

COVID-19 Operating Plan for the Franklin County Judiciary— Non-jury Proceedings¹

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 Franklin County 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 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 should continue to use all reasonable efforts to conduct proceedings remotely.
3. The local administrative district judge will maintain regular communication with the local health authority and county judge and 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 June 1, 2020.
5. This plan does not provide for the use of jury trials. Jury trial proceedings are prohibited until further guidance from the Office of Court Administration is provided. At such time, the local administrative district judge will formulate a separate plan for the use of trials by jury, utilizing the same process as in the formulation of this non-jury plan.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely should telework when possible.
2. Judge and Court Staff Monitoring Requirements: Courts should take precautions to ensure judges and courts staff do not enter the courthouse when there is a likelihood that they may have COVID-19, and courts should take reasonable steps to protect judges and staff from contracting COVID-19. Each judge or department head is responsible for monitoring their respective staffs' adherence to health protocols for safe operation of courtrooms and the county buildings which house the courtrooms. Each judge or department head is responsible for ensuring proper screening of employees appearing for work. Daily screening protocols shall include establishing the absence of fever, as well as the absence of current symptoms or risk factors.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 100.0°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

¹ It is possible that some of the limitations and restrictions may be modified or removed as public health officials indicate those are necessary or possible.

person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.

4. Judges and court staff will be required to practice social distancing and practice appropriate hygiene recommendations at all time. Wearing face coverings is strongly encouraged and masks will be provided upon request.

Scheduling

1. In-person proceedings must be scheduled in such a way as to reduce the number of people entering or in the courthouse at any one time. No large “cattle-call” dockets should be scheduled which requires large groups of people gathered in the courtroom at any one time.
2. Courts which share courtrooms or use different courtrooms in the same building shall coordinate their court settings so as not to have large groups of people in the building at the same time.
3. Courts are encouraged to stagger times of proceedings, if possible, to prevent large numbers of individuals in the building at any one time and to prevent the assembling of individuals in excess of the maximum number of persons allowed for a particular courtroom.

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, dockets 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 may contact the respective court in advance of their scheduled court appearance to arrange special accommodations for their appearance, and should do so well in advance to arrange for such accommodations.

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 shall be evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity shall be posted on each restroom door.
4. Public common areas, including breakrooms and snackrooms, shall be closed to the public.

Gallery

5. The maximum number of persons permitted in the gallery of each courtroom shall be determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
6. The gallery of the courtroom shall be 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 shall be arranged in such a way so that there is social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers shall be placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Tissues shall be 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 Services' "Stop the Spread of Germs" flyer shall be posted in multiple locations on each floor of the court building.

Screening

1. Individuals attempting to enter the court building will be screened for temperature and whether they are feeling feverish, have a cough, shortness of breath, difficulty breathing, or have been in close contact with a person who is confirmed to have COVID-19. Individuals with measured temperatures equal to or greater than 100.0°F or who indicate yes to any of health screening questions will be refused admittance to the court building.
2. 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.
3. Staff who are screening individuals entering the court building will be provided personal protective equipment, including masks and gloves.

Face Coverings

1. All individuals entering the court building will be encouraged to wear face coverings at all times while in the building.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned several times a day.
2. Court building cleaning staff will clean the courtrooms between morning and afternoon proceedings, after each hearing if determined to be necessary by the judge, and at the end of each day the courtroom is used.
3. Court building cleaning staff shall be provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff shall be trained on proper cleaning techniques and provided appropriate personal protective equipment.

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

Date: 5/25/2020



Local Administrative District Judge