

Randall County COVID-19 Operating Plan re: All Court Proceedings

Randall County Justice Center

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 for the Randall County Justice Center (the Randall County Finance Building and Randall County Annex will be the subject of a separate 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 Randall County will implement the following protective measures, superseding all previous local policy or measures instituted for the Randall County Justice Center:

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, practice social distancing, and practice appropriate hygiene recommendations. If judges or court staff are working in their offices behind

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

closed doors, they may remove face coverings until required to communicate in-person with other employees, attorneys or the public.

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 July 1, 2020.	
Essential proceedings should occur in-person ONLY if holding the proceeding remotely is NOT possible or practicable.	
	Examples of essential proceedings include: criminal magistrations, CPS removal and adversary hearings, temporary restraining orders, temporary injunctions, juvenile detention hearings, family violence and other protective orders, and specialty court proceedings.
	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; and, • Participants in the courtroom are separated consistent with social distancing and other precautions
	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.	

<p>For Courts in the Randall County Justice Center the court coordinators will communicate daily to insure that no more than 3 of the 5 trial courts will conduct in-person hearings at any given time. The courts will set up a framework schedule to help satisfy this requirement. The Probate Court may hold in-person hearings at the Justice Center in their area as long as the guidelines are followed.</p>	
	For Courts in the Randall County Annex the court coordinators will communicate daily to insure that only one Justice of the Peace Court will conduct in-person hearings at any given time. The

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.

	Child Protection Court, due to the essential subject matter, may conduct in-person hearings as needed as long as the guidelines are followed.
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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 include information on orders setting hearings, docket 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 buildings.
Measure 2	If court personnel receive notice that an individual in the vulnerable population 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.
Measure 3	LAJ will inform local bar associations to recommend attorneys include language pertaining to vulnerable populations in any Order, Notice, or other relevant pleading or correspondence.

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 hallways with courtrooms. County will then apply markings at least 6 feet apart on each seating area indicating where individuals in the halls may sit.
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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, including the gallery and jury box, and 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 4	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 5	County will post signage to only permit four individuals in an elevator.
Measure 6	County will post signage to only permit two individuals in any county restroom.
Measure 7	County will close, to the public, common areas such as smoking areas, break rooms and snack rooms.
Measure 8	County will determine and post the maximum number of persons permitted in the gallery, if any, of each courtroom. The maximum capacity of each courtroom will be monitored and enforced by court staff and courthouse security.
Measure 9	In each courtroom, the counsel tables, 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 or shields will be placed to provide adequate protection. 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 sanitizer dispensers for participants and other attendees.
Measure 10	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, attorneys 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 11	Unless otherwise ordered by a Court, all hearings involving individuals who are incarcerated in the Randall County Jail, Potter County Detention Center, or the Youth Center of the High Plains will be conducted by remote means until further notice.

Hygiene

Requirement: *discuss how the courts will ensure that individuals in the courthouse will have access to supplies to maintain high levels of hygiene.*

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.

Courts should ensure that tissues are available for public use in courtrooms and other public areas.

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. Hand sanitizer will be provided to anyone required to handle exhibits, documents, or other items.
Measure 2	LAJ will inform local bar associations to recommend attorneys bring private hand sanitizer dispensers and tissue travel packs for personal 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.

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 will perform screening at courthouse entry points. Security will be provided the necessary Personal Protection Equipment (PPE). Security will take every individual’s temperature using a no-touch infrared thermometer and will require 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. 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 will perform screening at the detention center prior to transporting inmates to a courtroom. Inmates exceeding 99.6F 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 place policy on official website.
Measure 5	LAJ will inform local bar associations to recommend attorneys advise clients, witnesses and staff of the screening that will be required of anyone entering the courthouse.

Face Coverings	
Requirement: <i>discuss how the courts will ensure face coverings over the nose and mouth are worn.</i>	
<i>Cloth face coverings, at a minimum, should be required of individuals while in the courthouse.</i>	
<i>Should an individual be in the courthouse for lengthy periods of time, non-medical grade face masks should be considered.</i>	
Measure 1	LAJ will inform local bar associations to require attorneys bring personal face coverings which are approved by the CDC and cover the face and nose when coming to courthouse for any business. For information concerning CDC approved facial coverings https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html
Measure 2	LAJ will inform local bar associations to require that attorneys inform clients to bring personal face coverings which are approved by the CDC and cover the face and nose when coming to courthouse for any business.
Measure 3	County will place policy on official website and will post a notice on the courthouse door that all persons doing business within the courthouses will be required to wear suitable facial mask which are approved by the CDC and covers both the mouth and nose.
Measure 4	County will require all individuals entering the court buildings to wear face coverings at all times. Masks must at all times cover the mouth and nose. Persons who refuse to wear a facial mask will be escorted from the building.
Measure 5	If an individual arrives without a face covering, county will provide a face covering and the county will equip each court building with sufficient quantities of masks.
Measure 6	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 the use of masks 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 2 hours of the work day. Facilities Maintenance or court staff will clean used courtrooms at least between each individual hearing. Such staff will be provided with appropriate PPE

	and COVID effective cleaning products. Facilities Maintenance will thoroughly clean courtrooms after the close of each day’s activity and before the court begins again the next day. Throughout the building particular attention will be paid to frequently touched surfaces such as door knobs, light switches, bathroom fixtures, telephones, copiers, and the like.
Measure 2	Court personnel (judge, coordinator, court reporter, clerk, 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 CDC. Facilities Maintenance will train staff and/or contractors in the proper cleaning technique.
Measure 3	Facilities Maintenance staff will consult with local health authorities and use disinfectant materials recommended by the Center for Disease Control. If appropriate, Facility Maintenance will utilize fogging machines when cleaning.

Local Administrative District Judge Acknowledgment

I have conferred with all judges of the courts with courtrooms in the Randall County Justice Center building in Randall County regarding this operating plan. In developing the operating plan, the local health authority and County Judge were also consulted. I will ensure judges of courts with courtrooms in the Randall County Justice Center and Randall County Annex covered by this operating plan will conduct proceedings consistent with the operating plan (the Randall County Finance Building and Randall County Annex which also contain courtrooms will be the subject of a separate plan). The County Judge has not confirmed that he will ensure compliance with this plan.

John B. Board
Local Administrative Judge