

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

*Effective on and after November 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 Atascosa 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 waivers and consent obtained on the record from the defendant and the prosecutor.

**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 the 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 (see Attachment A)<sup>1</sup> and COVID questionnaires (see Attachment B)<sup>2</sup> 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 venire persons.
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.
4. Jurors will receive additional communications regarding health and safety plans, expectations, juror questionnaires and COVID questionnaires via email, in which they will be directed to <https://form.jotform.com/203006416743043> . Juror summonses will direct jurors to contact the district clerk if they have any questions, and they will be permitted to use the public computers in the district clerk's office to complete the questionnaires ahead of time if necessary; their public computers are cleaned between each use.

### **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:<sup>3</sup>
  - a. Jury Qualification: Pleasanton Civic Center, 115 N. Main, Pleasanton, Texas 78064
  - b. Voir Dire: same
  - c. Trial: Atascosa County Justice Center, 1405 Campbell Avenue, Jourdanton, Texas 78026
  - d. Jury Deliberation: Atascosa County Justice Center, 1405 Campbell Avenue, Jourdanton, Texas 78026
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 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. 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 Operating 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 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. Face shields will be available to jurors and court participants.
4. A limited number of masks will be available to jurors who do not bring face coverings.

## **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.
3. Upon entry of a court building or the location where jury selection will take place, all prospective jurors will be required to maintain adequate social distancing of at least six feet.
4. The judge of each court will situate counsel tables in such a way to maintain adequate social distancing of at least six feet, and will also limit counsel and/or parties to certain areas of the courtroom to maintain adequate social distancing.
5. To exercise peremptory strikes and conduct pretrial matters during jury selection, the judge and attorneys will exit the jury selection room. Social distancing rules shall be followed during any bench conferences.
6. Long breaks for prospective jurors are discouraged. Prospective jurors should remain in the jury selection room unless temporarily permitted to leave by the judge, such as for a bathroom break.
7. After a jury is selected, remaining panel members shall be released row by row, limiting the number of persons leaving the courtroom at one time. Any remaining panel members desiring work excuses will remain seated in his/her row upon release, and the clerk will thereafter provide

- each such panel member his/her work excuse, again following the row by row method.
8. Opening statements, presentation of evidence, and closing arguments will be held in the courtroom regardless of the location where jury selection took place. Jury deliberations will be held in the courtroom, which will be secured during such deliberations with no other individuals present in the courtroom other than the jurors. Jurors will use the restrooms in proximity to the court's designated jury deliberation room.
  9. The judge of each court will ensure that appropriate social distancing for the seating area within the gallery of the courtroom is monitored and enforced by court staff. Public access will be available in the courtroom only in compliance with these social distancing protocols and/or livestreamed in the adjoining courtroom with social distancing protocols in place.
  10. The judge of each court will ensure that appropriate social distancing for the counsel tables, witness stand, judge's bench, clerk, court reporter, bailiff, and jury is monitored and enforced by court staff.
  11. Additional bailiffs will be available to assist the court both inside and outside the courtroom as required by the judge.

### **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. Each judge shall arrange and mark his/her courtroom in a manner to ensure proper social distancing. The following description details how each of the courtrooms or facilities will be arranged during the jury proceeding:
  - a. Jury Qualification and Voir Dire: Potential jurors, wearing face coverings, will be socially distanced and seated in prearranged chairs in the Pleasanton Civic Center, thus safely accommodating the members of the venire panel.
  - b. Trial: The jury will sit in the gallery, adequately distanced in assigned, marked seats. Counsel tables will be flipped to face the gallery. A podium will be situated in between counsel tables and social distanced to provide visibility for all jury proceeding participants. Given the size of the courtrooms and the need to comply with health and safety requirements, only trial participants can be seated in the courtroom. However, the trial will be made available to the public via livestream in the adjoining courtroom, and face coverings and social distancing requirements will be enforced at all times by bailiffs for the duration of the proceedings.
  - c. Jury Deliberations: The jury will deliberate in the gallery of the courtroom, which will be secured during such deliberations with no other individuals present in the courtroom other than the jurors. Instructions and reminders will be provided to the Presiding Juror to help ensure jurors maintain safe and healthy distances while deliberating.

### **Arrival for Jury Selection**

1. The jurors will receive a parking map for the Pleasanton Civic Center via email before the day

- of jury selection.
2. The Pleasanton Civic Center will have social distancing markers on the ground outside the entrance to ensure that jurors maintain social distancing protocols while waiting to get through security.
  3. Jurors who complete their juror questionnaire and COVID questionnaire ahead of time on the website will be instructed by email to arrive in waves for jury qualifications and exemptions that were not addressed by the district clerk ahead of time: jurors needing qualification will be instructed to arrive at 9:00 a.m., and jurors claiming an exemption will be instructed to arrive at 11:00 a.m. All other jurors and jurors who are qualified in the morning will be instructed to arrive at 1:00 p.m. for the voir dire.
  4. Once jurors arrive at their assigned time, a bailiff will check them in and direct them to enter the civic center and take their pre-assigned seat.
  5. Time limits are designed to limit the amount of time jurors are kept in the same room for jury selection. The court will be mindful of the time being used for procedures, including the court's comments, excusing jurors for cause as well as voir dire, exercise of peremptory strikes, and seating of the jury.

### **Restroom and Other Breaks**

1. Public restrooms are available; there is limited bathroom occupancy and it will be posted on the restroom door. Any hallway or gathering space in front of the restrooms will be monitored by a bailiff to ensure that social distancing protocols are being met.

### **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.
4. The judge of each court will ensure that microphones within the courtroom are regularly disinfected during working hours of each business day. This will specifically include the disinfecting of the microphone at the witness stand following each witness' testimony and the microphone at the bench following each bench conference.

### **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 ten 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 proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding.

### **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 for use on a document camera.
2. All counsel/parties will have provided opposing counsel/parties proposed exhibits electronically, and each counsel/party shall utilize same during the course of the trial so that exhibits will not be handled between counsel during trial.
3. 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.
4. 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.
5. 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.
3. Witnesses should check in with a bailiff upon arriving to give testimony, and the bailiff will instruct the witness where to wait until that witness is called.

### **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**

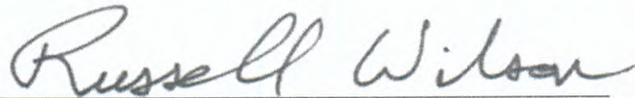
1. In addition to the requirements of the previously submitted in-person Operating Plan, frequent cleaning protocols in the courtrooms and facilities will be maintained throughout the jury proceeding as appropriate.
2. Shared spaces such as witness stands, seating in the gallery, and seating during qualification/voir 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.
4. Hand sanitizer dispensers and face coverings will be made available.
5. Courthouse cleaning staff will regularly disinfect the common areas of the courthouse during

working hours of each business day. Courthouse cleaning staff and court staff have been provided with appropriate cleaning supplies and personal protective equipment, such as face masks and hand sanitizer.

6. The judge of each court will ensure that the location utilized for jury selection is thoroughly cleaned and sanitized prior to jury selection.
7. The judge of each court will ensure that the courtroom is thoroughly cleaned and sanitized each day before proceeding with a jury trial.
8. The judge of each court will ensure that frequently touched objects and surfaces within the courtroom are regularly disinfected during working hours of each business day. This will specifically include the disinfecting of the witness stand following each witness's testimony and the bench following each bench conference.

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 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 30, 2020

A handwritten signature in cursive script that reads "Russell Wilson". The signature is written in dark ink and is positioned above a horizontal line.

Russell Wilson  
Local Administrative District Judge