

OPERATING PLAN JACK COUNTY TEXAS

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the Jack County Courthouse and its courts, being the District, County Court, and Justice Court, the following operating procedures are being instituted:

1. The Courts, including special courts serving as CPS and Title IV courts, will use all reasonable efforts to continue to conduct proceedings remotely while these special procedures are in place. All proceedings, both essential and non-essential, will continue to be conducted remotely if possible by teleconferencing, videoconferencing, or other means unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond a court's control. In such instances, the Judge of a court will consider conducting hybrid hearings where some persons will appear in person, and others will be allowed to participate remotely. Each Judge has the discretion to allow a hearing to be fully in person but shall adhere to all of the operating procedures contained herein.
2. Jury trials must not be held in any Court until the Texas Supreme Court and Court of Criminal Appeals have authorized jury trials and all guidelines of the Office of Court Administration are in place and will be capable of being followed before the commencement of any jury trial.
3. This operating plan will remain in effect until the Office of Court Administration determines that they are no longer required or upon the expiration of the provisions in the Twelfth Emergency Order, as amended or extended, requiring adherence to OCA guidance.
4. Subject to the above measures, Judges are permitted to begin setting non-essential in-person proceedings after June 1, 2020

Judge and Court Staff Health

1. Judges and their court staff who can perform the essential functions of their job remotely are permitted to do so at the discretion of the Judge of that Court.
2. The Judge of each Court shall make a good faith effort to monitor the health conditions and of their staff. As best as possible, a judge will ensure that the judge and court staff do not enter a building or court facility where the court is held if they have any signs or symptoms of any illness including any of the symptoms of COVID-19. Each Judge of each court will, therefore, become familiar with the known signs and symptoms of COVID-19 and will monitor their health as well as each member of its staff at all times. Each judge will ensure that all court staff will have their body temperature taken daily before they enter any public building and that they will not enter any building if their temperature is equal to or greater than 100.0°F or if they have any symptoms that are now known to be associated with the Covid-19 virus.

3. The Judge of a court will make a good faith effort to protect their staff from exposure to the COVID-19 illness while they are in a court facility. To that end, social distancing as required by the Office of Court Administration will be followed and barriers will be installed that protect the Judge and staff members from exposure to airborne contamination from persons who may need to approach their work area. Each court will operate so that there is restricted access by the public to their inter-office work areas including barriers that limit the access of the public to court staff work areas. All work areas including those inside the courtroom must be arranged so that staff members are separated by protective barriers and minimum social distancing adequate to protect them from airborne or direct contamination.
4. All persons who are in a public location that is under the control of a Court Judge will be required to wear a face-covering and each Judge will implement a procedure that will ensure compliance with the same. The Judge of the Court may limit the use of face masks during proceedings if it is necessary to do so for the parties to communicate and be heard by the Court or the Court Reporter. The Courts will follow all other guidelines that may be developed by the Judge and Commissioners Court of Jack County in conducting activities in any county building.

Scheduling

1. In general, in-person proceedings must be scheduled and timed by each Judge so that the number of people entering or in a court facility for any period will be reduced as much as possible and will also promote social distancing by attempting to reduce the number of persons who would be in waiting areas, hallways, restrooms or other locations where the public might gather.
2. The Jack County Emergency Management Coordinator has completed a courtroom occupancy survey that contains the maximum seating capacity of each courtroom, the seating and other similar information. At present, the Judges will limit hearings so that no more than 25% of the courtroom being occupied at any time.
3. The attorneys who will be attending these sessions will be told to limit as much as possible the number of persons that attend these hearings. Persons who are not essential to an issue before a court should be asked not to attend.
4. The Jack County Courthouse contains two courtrooms being the District Court Room and the County Court Room. The Jack County Commissioners Court meets periodically in the County Court Room. The Judges for each Court will to the extent necessary coordinate court schedules so that dockets and hearings likely to have multiple persons in attendance will not be held during the same period during any day. Dockets should be limited in number and if possible spaced so that persons required to attend will not cause the hallways, restrooms and other facilities to become crowded. Scheduling between these courts will also include and take into consideration the scheduling of the CPS Court and Title IV Court that meet in the District Court Room.

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 designated to be part of the vulnerable populations associated with the Covid-19 disease.
2. This information will also be posted on Court websites and conspicuous locations around the court buildings or facilities. All attorneys scheduled appear for a court proceeding shall be required to notify the Court if they believe that any person appearing in Court is a vulnerable population individual and make that information known to the court before any hearing. 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. Notice with this information will be posted on the courts' websites and inconspicuous locations around the court building.
3. Vulnerable population individuals who are scheduled for court and who are identified as being a person in this situation will be immediately brought to the attention of the Judge of the court before their appearance. The Judge will attempt to take such steps as may be reasonable and necessary to assist such persons to avoid appearing in person at the proceeding. The Judge shall have the authority to allow these individuals to participate or appear in a court proceeding by teleconferencing, video conferencing or any other reasonable means while these rules remain in effect.

Social Distancing

1. All persons who are permitted to enter into court facilities will be required to observe and maintain adequate social distancing. Each Court shall follow the guidelines and recommendations of the Office of Court Administration concerning social distancing which is currently 6 feet. If approved by the designated Health Officer of Jack County, a distance of fewer than 6 feet may be used if there are protective barriers or other safety devices in place that will give adequate protection to personnel and court participants from contamination or disease. The Judge of a Court may allow persons who reside in the same households to sit closer than the prescribed distance in the gallery area of a courtroom but is not required to do so.
2. If a Judge has the authority to set social distancing guidelines on the use of restrooms, break rooms, and other common areas outside of the court facility then that Judge may do so. No Judge shall be obligated or responsible for setting or enforcing social distancing guidelines for any part of a county building that is not subject to their authority or control.
3. As stated above the Judges will limit all hearings in their courtrooms to no more than 25% of its capacity being occupied at any time according to the seating capacity chart prepared by the Jack County Emergency Management Coordinator.

Gallery

4. The maximum number of persons permitted in the general gallery of a courtroom will be determined and posted before the use of the courtroom. Seating that will provide and maintain the social distancing will be identified in advance of any hearing. Each Court proceeding shall be attended by a Bailiff and the Judge shall direct the Bailiff to limit the number of persons allowed in the courtroom to the seating capacity designated for that courtroom. The Bailiff shall be instructed by the Judge to make sure that all persons will be directed to sit in the seats designated for use in the courtroom so that social distancing is maintained.

Well

5. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating should be arranged in such a way so that there is social distancing or protective barriers in place that will protect all parties participating within this area from direct contact or airborne transmission of infectious diseases such as Covid-19. A Judge shall not conduct court proceedings in a court facility if there are not sufficient safeguards already in place that will protect all participants against infectious contact or airborne disease during the proceedings.

Hygiene

1. The Judge of a court will ensure that hand sanitizer and dispensers are available near all direct courtroom entrances; and to the extent that a Judge has the authority to do so, they will attempt to have them available for use by the public in the entry and exits into the building.
2. To the extent that a Judge has the authority to do so, they will ensure that tissues are available for public use in courtrooms and other public areas.
3. To the extent that a Judge has the authority to do so, they will have posted readily visible signage reminding individuals of the best hygiene protocols in the area of the court facilities they are assigned.
4. Jack County will provide hand sanitizers and dispensers as well as facemasks available in the buildings and courtrooms.

Screening

1. None of the Judges in Jack County have direct authority or control over the Security Staff that provides screening and security for persons entering into a county building or courtroom. This is under the direct authority of the Jack County Sheriff. However to the extent that a Judge has the authority to do so, they will have persons entering into a court facility screened. The screening will include having a person's body temperature taken and asking them 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 have a body temperature equal to or greater than 100.0°F degrees or who answer yes to any of the

screening questions will be refused admittance to the building or the court facility. A Jack County employee will screens all persons entering into the Jack County Courthouse by taking their temperature by an infrared thermometer and by asking screening questions before entering the building. If a Judge is not able to have the persons entering into a Court facility screened as provided above, then the Judge will not proceed with a hearing until such screening is provided for all persons entering into a courtroom facility.

2. It is the current policy of the Jack County Sheriff's Office to have inmates or detainees from jail and juvenile facilities screened as provided above before being transported to a courtroom. Each Judge will confirm that all such persons held in custody have been screened before they are allowed inside of a Court facility and will not proceed with any hearing until compliance is reached.

Face Coverings

1. All individuals entering a court facility will be required to wear face coverings at all times unless they are inside of the "well of the courtroom" and the Court determines that person must have it temporarily removed to communicate. The Court shall not allow a person to remove their face covering if it appears that it will create a health hazard of any kind.
2. Face coverings shall be designed to contain the airborne disease from being spread during the period that persons are in the Court facility. Persons who refuse to wear a face-covering should be excluded from entering a court facility.
3. A Judge is not responsible for any face-covering policy outside of the court facilities it uses to conduct its judicial affairs that are made by the County government.

Cleaning

1. The County Judge and Commissioners Court sets the policies for keeping and maintaining all buildings used by the Judges of the County and that includes cleaning and sanitization. Jack County will provide the cleaning staff that is properly trained and equipped to maintain all courtrooms and common spaces as necessary to ensure that they are safe to use. When possible, the County will provide cleaning staff to clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
2. Each Judge shall attempt to keep the County Judge or the person or persons in charge of cleaning in their building informed of the dates and times that the courtroom will be used for hearings so that staff will be available to perform its tasks.
3. If in the judgment of the Judge the Courtroom facilities are not in a proper sanitary condition, then the Judge shall not hold court proceedings in the facility until it has been properly cleaned and sanitized.

Other

These guidelines are to assist the judges that preside over criminal or civil cases in this county to perform their duties as a judge and officeholder during the time of emergency conditions taking place in the year 2020 as determined by the Governor of the State of Texas and at the direction of the Texas Office of Court Administration. The undersigned is acting only in his capacity as an elected judicial officer and as the statutory Local Administrative Judge of Jack County.

The undersigned has attempted to confer with all judges of courts with courtrooms in the courthouse regarding this Operating Plan. In developing the plan, I consulted with the Jack County Judge, Brian Keith Umphress, and the local health authority, Dr. Robert Cooper. Verification is attached to this plan. I will ensure to the best of my ability that the judges of courts with courtrooms in the county facilities covered by this Operating Plan conduct proceedings consistent with the plan.

Date: May 27, 2020



Brock R. Smith Local Administrative District Judge
271st District Court Jack and Wise County