

ORIGINAL

**Court Operating Plan**  
Effective June 1, 2020

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**COVID-19 Court Operating Plan for the Ellis County Judiciary**  
*Designed Locally Pursuant to Mandate by the Texas Supreme Court & the Office of Court Administration*

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This document will be referred to as the *Court Operating Plan*.

Recognizing the need to help ensure the health and safety of the litigants, attorneys, witnesses, court staff, judges, visitors, and other members of the public entering the buildings housing the District Courts, County Courts at Law, and Justice of the Peace Courts for Ellis County, Texas – all such courts, along with the County Judge and certain departments supporting such courts will implement the following protective measures:

1. General

- a. All Judges serving in the courts which are enumerated above will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting limited and restricted in-person proceedings according to the guidance issued by the Office of Court Administration (OCA) regarding social distancing, and all Judges will further comply with other constitutionally permissible restrictions and precautions issued by the OCA to the extent resources are made available by the county and to the extent practical.
- b. All District Court Judges and County Court at Law Judges will use reasonable efforts to conduct judicial proceedings remotely utilizing the Cisco WebEx videoconferencing platform, with special emphasis on using videoconferencing in relation to jail inmates with pending misdemeanor or felony criminal charges.
- c. The County Judge will maintain regular communication with the local health authority, and keep the Judges and court staff informed of the status of COVID-19 precautions and related issues within the community.
- d. Non-essential in-person court proceedings shall begin no earlier than June 2, 2020 and will proceed forward at the discretion of each Judge based upon the legal subject matter, the type of court proceeding, and the Judge's scheduling prioritization, subject to the other terms and requirements of this Court Operating Plan being met.

2. Judge and Court Staff Health

- a. 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 must leave the office if present in a court building and should seek medical advice, and shall not enter a court building with such symptoms.

- b. Judges and court staff must practice appropriate hygiene recommendations and social distancing at all times, and at their discretion are permitted to wear facial coverings.
- c. Depending upon the scheduling and work load for any given day, it will be the decision of each individual Judge to determine whether the judge or court staff are permitted to perform the essential functions of their jobs remotely.

3. Scheduling

- a. The Judges in the main courts building which houses the District Courts and the County Courts at Law will work cooperatively with each other to attempt to minimize the number of individuals in the court facility at any given time.
- b. The Judges of those Justice of the Peace Courts which are housed in county satellite offices will work cooperatively with the other individuals who are located and working within such shared facilities to attempt to minimize the number of individuals in such shared facilities at any given time.
- c. The Judge of the Justice of the Peace Court located in the historic courthouse will work cooperatively with the County Judge to attempt to minimize the number of individuals in the historic courthouse at any given time.
- d. All Judges will work with court staff to establish individual court policies and procedures aimed at staggering daily dockets for each day the court is in session, so as to attempt to minimize the number of individuals inside each respective facility at any given time.
- e. Jury trials will not take place until authorized by the Texas Supreme Court, or until authorized by the OCA under Texas Supreme Court guidelines.

4. Vulnerable Population

- a. 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.

- b. A notice complying with Section 4.a. above identifying the vulnerable population will be posted on the website for each court, and will be contained in every docket notice and order setting hearing issued by the courts.
      - c. Reasonable accommodations will be made by each court for any attorney or other individual appearing in court who makes it known they are a part of the vulnerable population and desire reasonable accommodations.
      - d. Reasonable accommodations will take into account the totality of circumstances and will include accommodations such as allowing these individuals to appear remotely by videoconference.
5. Social Distancing
  - a. For all in-person court hearings, each judge will be arranging his or her courtroom (including the witness stand, the well of the court, attorney tables, podium, the bailiff's station, the reporter's chair, and gallery area) with the goal of achieving as much social distancing as is practical given the totality of circumstances.
  - b. The judges will work collaboratively with security personnel, bailiffs, and/or constables for the purpose of achieving as much social distancing as is practical in court facility common areas, bathrooms, elevators, and stairwells.
6. Hygiene
  - a. The county will purchase and provide all needed supplies for use within the court facilities by attorneys, litigants, witnesses, and members of the public including: hand sanitizer, Lysol Wipes (or other recognized brand names), tissues, gloves, and facial coverings.
  - b. By way of example only and not by way of any limitation, the county will install fixed or permanent dispensers for hand sanitizer in or around common areas, bathrooms, elevators, stairwells, and each courtroom.
  - c. The preceding supplies will be made readily available throughout the court facility including in or near all common areas, bathrooms, elevators, stairwells, and each courtroom.
7. Screening
  - a. Notices for Court Facilities. Subject to the approval by the county's local health authority, the county will design and post noticeable, vibrant, and medically appropriate screening related signage-notices located throughout the court facilities, including the entryway, common areas, hallways, elevators, courtrooms, bathrooms, and stairwells.

- b. Sample Screening Notice. Any individual feeling feverish or having a measured temperature 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 shall not be present in any court facility and should seek medical advice.
  - c. Notices on Court Dockets. Court staff will provide medically appropriate screening related notices on all outgoing court dockets and orders setting hearing issued by the various courts.
  - d. In Notice by Judge. At the beginning of each court docket, the Judge will make a screening related verbal announcement in open court.
  - e. Security Deputies. Front desk security deputies located at the courts building, deputies at the historic courthouse, and constables at the satellite court facilities will undergo a short training session conducted by the county's local health authority for the purpose of being able to identify individuals entering a court facility who are displaying open and obvious signs of screening related issues (see item 7.b. above).
  - f. Judges and Court Staff. Judges, court staff, and bailiffs at all court facilities will undergo a short training session conducted by the county's local health authority for the purpose of being able to identify individuals in or around a courtroom who are displaying open and obvious signs of screening related issues (see item 7.b. above).
  - g. Request to Leave Court Facilities. Considering the totality of circumstances, all security deputies, judges, court staff, and bailiffs possess the authority to request and require persons displaying open and obvious signs of screening related issues (see item 7.b. above) to leave the court facility and seek medical advice.
8. Facial Coverings
- a. Discretionary. Each Judge possesses the discretion to either permit or require attorneys, litigants, witnesses, and members of the public to wear facial coverings in his/her courtroom.
  - b. When Not Permitted. Each judge possesses the discretion to delineate the circumstances, if any, under which facial coverings will not be permitted.
  - c. Posted Notice. Each Judge will post signage on the front entryway door into his/her courtroom which provides adequate notice of the matters pertaining to items 8.a. and 8.b.

9. Cleaning

- a. Court Facilities. In the main courts building and at the historic courthouse, the county’s maintenance and housekeeping services will clean and sanitize the courtrooms (including all surfaces, tables, desks, chairs, and doors), common areas, bathrooms, elevators, and stairwells prior to the beginning of each morning docket, and prior to the beginning of each afternoon docket that court is actually in session. At each satellite court facility, the county’s maintenance and housekeeping services will clean and sanitize the courtrooms, common areas, bathrooms, elevators, and stairwells prior to the beginning of each morning docket, and designated court staff will perform such functions prior to the beginning of each afternoon docket that court is actually in session.
- b. Training. The county will provide a brief training session to all housekeeping and maintenance personnel, Judges, and court staff regarding the appropriate manner in which to “sanitize” *versus* “clean” the various surfaces, courtrooms, and areas described above.
- c. Table Tops to Contain Sanitizer and Lysol Wipes. In addition to the cleaning and sanitizing protocol described in Section 9.a. above, and in addition to making readily available all the hygiene supplies described in Section 6 above – the top of each table and desk within each courtroom is required to contain hand sanitizer, Lysol Wipes (or other recognized brand names), and tissues for use by counsel, litigants, witnesses, bailiffs, court staff, and the Judge.

This Court Operating Plan is effective on June 1, 2020.

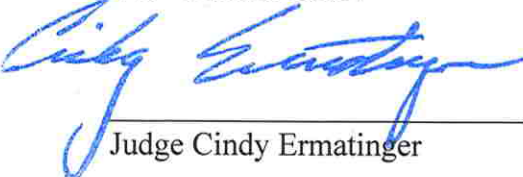
40<sup>th</sup> District Court

  
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Judge Bob Carroll

378<sup>th</sup> District Court

  
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Judge William Wallace

443<sup>rd</sup> District Court

  
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Judge Cindy Ermatinger

Ellis County Court at Law No. 1

  
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Judge Jim Chapman

Ellis County Court at Law No. 2

  
Judge Gene Calvert


Ellis County Judge

  
Todd Little

Justice of the Peace, Precinct 1

  
Judge Chris Macon

Justice of the Peace, Precinct 2

  
Judge Jackie Miller, Jr.

Justice of the Peace, Precinct 3

  
Judge Dan Cox

Justice of the Peace, Precinct 4

  
Judge Steve Egan


Emergency Management Coordinator  
for Ellis County

  
Samantha Pickett


Local Health Authority  
for Ellis County

  
Dr. Leigh Nordstrom

Purchasing Agent  
for Ellis County

  
E. J. Harbin

County Courthouse, Facilities, and  
Maintenance for Ellis County

  
Keith Roberts