Michael D. Brown Justice Center, and any other Tom Green County building which houses a Justice of the Peace, their courtroom or their court staff. The Municipal Court for the City of San Angelo is not addressed in this order.
2. "Courthouse Security," as used herein, means those persons who are employed by (and under the direction of) the Tom Green County Sheriff's Department and assigned to the Courthouse Security detail. Bailiffs and Constables are not Courthouse Security.
3. "Court Staff," as used herein, means Court Administrators, Court Reporters, Bailiffs, and Constables (when acting as Bailiffs).
4. All Judges will strive to assure that all persons comply with the rules set forth herein.
5. All Judges will use reasonable efforts to conduct proceedings remotely unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control. Courts who need technical assistance with remote proceedings may contact the Office of Court Administration at zoomhelp@txcourts.gov.
6. **No Judge shall conduct an in-person hearing (and any hearing that occurs shall be conducted remotely) when the percentage of positive PCR tests for COVID-19 in Tom Green County within the past seven (7) days equals 10% or greater of the total number of tests administered in the county.** www.cosatx.us/COVID19.
7. Upon request and good cause shown, Judges are required to permit any court participant, other than a juror, to participate remotely in any proceeding, subject to constitutional limitations.

8. The Local Administrative District Judge will adjust this operating plan as made necessary by conditions within Tom Green County and/or whenever it is deemed necessary to do so to best provide for the health and safety of the public, the court staff, the attorneys, and the litigants.

Judge and Court Staff Health

1. The Judge of each court should encourage their Court Staff to perform the essential functions of their job remotely whenever possible and feasible.
2. The Judge of each court should take precautions to ensure that they and their Court Staff do not enter the courthouse when there is a likelihood that they may have COVID-19 or have been recently exposed to COVID-19, and should take reasonable steps to protect Court Staff from contracting COVID-19.
3. The Judge of each court will be responsible for monitoring themselves and their Court Staff to assure that they practice social distancing and appropriate hygiene at all times.
4. It is recommended that Judges and Court Staff wear face coverings when going to and from their offices, and when in situations that require close contact with others. At the discretion of the Judge, and when appropriate and practical, properly installed acrylic/Plexiglas shields may be substituted for masks in court offices and courtrooms.

Vulnerable Individuals

1. Vulnerable individuals include those over age 65 and individuals with serious, underlying health conditions such as: high blood pressure, chronic lung disease, diabetes, obesity, and asthma; and individuals whose immune systems are compromised by illness, medication, or chemotherapy.
2. The Judge of each court will make every reasonable effort to accommodate members of vulnerable populations who are scheduled for court. Those accommodations may include - but are not limited to - allowing persons to appear remotely, allowing persons to testify by affidavit or deposition, scheduling a person's appearance when court occupancy is at a minimum, and allowing the person a continuance when other accommodations are not appropriate or practical.
3. All notices of in-person court settings should notify vulnerable individuals (and those who live with or are caregivers for vulnerable individuals) of their ability to contact the court, identify themselves as a vulnerable individual, and receive accommodations.\

Witnesses

1. The Judge of each court should inquire whether witnesses to proceedings have COVID-related issues. To the degree constitutionally permissible, judges should permit witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVID- 19, has been recently exposed, or is vulnerable to contracting COVID-19.

Scheduling

1. All Judges should confer and work together, as necessary, to reduce occupancy in court buildings and limit contact between staff, attorneys and litigants.
2. Before an in-person hearing may be held in any court building that houses more than one court facility, each Judge in that court building must work together to prepare an *In-Person Proceedings Schedule* that must be submitted to, and approved by, the Local Administrative District Judge. The *In-Person Proceedings Schedule* should minimize occupancy and ensure that the number of persons in the court building are able to adequately social distance while in the courtroom and public spaces of the building.
3. The District Courts have conferred and determined that each District Court will hold in-person hearings during their alternating, assigned jury week. During those months that have five (5) weeks (with one week not specifically assigned to any court), the District Judges will confer prior to setting any in-person hearings during the unassigned week to assure that they comply with these orders.

Screening

1. When an individual enters a Tom Green County court building, Courthouse Security personnel will take their temperature utilizing an infrared/temporal thermometer, ask if they have had or been exposed to COVID-19 within the last 14 days, and ask if they currently exhibit any symptoms of COVID-19 (fever, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, loss of taste or smell, congestion or runny nose, nausea or vomiting, and diarrhea). Individuals whose temperature equals or exceeds 100°F or who answer “yes” to any of the aforementioned questions will be refused admittance to the court building.
2. Inmates or detainees being transported from a jail or a juvenile facility to any court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates or detainees with symptoms or a temperature equal to or above 100°F will not be transported to any court building.
3. Staff who are screening individuals entering the court building will be provided (and encouraged to utilize) personal protective equipment.

Social Distancing

1. "Social Distancing," as referred to in this plan, means a minimum distance of six (6) feet (diameter) between an individual and any other person.
2. Courts should consider how to ensure distancing in public common areas, galleries of courtrooms, wells of the courtroom, hallways, elevators, restrooms, or other locations where the public might gather.

a. Gallery

- i. The maximum number of persons permitted in each courtroom should be determined and posted. The maximum capacity of the courtroom should be monitored and enforced by the Bailiff (or any other appropriate person designated by the Judge). However, each Judge will have the discretion to limit the number of persons permitted in their courtroom to a number that is less than the maximum in order to minimize contact and reduce exposure.
- ii. The gallery of the courtroom should be marked to clearly identify available seating pursuant to these social distancing guidelines. Seating should be limited to every other row.

b. Well

- i. To the extent possible, the counsel tables, witness stand, judge's bench, and seating for the clerk, court reporter, and bailiff - in each courtroom - will be arranged to insure appropriate social distancing between all persons.
3. 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.
4. Special attention should be paid by courts to ensure adequate social distancing and managed exits of individuals during breaks, especially when dismissing large groups of people for a break.

Hygiene

1. All persons are encouraged to utilize the hand sanitizer dispensers that have been placed throughout the Tom Green County court buildings.
2. Tissues should be made available in each courtroom.

Face Coverings

1. All individuals entering any court building will be instructed to (and should) wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them. If the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Court participants who may need to lower their face mask to speak or for a short period of time should be required to wear a face shield. When speaking, a court should permit a court participant to lower his or her mask so long as a face shield is worn and the person speaking is immobile.

Cleaning

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

II. JURY TRIALS

General

1. All Judges will conduct in-person jury proceedings in accordance with Sections I and II of this COVID-19 Operating Plan.
2. Except for criminal cases (where confinement in jail or prison is a potential punishment), judges are encouraged to conduct remote jury proceedings. Judges may conduct remote jury proceedings in a criminal case where confinement in jail or prison is a potential punishment only with appropriate waivers and consent obtained on the record from the defendant, the defense counsel, and the prosecutor.
3. “Jury proceeding” and “jury trial” as used herein, shall include jury qualification and selection, voir dire, and the full trial of a matter.

Jury Proceeding Approval Process

1. Judges wishing to conduct a jury proceeding will follow the procedure detailed below to obtain approval to proceed with the jury proceeding from the Local Administrative District Judge:
 - a. Not more than 7 days before an in-person jury proceeding is scheduled to occur, the Judge presiding over that jury trial shall determine whether the percentage of positive PCR tests for COVID-19 in Tom Green County within the past seven (7) days equals 10% or greater of the total number of tests administered in the county. **If so, the jury trial shall be cancelled.**
 - b. Not less than 5 days before an in-person jury proceeding is scheduled to occur, the Judge presiding over that jury trial shall inform the Local Administrative District Judge, in writing, whether or not the trial will occur. If the trial will occur, then that writing should also certify that all prerequisites and requirements of this Operating Plan have been met.
 - c. If all prerequisites and requirements have been met, the Local Administrative Judge will approve the in-person jury proceeding.
 - d. Notwithstanding any other requirement herein, any in-person jury proceeding may be cancelled by the Local Administrative Judge if notice is received from the Local Health Authority that it is not safe to proceed.

Hearings on Objections or Motions Related to Proceeding

1. Parties who are scheduled for a jury trial shall make any objections or motions related to the proceeding at least 10 days prior to the trial setting.
2. Any objections or motions related to proceeding with a jury trial will be heard by the judge presiding over the case at least seven days prior to the jury trial or as soon as is practicable (if the objection or motion is made or filed within seven days of the jury trial).

Communication Protocols

1. Each judge with an in-person jury proceeding will require the parties to communicate with the court if any participant in the jury proceeding (including attorneys, parties, attorney support staff, or witnesses) currently has symptoms of COVID-19, has tested positive for COVID-19 within the 14 days prior to the beginning of any portion of the jury proceeding, or has had recent known exposure to COVID-19.
2. If the in-person jury proceeding involves an incarcerated participant, the judge will require the sheriff to report any positive COVID-19 test of the incarcerated participant within the 14 days prior to any portion of the jury proceeding, any current symptoms of COVID-19, or any recent known exposure to COVID-19.

Scheduling

1. A judge who obtains approval for an in-person jury proceeding will schedule no more than ten cases for that jury trial setting, unless pre-approval for larger dockets is obtained from the Local Administrative District Judge.
2. Judges should attempt to alert parties who will not be proceeding prior to the day of trial to reduce attendance at the court facility.

Summoning Jurors

1. The jury clerk must include with in-person juror summonses information regarding precautions that have been taken to protect the health and safety of prospective jurors and COVID questionnaires that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
2. Judges will consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons.
3. Excuses or requests to reschedule from in-person, prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone who is vulnerable to COVID-19, will be liberally granted.

Location for Jury Selection, Trial, and Deliberation

1. The Justice Courts have not been addressed herein-below as three of the four courts have informed the Local Administrative District Judge that they do not intend, or are not able, to conduct in-person jury trials under the current restrictions set forth in this order. Prior to conducting an in-person jury trial, the Judge of the court will provide a plan setting out the location for jury selection and deliberation, the location of trial, and certifying that they have complied with all other requirements set forth in this Operating Plan.
2. As set forth in the minutes from the regular session of the Tom Green County Commissioners' Court on December 15, 2020, the Commissioners have approved and authorized The Sugg Community Meeting Room of the Stephens Central Library and the Tom Green County Commissioners' Court as auxiliary court locations for calendar year 2021.

3. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:
 - a. Jury and Grand Jury Qualification and Selection (see **Attachment A**):
 - i. Courtroom A in the Tom Green County Courthouse, 112 W. Beauregard, San Angelo, Tom Green County, Texas 76903;
 - ii. The Sugg Community Meeting Room on the Third Floor of the Stephens Central Library, 33 W. Beauregard, San Angelo, Tom Green County, Texas 76903;
 - iii. The Tom Green County Commissioners' Courtroom in the Edd B. & Frances Frink Keys Building, 111 W. Beauregard, San Angelo, Tom Green County, Texas 76903.
 - b. Voir Dire (see **Attachment A**):
 - i. Courtroom A in the Tom Green County Courthouse, 112 W. Beauregard, San Angelo, Tom Green County, Texas 76903;
 - ii. The Sugg Community Meeting Room on the Third Floor of the Stephens Central Library, 33 W. Beauregard, San Angelo, Tom Green County, Texas 76903;
 - iii. The Tom Green County Commissioners' Courtroom in the Edd B. & Frances Frink Keys Building, 111 W. Beauregard, San Angelo, Tom Green County, Texas 76903.
 - c. Trial (see **Attachment B**):
 - i. Courtroom A in the Tom Green County Courthouse, 112 W. Beauregard, San Angelo, Tom Green County, Texas 76903;
 - ii. County Court at Law courtroom in the Judge Michael D. Brown Justice Center, 122 W. Harris Ave., San Angelo, Tom Green County, Texas 76903;
 - iii. County Court at Law 2 courtroom in the Judge Michael D. Brown Justice Center, 122 W. Harris Ave., San Angelo, Tom Green County, Texas 76903;
 - d. Jury Deliberation (see **Attachment C**):
 - i. The Grand Jury Room or Courtrooms B, C, or D in the Tom Green County Courthouse, 112 W. Beauregard, San Angelo, Tom Green County, Texas 76903;
 - ii. Child Support Court courtroom in the Judge Michael D. Brown Justice Center, 122 W. Harris Ave., San Angelo, Tom Green County, Texas 76903;
4. The trial judge will review the security protocols at the location(s) for their jury proceedings with the appropriate courthouse security personnel and assure that they are adequate for the proceeding.

Screening

1. All court participants and observers attending an in-person jury proceeding will be screened for elevated temperatures and will be questioned to determine if the individual has recently had symptoms of COVID-19 or been exposed to COVID-19.
2. The trial judge will be responsible for arranging for personnel to staff the screening station(s).

3. All participants in a trial who are incarcerated will be screened by the jail/prison prior to transport to the courtroom and any known exposure, symptoms, or COVID-19 positive test results within the past 14 days will be reported to the judge presiding over the jury trial prior to the transport of the participant to the courtroom.
4. The trial judge will be responsible for making sure that the jail/prison is aware of, and has complied with, the requirements of number three (3) above.

Face Coverings

1. All persons entering the common areas of a courthouse, including a courtroom or any other location being used to conduct a jury trial, will be required to wear a face covering at all times unless the person is an individual that is not recommended to wear a mask by the Centers for Disease Control or the Texas Department of State Health Services.
2. All court participants will be required to wear face coverings from jury qualification through the end of trial.
3. Court participants who may need to lower their face mask to speak or for a short period of time will be required to wear a face shield. When speaking, judges will permit a court participant to lower his or her mask so long as a face shield is worn and the person speaking is immobile.

Social Distancing

1. Social distancing of all court participants and observers will be maintained at all times during the jury proceeding, including during the trial and deliberation.
2. Special attention will be paid by courts to ensure adequate social distancing and managed exits of individuals during breaks, especially when dismissing large groups of people for a break.

Alternate Jurors

Each judge with an approved in-person jury proceeding will be encouraged to consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming ineligible to serve for a reason unrelated to that person's exposure to or contraction of COVID-19.

Arrangement of Courtroom

1. The following descriptions, attached photographs, and/or attached drawings detail how each of the courtrooms or facilities will be arranged during the jury proceeding:
 - a. Jury Qualification and Voir Dire:
 - i. Prospective jurors will be summoned to appear at one of the three (3) locations designated for jury selection above. Prospective jurors will be provided with a map identifying the location to which they have been summoned. The map will also identify locations for parking. The Tom Green County Commissioners have designated the Sugg Community Meeting Room and the Tom Green County Commissioners' Courtroom as auxiliary court facilities.

- ii. Signage will inform prospective jurors that masks are required and that, if they do not have a mask, one will be furnished.
- iii. As prospective jurors approach, they will be met near the entrance by personnel who will conduct the COVID screening as required by the current Operating Plan. All required protocols will be followed, including taking each individual's temperature, asking the "COVID questions," and providing face masks to those who have not brought their own.
- iv. Prospective jurors will then pass through a security checkpoint and be directed to the clerk's desk where their identity will be verified, any additional juror information will be gathered, and they will be informed of their seat number. Prospective jurors will then be directed to pre-marked seating.
- v. Chairs in each jury selection location will be placed six feet apart and each chair will have a disposable number card for identification. Prospective jurors will sit in the chair marked with their corresponding number and will be told to remain in their numbered seat unless otherwise given permission to move. The disposable numbers marking the individual spaces of the prospective jurors will be utilized to identify them during the qualification process.
- vi. Once the panel is seated, general qualifications shall begin as required by law. When hearing individual excuses, exemptions, and questions regarding qualifications, the judge, court reporter, counsel and parties will move to an adjacent room within each of the designated facilities and address prospective jurors one at a time. All persons in the room will wear facemasks and maintain the required social distancing.
- vii. When general qualifications are complete, the clerk will prepare a list of the remaining, qualified, prospective jurors. All remaining jurors will stay in the same chair and maintain the same number. The chairs of those jurors who have been released/excused will remain vacant. *[Alternatively, a trial judge may choose to have all remaining jurors stand, have a cleaning crew disinfect each chair in the room where any prospective juror has been seated, gather and discard the first set of disposable numbers, and assign and issue new numbers to the remaining jurors].*
- viii. The court will then proceed with voir dire. All prospective jurors will be instructed that they are required to wear face masks and remain in their designated seat throughout the duration of the voir dire, unless approved to leave by the trial judge or their designee.
- ix. During the voir dire, any prospective juror that is responding to questions from the attorneys or the court will do so from their seat. In locations where they are available, a cordless microphone may be used.

- x. Upon conclusion of the questioning by counsel; the judge, court reporter, counsel and parties will move to an adjacent room to allow prospective jurors the opportunity to speak more privately to the judge.
 - xi. After voir dire is completed, the attorneys will be allowed to move to an adjacent room to prepare their strike lists.
 - xii. Those who are seated as jurors (and any alternates who have been selected) will be told when and where to report for trial, provided directions to the location, and released.
- b. Trials Generally: All courts will maintain the required social distancing among all participants throughout the entirety of the trial. Cleaning regimens will be followed and all participants will wear face coverings as set forth in this addendum.
- c. Gallery:
- i. 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.
 - ii. Seating shall be limited to comply with social distancing protocols and shall be limited to every other row if social distancing cannot be maintained using every row. Seating stickers have been arranged to mark proper social distancing standards.
 - iii. Jurors will be seated throughout the gallery to ensure proper social distancing.
 - iv. Seating of the general public (observers) in the gallery area will be limited or disallowed as necessary to maintain an appropriate and secure environment for the jury.
- d. Well:
- i. In each courtroom the judge's bench, court reporter seating, bailiff seating, clerk seating, counsel tables, witness seating, and jury seating have been arranged in such a way that there is a distance of at least six (6) feet between each person. Additionally, Plexiglas shields have been installed in some locations to provide additional safeguards.
 - ii. In each of the courtrooms identified for trial, the judge will be seated at the bench.
 - iii. The counsel tables will be spaced apart to allow for social distancing. Counsel tables will face the judge if the witness is at the witness stand; or will face towards the rear of the courtroom if the witness is seated in the jury box.
 - iv. The court reporter will be positioned at least 6 feet from all parties, but her specific placement will be dictated by the location of the witness.
 - v. The witness will be seated at the witness stand or in the last seat of the jury box (closest to the gallery) – whichever works best in each specific courtroom and under the specific circumstances.

- e. Location of Parties and Participants: Although the attached descriptions, photographs, and diagrams may attempt to display the accurate location of the participants at the time of trial, some participants may need to be relocated (ex. Court Reporter) to assure the proper and precise functioning of the court and an accurate and detailed record of the proceedings. If any participant is relocated, they will be relocated in such a way as to maintain proper distancing and assure full compliance with the objectives and purposes of this plan.
- f. Jury Deliberations:
 - i. In all District Court and Child Protective Court trials, the jury will deliberate in the Grand Jury Room. If the Grand Jury Room is unavailable, then the jury will utilize the gallery area of Courtroom B, Courtroom C or Courtroom D. If none of those options is available, the judge may require the court staff, attorneys and parties to remove themselves and all of their materials from the courtroom and the jury would deliberate in the gallery of Courtroom A.
 - ii. In trials held in the County Court at Law or County Court at Law 2, the jury will deliberate in the other CCL Courtroom or in the gallery of the courtroom of the Child Support Court.

Microphone Protection Protocols

1. Judges will limit, to the degree possible, the shared use of microphones during the jury proceeding.
2. If a microphone must be shared, judges will limit the passing of the microphone unless the microphone is cleaned between each user.
3. Disposable microphone covers will be placed on shared microphones and changed between each user.

Exhibit/Evidence Management

1. Judges will 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.
2. When physical or paper exhibits/evidence is required, judges will reduce the exchange of that exhibit/evidence to the number of persons necessary and will limit passing the exhibit/evidence to the individual members of the jury.
3. If an exhibit/evidence is required to be transferred from person-to-person, single use gloves will be provided, worn, and discarded immediately after handling the exhibit/evidence.
4. During jury deliberations, judges will 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, judges will consider limiting the transfer of the exhibits/evidence from juror-to-juror by spreading the exhibits/evidence on a table for inspection from the table in the jury deliberation room.

Witnesses

1. Judges will inquire whether witnesses to the proceedings have COVID-related issues.
2. To the degree constitutionally permissible or with the consent of the parties, judges will permit witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVID-19, has been recently exposed, or is vulnerable to contracting COVID-19.

Food Precautions

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

Cleaning

1. In addition to the requirements of the current Operating Plan, frequent cleaning protocols in the courtrooms and facilities will be maintained throughout the jury proceeding as appropriate.
2. Shared spaces such as witness stands, seating in the gallery, and seating during qualification/voir dire will be cleaned during transitions of those spaces.
3. Seats for members of the jury panel and selected jurors will be assigned to reduce potential transmission and the need for more frequent cleaning.

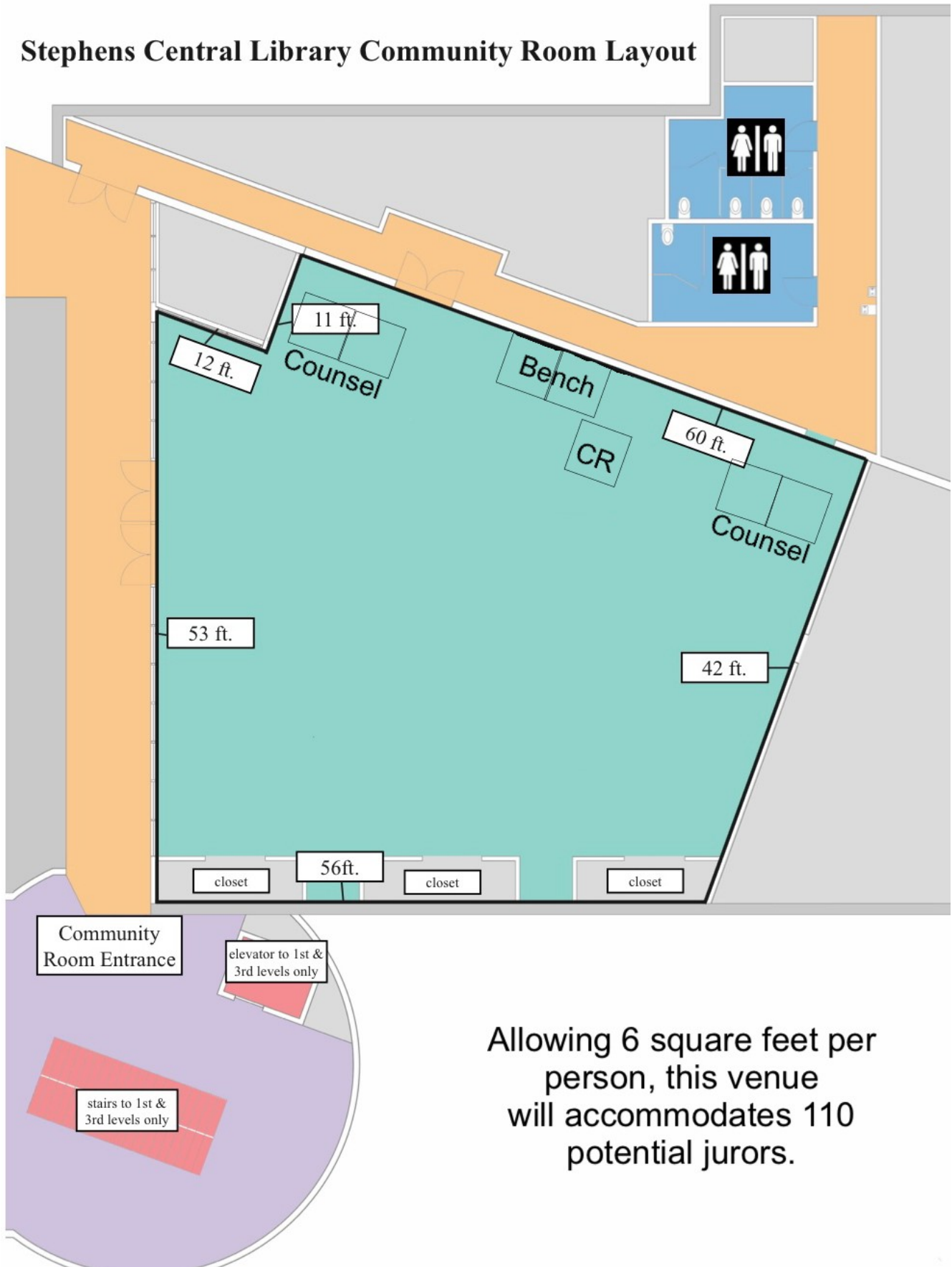
**ANY DISPUTED ISSUES REGARDING THE INTERPRETATION OF THIS PLAN WILL BE
RESOLVED BY THE JUDGE OF THE COURT IN WHICH THE DISPUTE ARISES.**

Date: March 30, 2021


Local Administrative District Judge

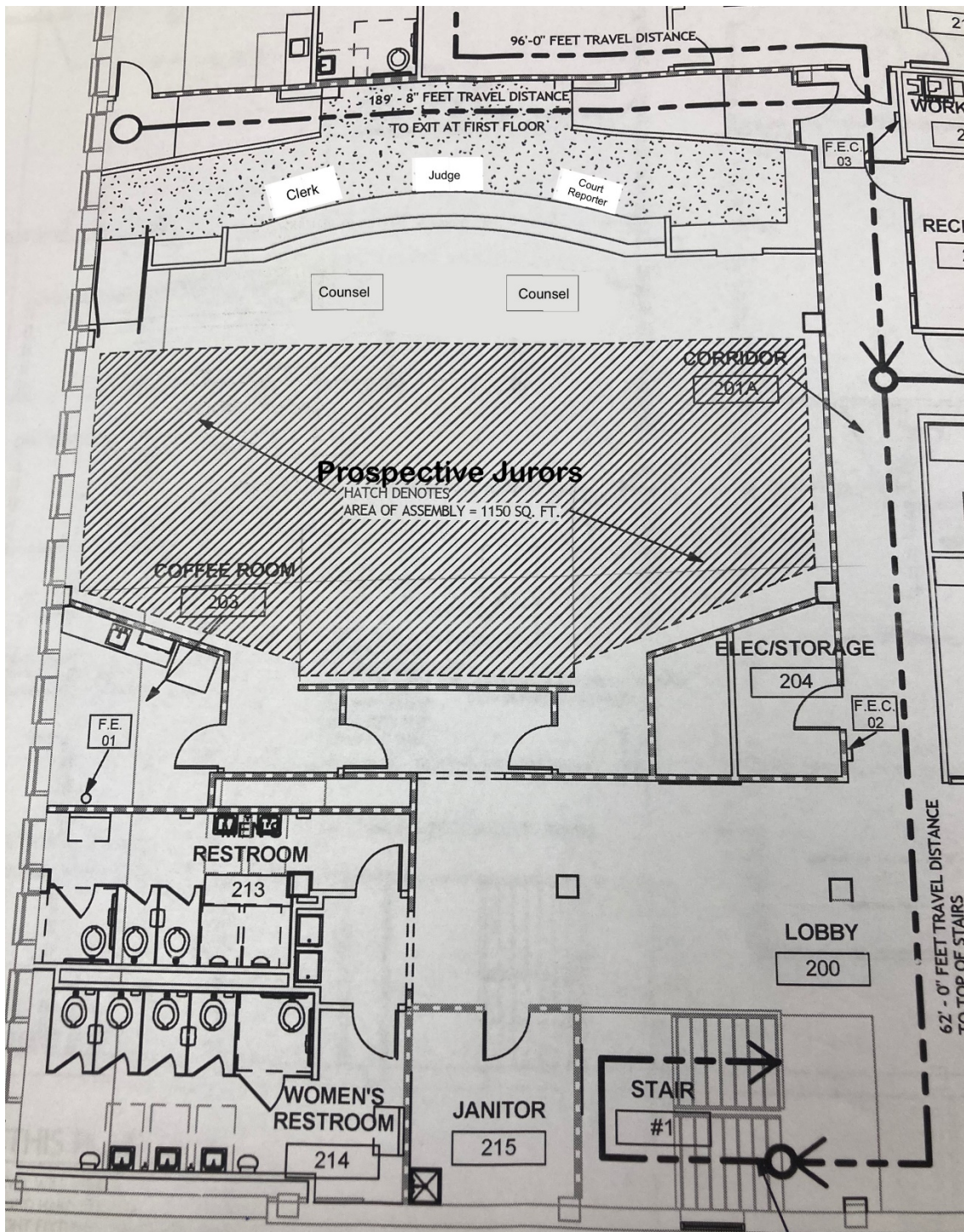
ATTACHMENT A

Stephens Central Library Community Room Layout



Allowing 6 square feet per person, this venue will accommodate 110 potential jurors.

TOM GREEN COUNTY COMMISSIONERS' COURTROOM



Allowing 6 square feet per person, the assembly area will allow for at least 100 people.

ATTACHMENT B

COURTROOM A – TOM GREEN COUNTY COURTHOUSE

WELL AREA



GALLERY AREA



COUNTY COURT AT LAW COURTROOM – JUDGE MICHAEL D. BROWN JUSTICE CENTER

WELL AREA



GALLERY AREA



COUNTY COURT AT LAW 2 COURTROOM – JUDGE MICHAEL D. BROWN JUSTICE CENTER

WELL AREA



GALLERY AREA



ATTACHMENT C

GRAND JURY ROOM – TOM GREEN COUNTY COURTHOUSE



COURTROOM FOR THE CHILD SUPPORT COURT JUDGE MICHAEL D. BROWN JUSTICE CENTER

