

Approved:
[Signature]
10/14/20

Jury Proceeding Addendum to COVID-19 Operating Plan for the DeWitt County Judiciary

Effective on or after October 1, 2020

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 courts of DeWitt 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:

General

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person jury proceedings according to the guidance issued by the Office of Court Administration.
2. The justice courts will not conduct an in-person jury proceeding until the Supreme Court permits such proceedings.
3. Judges of the district courts, constitutional and statutory county courts, and statutory probate courts will conduct in-person jury proceedings in accordance with the previously approved Operating Plan and this addendum only after this jury proceeding addendum is submitted and accepted by the Regional Presiding Judge.
4. Not more than five days before an approved in-person jury proceeding is scheduled to occur, the local administrative district judge or designee will consult with the local public health authority to verify that local health conditions and plan precautions are appropriate for the jury proceeding to proceed.
5. Except for criminal cases where confinement in jail or prison is a potential punishment, judges may conduct remote jury proceedings if the court follows the requirements of the hearings on objections or motions section below and ensures that all potential and selected petit jurors have access to technology to participate remotely. Judges may conduct remote jury proceedings in a criminal case where confinement in jail or prison is a potential punishment only with appropriate waiver and consent obtained on the record from the defendant and the prosecutor.

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 and Regional Presiding Judge:

SEE EXHIBIT A

2. The local administrative district judge will, not more than five days before the jury proceeding, consult with the local public health authority to verify that the local health conditions and plan precautions are appropriate for the jury proceeding to proceed.

Hearings on Objections or Motions Related to Proceeding

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

Communication Protocols

1. Each judge with an approved 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, 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.
2. If the approved 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 previous 30 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 Regional Presiding 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 questionnaire (See Exhibit B) 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 vulnerable to COVID-19 will be liberally granted.

Location for Jury Selection, Trial, and Deliberation

1. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:
 - a. Jury Qualification: District Courtroom and Balcony
 - b. Voir Dire: District Courtroom and Balcony
 - c. Trial: District Courtroom
 - d. Jury Deliberation: District Courtroom or County Courtroom
2. Security Protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for the proceeding.

Screening

1. In addition to the requirements of the previously submitted in-person Operating Plan, all court participants and observers attending and 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. 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 30 days will be reported to the judge presiding over the jury trial prior to the transport of the participant to the courtroom.

Face Coverings

1. In addition to the requirements of the previously submitted in-person Operation Plan, 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 the 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

1. 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 description (or attached drawing) details how each of the courtrooms or facilities will be arranged during the jury proceeding:

SEE EXHIBIT A

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 use.
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 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

1. 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 previously submitted in-person 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.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding the Jury Proceeding Addendum to the Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is hereby attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: _____

October 9, 2020



Local Administrative District Judge

EXHIBIT A

The venire panel will be seated in the main courtroom arena and, if necessary, the courtroom balcony, space 6 feet (or more) apart. Seating in the arena and the balcony will be clearly marked to ensure recommended spacing between all members of the venire panel. Based upon attendance at the September 14, 2020 trial date, the courtroom arena will accommodate 68 potential jurors, appropriately distanced. Additional venire panelists will be seated in the balcony. Counsel tables are arranged to assure appropriate distancing between counsel, parties, witnesses and court staff. Counsel tables are also arranged for appropriate distancing between counsel and venire panelists. Portable microphones will be used and disposable microphone covers are in place and will be used. During breaks in the voir dire process, jurors will be allowed to exit the courtroom for restroom breaks on a row by row basis. Court staff will supervise exit and re-entry to ensure appropriate distancing. The jurors have access to 2 separate stairways and 1 elevator (4 passenger maximum to accommodate distancing) for use in traveling to restrooms and returning to courtroom. Panelists will wear face coverings at all times.

When jurors and alternate jurors are selected, the jury will be seated (appropriately distanced) in the courtroom arena in an area which accommodates the jury view of the witness, counsel and court. Jury location will also be appropriately distanced from counsel, witnesses, court staff and the court. Public access to the trial will be by seating in the balcony. The public seating will be marked to assure appropriate distancing. Jurors will deliberate in the county courtroom on the first floor. The courtroom is accessible by 2 separate stairways and an elevator (4 passenger maximum to accommodate distancing). All bench argument which must be outside presence of the jury will be conducted in court chambers (with appropriate distancing) or in the courtroom after the jury is excused to the county courtroom on the first floor. Jurors and alternate jurors will be furnished disposable gloves, individual hand sanitizer and face coverings for each day of the trial. Exit and re-entry of the courtroom by jurors and alternate jurors will be assisted by court staff to insure appropriate distancing.

JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE

Dear Prospective Juror:

Please be advised that in DeWitt County we are taking precautions to protect your health. These include providing health screenings at the entrance of the courthouse, daily courtroom cleaning, face masks and face shields for your use, hand sanitizer stations, and seating which is distanced per health authority recommendations.

We thank you for your willingness to serve in the important role as a juror.

As part of the measures to protect against the COVID-19 disease, we ask that you complete the following **BEFORE** reporting for Jury Service on October 19, 2020. Please return this completed form in one of the following ways **BEFORE** October 19, 2020: (1) Drop it off to the district clerk's office in person. (2) Email to district.clerk@co.dewitt.tx.us. (3) USPS mail to DeWitt District Clerk, P.O. Box 845, Cuero, TX 77954. (4) Fax to 361-275-0934. If you fax this form, provide a CALLBACK NUMBER.

1. **Check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD**

SYMPTOMS NOW, OR BETWEEN OCTOBER 1 AND OCTOBER 19, 2020:

- Fever (above 100.0) Change in taste, smell or appetite Shortness of Breath
 Cough Headache Diarrhea Chills or repeated shaking with chills
 Muscle pain or body aches Sore throat

I certify that NONE of the symptoms above have been experienced by me, or a member of my household, between October 1 and October 19, 2020.

2. IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE DISTRICT CLERK'S OFFICE BEFORE REPORTING ON October 19, 2020 at (361)275-0931.

3. **CONTACT HISTORY-check this line if any of these apply to YOU or A MEMBER OF YOUR HOUSEHOLD.**

- *Been diagnosed with COVID-19 within the past 4 months.
- *Been in close contact with someone exposed to or infected with COVID-19 in the last 14 days.
- *Currently on a watch list or self-quarantining because of possible COVID-19 exposure.

NONE of the above apply.

4. IF ANY OF THE ABOVE APPLY, CALL THE DISTRICT CLERK'S OFFICE BEFORE REPORTING ON October 19, 2020 at (361)275-0931.

5. Individuals over age 65, OR 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.

I certify that I meet the above described conditions and I am requesting to be excused from jury service because of those conditions.

6. Individuals who have been tested for COVID-19 and have not received the test results on the trial date are excused from service. You should call the District Clerk's office to advise that you are awaiting test results.

YOUR Juror Number: _____ Callback number: _____

I certify the above is true and correct:

Signature

Printed Name

EXHIBIT B