

## COVID-19 Operating Plan for the Galveston County Judiciary

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

**Galveston 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 will use all reasonable efforts to conduct proceedings remotely, unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the judge's control.
3. The local administrative district judge 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 February 1, 2021.

### Judges and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judges and court Staff Monitoring Requirements: Judges and court staff will be screened each day upon entering the courthouse for temperature equal to or greater than 100.0 degrees (F), symptoms of COVID-19, will be offered hand sanitizer and maintain the required 6 feet social distancing. Practice appropriate hygiene as recommended at all times.
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 person 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 wear a mask or face covering, practice social distancing, and practice appropriate hygiene recommendations at all times.
5. Protective Measures: "Stop the Spread of Germs" flyers posted throughout the Justice Center in English and in Spanish. Hand sanitizer dispensers placed near all entrances and at elevators on each floor of the Justice Center.

### Scheduling

1. The following court schedules are established to reduce occupancy in the court building:

Each of the Courts operating in the Justice Center: District, County, Probate and Justice of the Peace, will set and schedule their individual dockets. Each court will notify the District Clerk or County Clerk, as appropriate, of the need for the attendance of deputy clerks at scheduled proceedings. The schedules of each court are to be provided to the Sheriff so that adequate screening and security may be arranged.

**Criteria to determine when an in-person proceeding is necessary**

Judges will consider the inability of parties (attorneys, litigants, witnesses, etc.) to participate in-person due to disability, lack of technology, age, travel restrictions, the nature of the proceeding or other factors on a case-by-case basis. In-person proceedings will be conducted only when all reasonable efforts do not permit the proceeding to be conducted remotely.

All reasonable efforts to conduct plea proceedings or other hearings of defendants incarcerated in the Galveston County Jail remotely through Lifesize will be utilized. All reasonable efforts will be made to allow attorneys and their bonded defendants to participate in status and disposition settings remotely, by email, phone, Zoom or Lifesize. For plea proceedings, bonded defendants will be required to appear in person as required for entering judgments, placing fingerprints on judgments and when being taken into custody. The expectation is that all civil proceedings will be conducted remotely.

**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 any 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 Justice Center (a copy of which is attached).
3. Individual members of vulnerable populations scheduled for court will be afforded reasonable accommodations by allowing those persons to appear remotely through Zoom, Lifesize or telephonic conference.

**Social Distancing**

1. All persons not from the same household permitted in the Justice Center will be required to maintain adequate social distancing of at least 6 feet.
2. No more than two individuals not from the same household permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals are 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, have been closed to the public.

#### *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, clerk, court reporter, and bailiff seating arranged in such a way so that there is social distancing of at least 6 feet between each space.

#### **Hygiene**

1. Hand sanitizer dispensers placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Tissues 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" posted in multiple locations on each floor of the court building.

#### **Screening**

1. When individuals attempt to enter the Justice Center, employees of the Galveston County Sheriff's Office 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 Justice Center, employees of the Galveston County Sheriff's Office will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the Justice Center 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 100.0°F will not be transported to the Justice Center.

4. Staff who are screening individuals entering the Justice Center will be provided personal protective equipment, including masks, gloves and hand sanitizer.

### **Face Coverings**

1. All individuals entering the Justice Center will be required to wear face coverings at all times.
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 may be provided.
3. Individuals who will be required to be in the Justice Center for over 1 hour may be provided surgical masks and required to wear them while in the court building, if the supply is available.

### **Cleaning**

1. Justice Center cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least twice every day.
2. Justice Center 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. Bailiff or other court personnel will change the microphone cover and clean the surface areas of the witness stand between each witnesses' testimony.
4. Justice Center cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
5. Justice Center cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

### **Other**

In consultation with the Galveston County Health District and the Galveston County Judge, this Plan is subject to modification as necessary to comply with best practices to ensure the health and safety of all individuals entering the Justice Center.

I have attempted to confer with all the judges of the courts with courtrooms in the Justice Center regarding this 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 Justice Center covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 12/23/2020

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John Ellisor

Local Administrative District Judge



## Eleventh Administrative Judicial Region of Texas

Susan Brown

Presiding Judge

*Rebecca Brite, Executive Assistant*

December 28, 2020

Dear Judge Ellisor,

I have completed a review of your Recertification Operating Plan for Galveston County Courts and find that it meets all of the conditions required by the Office of Court Administration to resume holding in person non-essential hearings, **only if a virtual hearing is impossible**, beginning January 1, 2021. I would remind you and the other judges in your jurisdiction that **per the Supreme Court, Court of Criminal Appeals and OCA guidelines, which are in effect from June 1, 2020 until updated, that all proceedings should continue to be held remotely unless it is not possible or practicable.**

Should you need further assistance as you move forward, please do not hesitate to contact me.

Thank you for all that you do for the citizens of our great state.

A handwritten signature in black ink that reads "S. Brown".

Susan Brown