

**Jury Proceeding Addendum to COVID-19 Operating Plan for the  
329<sup>th</sup> and 23<sup>rd</sup> Judicial District Courts of Texas  
effective February 1, 2021**

Recognizing the need to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the 329<sup>th</sup> District court of Wharton County will implement, in addition to the procedures and protocols in the previously submitted COVID-19 Operating Plan, the following protective measures for jury proceedings:

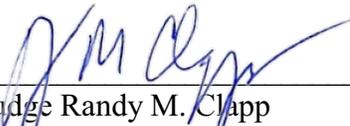
1. The Wharton 329<sup>th</sup> and 23<sup>rd</sup> District Courts, collectively, (“the Court”) adopts and incorporates into this plan the Supreme Court of Texas’s Twenty-Sixth Emergency Order Regarding the COVID-19 State of Disaster and any subsequent Emergency Orders relating to the jury trials in the State of Texas.
2. Prior to the commencement of jury selection, the Court will require the parties through counsel to communicate with the court if any participant in the proceeding, including attorneys, parties, attorney support staff or witnesses have tested positive for COVID- 19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19.
3. If the approved in-person jury proceeding involves an incarcerated person, the judge will require the sheriff to report any positive COVID-19 test of the incarcerated participant within the previous 30 days prior to any portion of the jury proceeding, any current symptoms of the COVID-19, or any recent known exposure to COVID-19.
4. The District Clerk will either (a) include with in-person jury summons information regarding 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 or (b) provide and inquire about the information before jurors are allowed entry into the Civic Center for jury selection.
5. 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 vulnerable to COVID-19 will be liberally granted.
6. In person trial proceedings will be conducted as follows:
  - a. Jury selection will be conducted at the Wharton City Civic Center, 1924 N. Fulton, Wharton TX, main hall.
  - b. Trial will be conducted in the 329<sup>th</sup> Judicial District Courtroom, 100 South Fulton, Wharton, TX 77488.

7. Protocols relating to jury selection will include the following.
  - a. Markers or tape will be placed outside the Civic Center to indicate a 6-foot distance between jurors entering the facility.
  - b. Before entry into main hall, Clerk's staff will inquire of each juror whether or not the juror, in the last 30 days, has tested positive for COVID-19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19.
  - c. All trial participants shall wear face masks at all times during the jury selection process and during trial, a face shield may be worn during such time when the person is speaking and stationary.
  - d. A person may remove the mask to speak, but must at all times be not less than six (6) feet from all other persons.
  
8. Protocols for trial include the following:
  - a. Jurors will be spaced not less than six (6) feet apart by expanding seating outside the jury box. Jurors will wear face masks at all times.
  - b. Counsel tables will be moved to provide six-foot social distancing from each other and jurors. Counsel will remove face masks when speaking, but must wear clear face shields at all times.
  - c. More than six feet of space will divide the witness in the witness box from the court reporter and the judge. The witness will remove the face mask when testifying, but must wear a clear face shield at all times.
  - d. Hand sanitizer will be provided for jurors to sanitize their hands after touching documents.
  - e. Capacity in the courtroom will be limited to 29 persons excluding court participants, which provides for six-foot social distancing.
  - f. Jurors will use the jury deliberation room or the county library room during breaks and for deliberation, and shall practice social distancing and wear masks at all times.
  - g. The court will inquire of each witness, outside the jury's presence whether or not the witness has tested positive for COVID-19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19. Any witness who has

been exposed shall appear electronically by 2-way video and audio visible to all trial participants.

- h. All meals provided to jurors will be individually boxed.
- i. In addition to the requirements previously submitted in the in-person operating plan, frequent cleaning protocols in the courtrooms and facilities will be maintained throughout the jury trial.
- j. Shared spaces such as the witness box will be cleaned during each transition.
- k. Seats for jurors will be assigned to reduce potential transmission and the need for more frequent cleaning.

Signed: January 11, 2021

  
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Judge Randy M. Clapp  
Presiding Administrative Judge  
Wharton County, Texas