

May 29, 2020

To: The Honorable Supreme Court Justices of Texas

From: The Probate Courts of Dallas County, Texas

Re: Covid-19 Operating Plan for the Dallas County Probate Court Judiciary

CC: Guy Herman, Presiding State Statutory Probate Judge

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 Probate Courts of Dallas County ("The Courts") will implement protective measures. These plans are fluid and evolving as new guidance is provided to us. The protective measures are as follows:

General:

1. All judges will comply with the Emergency Orders 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.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. The local administrative judge for the Courts will maintain regular communication with the local health authority and the county judge and she will adjust this operating plan as necessary with conditions in the county.
4. Judges will begin setting non-essential in-person proceedings no sooner than August 1, 2020.

Judge and Court Staff Health:

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and Court Staff Monitoring Requirements:
All staff will self-monitor their temperature by taking temperature daily prior to departure from their home to the office, wear personal protective equipment when in contact with the public, perform handwashing as recommended and practice social distancing.
3. Judges or court staff who feel feverish or have measure temperatures equal to or greater than 99.6 degrees Fahrenheit, 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 courtroom or court chambers. Such person will be encouraged to seek medical advice.
4. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations when interacting with others.
5. Protective Measures: The judges have requested that Dallas County install plexiglass barriers or other protective barriers in the courtroom and other designated areas as well as requested the installation of a wall phone to authorize entry into the court staff offices. If the plexiglass is installed,

court personnel are not required to wear face coverings when conducting business behind the plexiglass.

Scheduling (Guidelines):

The following court guidance is established to reduce occupancy on the floors occupied by the Courts, as tenants in a public building that is not a courthouse.

1. Employees are encouraged to telecommute, if they can complete daily work at home and to minimize the time that they spend in the building.
2. Judges are working together to minimize the number of people who come at any time to our respective locations in the building.
3. Court staff are scheduling hearings by telephone and email and conducting conferences and hearings remotely via phone and video conferencing.

Vulnerable Populations:

1. The Courts will post signage in prominent places outside the courtrooms and court offices that provides advice to persons who are more vulnerable to COVID-19 by June 5, 2020.
2. Individuals who are over the age of 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.
3. Each judge will include information on orders setting hearings, dockets, notices and in other communications that notifies individuals who are likely in the vulnerable population group of the ability to contact the court to identify themselves as a vulnerable individual and receive appropriate accommodations. A notice with this information will be posted on the Probate Courts' website and in a conspicuous location in an area near the courtroom and court offices.
4. Any hearing involving a person identified as a person in the vulnerable population category will be accommodated by the hearing being scheduled remotely.

Social Distancing:

The Courts are temporarily housed in rented space on two floors in a commercial building that is not a courthouse (the "Renaissance Tower"). Hence, the Courts do not have control of the access to the building. In addition, the landlord of the building controls elevator and escalator usage. The Courts are housed in a high-rise multiple occupancy building and we do not control the placement of signage in the building. However, the landlord has provided some signage for the public that is consistent with social distancing guidelines. The Courts will post signage prior to holding in-person hearings as follows:

1. All persons not from the same household who are permitted in the courtroom will be required to maintain adequate social distancing of at least 6 feet.
2. No more than four individuals not from the same household will be permitted in an elevator and no other individuals will be permitted in the elevator, if our landlord will agree to enforce this requirement.
3. The landlord has been asked to evaluate the appropriate capacity of each restroom to ensure social distancing and to post the maximum occupancy on each multiple occupancy restroom.
4. Public common areas in the areas, including breakrooms and snack rooms, have been closed to the public.

5. When in-person hearings resume, the maximum number of persons permitted in the gallery of each courtroom will be posted and monitored by court staff.
6. When in-person hearings resume, the gallery of each courtroom will be marked to identify appropriate social distancing in the seating area. Seat will be limited per bench and will be on every other row.
7. In each courtroom, the arrangement of the courtroom will reflect appropriate social distancing between court staff, counsel, witnesses, court reporter, etc., when in-person hearings resume.

Hygiene:

1. The Courts do not have control of our locations as tenants in Renaissance Tower. The landlord has advised Dallas County that additional sanitation and cleaning services are or will be provided to ensure safety.
2. Hand sanitizer dispensers have been placed inside the commercial building at the entrances and they are also available in the courtroom area. The courts requested that Dallas County place hand sanitizer dispensers outside of the elevators on each floor and outside of the courtrooms.
3. The Courts will place tissues near the door of the courtrooms, at counsel tables, witness tables, each judge's bench and other adjacent areas.
4. The Courts have requested additional personal protective equipment, including gloves, disposable masks, Lysol spray and disinfectant wipes for each courtroom.
5. The Courts will display the Texas Health Department "Stop the Spread of Germs" flyer in multiple locations in the building.

Screening:

1. The Courts lack the ability to screen each person who has access to the Renaissance Tower.
2. When individuals are in the vicinity of the courtrooms or court offices, there is signage posted on courtroom entry doors, admonishing individuals who are feeling feverish, a cough, shortness of breath, or difficulty breathing or who have been in close contact with a person who is confirmed to have COVID-19 to not enter the courtrooms or offices. The court will refuse admission to individuals who acknowledge having symptoms or conditions to the courtroom areas.
3. The Courts have not been provided with any thermometers for monitoring the temperatures of persons who come into the courtroom areas and it is unlikely that court staff will be authorized to perform this task by Dallas County.

Face Coverings:

1. The Courts do not have control of screening or monitoring the usage of face coverings or masks for all persons entering Renaissance Tower.
2. The Courts will require face coverings at all times in the courtroom areas by the public. All individuals will be encouraged to bring cloth face covering and to wear them during court appearances. The Judges have requested that Dallas County supply disposable masks for person who come to court without face coverings and to provide surgical masks for persons who must spend more than an hour in the courtroom areas.
3. The Courts have requested signage for posting outside each courtroom entrance regarding the use of face coverings.

Cleaning:

1. Janitorial contract services will continue with enhanced cleanings of the spaces currently serviced. Additionally, another vendors will regularly detail clean all common and high traffic areas. Further, all areas will receive electrostatic disinfectant cleanings once a week. This approach to cleanings and disinfecting the building follows CDC guidelines and has been approved by Health and Human Services.
2. In the event one of your employees tests positive for COVID-19 we will perform a detailed cleaning of the areas the employee frequented. Adjacent staff and any persons the employee interacted should be advised and look for any key symptoms, and engage in testing, as needed. Unfortunately, we have been handling positive case issues (and processing cleaning requests), and believe this procedure will meet our needs. The correspondence from Dallas County Administrator is attached as EXHIBIT A.

Other:

1. The Courts have submitted requests to the Dallas County Administrator for personal protective equipment, protective design modifications, signage, cleaning services, etc. The county staff is in the assessment and planning stages of its response to the COVID-19 crisis.

The Judges of The Probate Courts of Dallas County have conferred regarding this Operating Plan. In developing this plan, we have consulted Texas Supreme Court Emergency Orders, local health authority advisory notices, Dallas County Commissioner declarations, Office of Court Administration directives and multiple other sources. Due to the fact that the county administration is in the process of formulating plans for the courts, some of the information in this plan may be modified in the future. We will ensure that the judges and staff in our location conduct proceedings consistent with the foregoing plan. A copy of the latest guidance from the Dallas County Administrator is attached.



Date: May 29, 2020

Brenda Hull Thompson
Presiding Judge, the Probate Court



Ingrid M. Warren
Presiding Judge, Probate Court Number Two



Margaret Jones-Johnson
Presiding Judge, Probate Court Number Three