



Second Administrative Judicial Region of Texas

Olen Underwood

Presiding Judge

Connie Teel

Administrative Assistant

December 29, 2020

Hon. Kent Walston
58th District Court

RE-CERTIFIED COVID -19 OPERATING PLAN

In order to confirm the obligation of the Court to protect the health and safety of the Public, Court Staff and all Personnel, the COVID-19 Operating Plan for all the Jefferson County Judiciary are recertified as of this date and are hereby implemented and affirmed as the Order of all Courts of Jefferson County.

A handwritten signature in black ink that reads "Olen Underwood".

Olen Underwood,
Presiding Judge

Second Administration Judicial Region of Texas

cc: David Slayton, Office of Court Administration
coronavirus@txcourts.gov



COVID-19 Operating Plan for the Jefferson County Judiciary- RECERTIFICATION 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 **Jefferson County, Texas**, will implement the following protective measures:

General

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting court proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions relating to COVID-19.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. The local administrative district judge and Jefferson County Judiciary will maintain regular communication with the local health authority and county judge and adjust this operating plan as necessary with conditions in the county.
4. Judges will begin setting non-essential in-person proceedings no sooner than June 1, 2020

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely should telework when possible and feasible.
2. Judge and Court Staff Monitoring Requirements: Follow the Minimum Standard COVID-19 Health Protocols from the Texas Department of State Health Services for Employers, Employees and facilities.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°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 courthouse and should seek medical advice.
4. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all times.
5. Protective Measures: Follow the Minimum Standard COVID-19 Health Protocols from the Texas Department of State Health Services for Employers, Employees and facilities.

In-Person Hearings

Trial Judges in the district, county, justice, and municipal courts are not permitted by the 29th Emergency Order to hold in-person proceedings in any matter unless the trial judge has used all reasonable efforts to conduct proceeding remotely. All proceedings should occur remotely unless the litigants or other court participants are unable to successfully participate in a remote hearing because of a party's inability to participate due to a disability or lack of technology.

In accordance with the Criminal Court of Appeals Opinion in *Haggard v. State* (P.D.-0635-19), in order for criminal courts to have adverse witness testimony remotely, the court must make a finding of necessity of the witness appearing remotely and make case specific findings on the record of that necessity prior to permitting the remote testimony.

Extension of Grand Juries

District Judges with grand juries may wish to consider extending the term of the grand jury under Section 24.0125 of the Texas Government Code that permits the Regional Presiding Judge to do so during a disaster. Judges may also wish to consider reassembling a discharged grand jury under Article 19.41 of the Tex. Code of Crim. Pro.

Scheduling

Each court will ensure that it minimizes person-to-person contact as much as possible to prevent the spread of the COVID-19 virus. Each court will comply with any and all State and County orders currently in place as well as future orders. The plan will assure for social distancing for any person having business which will include, but not be limited to, court staff, attorneys, prosecutors, defendants, witnesses, and jurors in each court. In order to ensure the safety of courthouse staff and the citizens of Jefferson County, the following guidelines have been established:

1. The Courts have agreed to alternate court times to minimize the congregation of people both in and outside each courtroom.
2. Court dockets will be reduced in size and scheduled appropriately to comply with social distancing and courtroom occupancy requirements.
3. All jail cases will be done remotely when possible to comply with social distancing and courtroom occupancy requirements.
4. All hearings must be scheduled in advance in accordance with the local rules and TRCP.
5. There shall be no family members or visitors accompanying any party scheduled for hearings, unless disabled.

Vulnerable Populations

1. Individuals who are 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 are considered to be vulnerable populations.
2. 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 building (a copy of which is attached).

3. Vulnerable populations who are scheduled for court will be accommodated upon their reasonable request.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including breakrooms and snack rooms, must abide by the limitation and rules expressed herein.

Gallery

5. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Well

7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Sanitizing Wipes or tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building.

Screening

1. When individuals attempt to enter the court building, County health authorities will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. When individuals attempt to enter the court building, County health authorities will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6°F will be refused admittance to the court building.

3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. To the greatest extent possible, inmates shall have court hearings conducted remotely.
5. Staff who are screening individuals entering the court building will be provided personal protective equipment, if necessary, including masks, gloves, thermometers and other similar necessary equipment.

Face Coverings

1. All individuals entering the court building will be required to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if any individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals who will be required to be in the court building for over 1 hour will be provided surgical masks and required to wear them while in the court building if the supply is available.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every four (4) hours.
2. Court building cleaning staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

While under a Disaster Declaration, Emergency Management will issue masks and wipes to courthouse personnel. When no longer under a Disaster Declaration, departments will purchase their own Personal Protective Equipment and disinfectant supplies.

Court Operation Guidance and Information relating to COVID-19 measures Jefferson County will follow can be found at <https://www.txcourts.net/court-guidance>.

Other mandatory resources may be implemented as necessary to ensure the health and safety of those entering the courthouse and court buildings for court proceedings, and to reassure litigants, attorneys, visitors, court staff, judges and all others lawfully entering court buildings that the courts are dedicated to their health and safety.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding this Operating Plan Recertification. In developing the plan, I consulted with the local health authority. 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: 12/28/2020

A handwritten signature in black ink, appearing to read 'Kent Walston', written in a cursive style.

KENT WALSTON,
Local Administrative District Judge