

Final Potter County COVID-19 Operating Plan re: All Court Proceedings

On May 4, 2020, COVID-19 guidance¹ from the State Office of Court Administration (State OCA) directed Texas courts to develop an operating plan for all court proceedings. The guidance directs the local administrative district judge (LAJ) in each county to attempt to confer with judges of all courts with courtrooms in county buildings, consult with the County Judge and local health authority, and submit for approval the operating plan to the Regional Presiding Judge (RPJ). **Upon written acknowledgment from the RPJ, that the submitted operating plan meets the critical components required by the State OCA, the courts may then commence in-person proceedings as outlined in this operating plan.**

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 Potter County will implement the following protective measures, superseding all previous local policy or measures instituted:

Operating Plan

General Policy

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.

All judges will continue to use all reasonable efforts to conduct proceedings remotely.

The Local Administrative District Judge will maintain regular communication with the local health authority and County Judge, and, as necessary, adjust this operating plan as necessary.

Following implementation of the operating plan, judges will begin setting non-essential in-person proceedings no sooner than July 1, 2020. If a judge does not fully implement the operating plan, they will not begin setting non-essential in-person proceedings until doing so. Courts who wish to delay non-essential in-person proceedings longer or who are advised to do so by local public health authorities may do so.

Judge and Court Staff Health

Judges and court staff who can perform the essential functions of their job remotely will telework when possible and feasible.

Judges or court staff who feel feverish or have measured temperatures equal to or greater than 100°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.

Judges and court staff will be required to wear face coverings, or be separated by facial screening, or practice social distancing, and practice appropriate hygiene recommendations while in the courtroom. If judges or court staff are working in their offices behind closed doors, they may remove face coverings until required to communicate in-person with other employees, attorneys or the

¹ See Guidance to Courts Regarding All Court Proceedings issued 5/4/2020:
<https://www.txcourts.gov/media/coronavirus-covid-19-court-operation-guidance/>

public. Facial screening may be employed for communication by the public or other persons by the court or staff in lieu of face coverings.

Effective May 1, 2020 through July 1, 2020

Non-essential in-person proceedings of any size MUST be delayed until July 1, 2020, at the soonest.

Courts may require all persons to participate remotely, and will use all reasonable efforts to conduct proceedings remotely, even after June 1, 2020.

Essential proceedings should occur in-person ONLY if holding the proceeding remotely is NOT possible or practicable.

Measure 1	Examples of essential proceedings include: criminal magistrations, CPS removal and adversary hearings, temporary restraining orders, temporary injunctions, motions and writs to enforce existing possession orders, juvenile detention hearings, family violence and other protective orders, and specialty court proceedings.
Measure 2	IF essential proceedings must be held in-person, the court will ensure: <ul style="list-style-type: none">• No more than 10 persons are gathered in the courtroom OR in areas around the courtroom• Participants wear face coverings or be separated by facial screening; and,• Participants in the courtroom are separated consistent with social distancing or screening and other precautions
Measure 3	EXCEPTION: essential proceedings may occur in person in excess of the 10-person maximum if the law requires more than 10 persons for the proceedings, such as grand jury deliberations. Participants will be separated consistent with social distancing and will wear face coverings.

Effective on or after July 1, 2020 or until further updated

All proceedings, whether essential or non-essential, should occur remotely unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control. Courts may need to conduct hybrid² hearings in certain proceedings.

Until further guidance is issued by the State OCA, jury trials must NOT be held.

Scheduling

Requirement: *discuss 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.*

Judges in counties 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.

² A hybrid hearing is a proceeding that accommodates all participants, both those who can appear remotely, and those who are unable to appear remotely but appear in-person.

Measure 1	For District Courts and County Courts-at-Law in Potter County the court coordinators will communicate daily to insure that no more than 1 trial court per floor will conduct in-person hearings at any given time. The courts will set up a framework schedule to help satisfy this requirement. The IV-D Court for the 9 th Administrative Judicial Region and the High Plains Child Protection Court may hold in-person hearings in their area as long as the guidelines are followed.			
Measure 2	All Justice Courts, being located either in different county properties, or on the different floors of the historic Potter County courthouse may conduct in-person hearings at the courtroom as long as the guidelines are followed.			
Measure 3	7 th Court of Appeals will conduct all oral hearings by remote according to the protocol adopted by the Court and will implement staff and justice social distancing, hygiene, and cleaning provisions consistent with the operating plan.			

Vulnerable Populations

Requirement: *discuss 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.*

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.

Measure 1	Each judge will identify on orders setting hearings, docket notices, calendar invites, jury summons, once resumed and in other communications the criteria for determining if a person is a member of a vulnerable class and notifying individuals who are in vulnerable populations or their caregivers of the ability to contact the court to identify themselves as a vulnerable individual and be excused from attendance or otherwise receive accommodations. A notice with this information as well as identifying the criteria for determining vulnerable status will be posted on the courts' websites and in conspicuous locations around the court buildings.
Measure 2	If court personnel receive notice that an individual in the vulnerable population or is a caregiver of a vulnerable person has been scheduled for a court proceeding, court personnel will accommodate the individual by 1) allowing them to participate in the proceeding remotely via Zoom, or, 2) if the individual must appear in-person, court personnel will set up a separate room for the individual to participate in the hearing remotely via Zoom.

Social Distancing

Requirement: *discuss how the courts will ensure that adequate social distancing of at least 6 feet will be maintained for all individuals not within the same household who may be in a courthouse.*

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.

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.

Measure 1	County will measure the seating areas in all hallways. County will then apply markings at least 6 feet apart on each seating area indicating where individuals in the halls may sit.
Measure 2	County will place signage, in English and Spanish, about the social distancing policy throughout the courthouse. At minimum, signage will be placed outside the doors of each courtroom and seating areas inside the courtroom.
Measure 3	County will measure the length of seating area in each courtroom.
Measure 4	County will apply markings at least 6 feet apart on each seating area indicating where court participants may sit. Courtrooms containing multiple rows of seating will have markings staggered, so that court participants are not sitting directly behind or directly in front of another participant.
Measure 5	If there is not adequate space for seating or standing to ensure adequate social distancing, Court staff will ask parties for their cell phone number and then ask them to return to their vehicles until their case is ready to be heard. Court staff may also direct parties to other areas of the courthouse where adequate social distancing exists.
Measure 6	County will post signage to permit no more than four individuals NOT from the same household in every courthouse elevator.
Measure 7	County will post signage to only permit two individuals in any county restroom.
Measure 8	County will close, to the public, common areas such as attorney conference rooms, break rooms and snack rooms.
Measure 9	County will determine and post the maximum number of persons permitted in the courthouse, as well as the well and gallery, if any, of each courtroom. The maximum capacity of the courthouse and of each courtroom will be monitored and enforced by court staff and courthouse security.
Measure 10	County will mark the gallery and jury boxes, if any, of each courtroom to insure social distancing of at least 6 feet.
Measure 11	In each courtroom, the counsel tables, attorney and client, witness stand, judge's bench, 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. Communication between counsel and client or attorney staff will be conducted by written means. Each court will maintain adequate writing materials to effectuate this requirement. All courtrooms will have on hand adequate hand hygiene dispensers for participants and other attendees.
Measure 12	Court reporter, bailiff, judge and attorneys will be protected by facial screening or masks. Witness will be protected by facial screening allowing all participants to view witness for demeanor, physical interaction and expression. Members of the public, attorneys, attorney’s staff members, witnesses when not testifying, and all other attendees will wear masks except when testifying or protected by facial screening. . Refusal to wear a mask will be cause for immediate removal by the bailiff or sheriff’s deputy.
Measure 13	Smoking will be permitted in designated areas outside the courtroom with the area marked off for 6 feet social distancing. No more than 6 individuals will be permitted in the designated smoking area at one time.
Measure 14	Unless otherwise ordered by a Court, all hearings involving individuals who are incarcerated in the Potter County Detention Center, the Randall County Jail facility, or the Youth Center of High Plains will be conducted by remote means until further notice.

Hygiene	
Requirement: <i>discuss how the courts will ensure that individuals in the courthouse will have access to supplies to maintain high levels of hygiene.</i>	
<i>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.</i>	
<i>Courts should ensure that tissues are available for public use in courtrooms and other public areas.</i>	
Measure 1	County will place hand sanitizer dispensers in each courtroom on the judge’s bench, at counsel tables, witness stand, jury box and on the bar. If quantities are limited, dispensers will be placed on the judge’s bench and on the bar.
Measure 2	LAJ will inform local bar associations and private defender’s office to recommend attorneys bring private hand sanitizer dispensers and tissue travel packs as well as masks, gloves and writing materials as needed for personal and staff use when at the courthouse.
Measure 3	County will post Department of State Health Service’s “Stop the Spread of Germs Flyer” in multiple locations throughout court buildings.
Measure 4	Each court will be equipped with sufficient masks approved by the CDC for covering mouth and nose. Nitrile, vinyl or other sufficiently hygienic gloves will be maintained and distributed by court personnel upon request. Courts will maintain writing materials for client to attorney communication.

Measure 5	Court will have available hand sanitizer to be utilized by persons who handle exhibits, documents, or other items after handling the item
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Screening

Requirement: *discuss how the courts will ensure screening of all individuals entering the courthouse or courtroom areas.*

Individuals feeling feverish or with measured temperatures equal to or greater than 100 degrees Fahrenheit, or with new or worsening signs and 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.

Special attention should be given to how inmates from jail facilities who may be transported to a courtroom will be screened, including consideration of a lower threshold temperature of 99.6 degrees Fahrenheit as an indicator of symptoms.

Screeners will be provided appropriate face protection and gloves by county.

Measure 1	Courthouse security perform screening at courthouse entry point. Each courthouse will ensure that persons may enter at only one entry point. Security will be provided the necessary Personal Protection Equipment (PPE). Security will log every individual's temperature using a no-touch infrared thermometer and responses to inquires about signs or symptoms of COVID-19. Individuals exceeding the temperature threshold of 100.0F or showing or reporting signs or symptoms of COVID-19 will not be permitted entrance to the courthouse. A notice concerning COVID-19 symptoms will be posted outside the courthouse. Screeners will wear vinyl gloves and N-95 facial masks.
Measure 2	Sheriff's office staff perform screening at the detention center prior to transporting inmates to a courtroom. Inmates exceeding 100.0F or showing or reporting signs or symptoms of COVID-19 will not be transported to a courtroom.
Measure 3	County Judge will remind local media of screening policy, requesting release to their viewers or readers.
Measure 4	County will employ a social distance monitor or empower existing employees to ensure that persons utilizing the facility are maintaining proper distances
Measure 5	County will place the policy on official website.

Face Coverings

Requirement: *discuss how the courts will ensure face coverings over the nose and mouth are worn.*

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.

Measure 1	LAJ will inform local bar associations to require attorneys wear personal face coverings when coming to courthouse for any business.
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Measure 2	LAJ will inform local bar associations to require that attorneys inform clients to wear personal face coverings when coming to courthouse for any business.
Measure 3	County will post a notice on the courthouse door that all persons doing business within the courthouses will be required to wear suitable facial mask that covers both mouth and nose.
Measure 4	County will place policy on official website.
Measure 5	County will require all individuals entering the court buildings to wear face coverings at all times except court and staff while in their respective offices.
Measure 6	If an individual arrives without a face covering, county will provide a face covering if supply is available
Measure 7	Each courtroom will be equipped with facial masks
Measure 8	Persons who refuse to wear facial mask will be escorted from the building
Measure 9	Judges, staff and other county personnel will be given training concerning the proper placing of masks, the avoiding of touching the mask with hands, and other essential information on use of the mask and gloves, if used.

Cleaning	
Requirement: <i>discuss how the courts will ensure frequent and appropriate cleaning of surfaces in and around courtrooms and common areas.</i>	
<i>Sanitizing should be routinely and more regularly performed, including when a transition in participants occurs within a courtroom (i.e. between hearings).</i>	
Measure 1	Facilities Maintenance staff clean public restrooms at least every 1 or 2 hours of the work day. Facilities Maintenance or court staff will clean used courtrooms after each individual hearing. Such staff will be provided with appropriate PPE and COVID effective cleaning products. Maintenance will thoroughly clean courtrooms after the close of each day's activity and before court begins again the next court day.
Measure 2	Court personnel (judge, coordinator, court reporter, bailiff, etc.) in the courtroom throughout the day will frequently clean their individual workspace and all affected areas of the courtroom after each hearing with antibacterial cleaner approved by the Center for Disease Control. Facilities Maintenance will train court staff in the proper cleaning technique
Measure 3	The Facilities Maintenance staff will consult with local health authorities and train court personnel on proper cleaning techniques. Custodial crews will use disinfectant materials recommended by the Center for Disease Control. Facility Maintenance staff will utilize fogging machines nightly.

Local Administrative District Judge Acknowledgment

Either directly and/or through the County Judge, I attempted to confer with all judges of the courts with courtrooms in county buildings in Potter County regarding this operating plan. In developing the operating plan, the local health authority and County Judge were also consulted. I and the County Judge, will ensure judges of courts with courtrooms in county buildings in Potter County covered by this operating plan will conduct proceedings consistent with the operating plan.

Douglas R. Woodburn
Local Administrative Judge, Potter County