



CARMEN SYMES DUSEK
DISTRICT JUDGE

51ST JUDICIAL DISTRICT OF TEXAS
COKE, IRION, SCHLEICHER, STERLING & TOM GREEN COUNTIES

112 WEST BEAUREGARD AVE.
SAN ANGELO, TEXAS 76903

325-659-6569
325-658-8046 (FAX)

December 29, 2020

VIA Email:

Hon. Dean Rucker
Regional Presiding Judge
7th Judicial Administrative Region

Re: Application for Recertification of COVID-19 Court Operating Plans for Coke, Irion, Sterling and Schleicher Counties within the 51st Judicial District.

Judge Rucker,

This letter is intended to serve as an update for recertification of the COVID-19 Court Operating Plan for Coke, Irion, Sterling and Schleicher counties in the 51st Judicial District.

Set out below are the responses to the questions raised by OCA pertaining to efforts taken by the Courts serving Coke, Irion, Sterling and Schleicher Counties (51st District Court, IV D Court, CPS Court, County Courts and JP Courts). Documentation is attached showing the responses from each judge. This updated plan includes many of the means the courts already use for ensuring proceedings are held remotely, but further includes new requirements to courts to overcome barriers to remote hearings.

Questions posed by OCA

- 1. What objective criteria do you use to determine when an in-person hearing is necessary?**

The state and county Courts in Coke, Irion, Sterling and Schleicher County have conducted very few in-person hearings or bench trials since March of 2020. Those proceedings which have occurred in person only if no other workable solution could be devised. The Courts will continue to use the following methods set out in response to Question 2 below to avoid any individual appearing in person and if such cannot be accomplished, will only

conduct the hearing in a hybrid fashion allowing only the individual who cannot appear remotely to appear in person.

2. What objective criteria do you use to determine whether you have made all reasonable efforts to conduct a proceeding remotely?

The following efforts are used to overcome barriers to conducting court remotely:

- A) At time of magistration or post-indictment reporting, the court or clerk shall obtain a good email and phone number for the Defendant so notices and zoom links can be provided via email in addition to mailed notices.
- B) In family and civil matters, the Clerk of the Court obtains email and telephone numbers from parties and all counsel or record.
- C) The Clerk ensures Court files (whether electronic or printed files) contain the contact information, including email addresses, for all parties, counsel, bondsmen, etc. This information is also provided to the Court administrator, if such a position exists.
- D) In each case, the parties, counsel, and bail bondsman (if applicable) are notified of the remote hearing and provided with instructions for obtaining log-in information to connect to the hearing.
- E) Lawyers and bondsmen commonly assist defendants/parties with appearing remotely by having them appear from, their offices.
- F) Parties lacking connectivity (internet or strong, consistent cell coverage) are directed to a local site (such as a public library or county building) where public Wi-Fi is available. Participants then either sit in their vehicles for court or are allowed to enter that building to utilize an isolated room to connect to Wi-Fi as well as to use an available laptop, iPad or equipment loaned from OCA if no equipment is available through the County. If an interior space is used, the space and equipment are sanitized after each user.
- G) To address the need for interpreters, all Notices of hearings shall contain information in both English and Spanish (the most common language spoke other than English in this county) of who to contact at the clerk or court to obtain interpreter services for the remote hearing. OCA interpreters are used for court.
- H) The Courts provide assistance to parties to guide them through connecting and ensuring video and audio are working.

In any instance where these methods are insufficient, the Court will:

- (1) reset the hearing to a later date,
- (2) proceed with a hybrid hearing where all persons parties appear remotely with the exception being only the individual who cannot appear by video shall be permitted to come to the courthouse where he/she will either appear from an isolated space inside the court building with a Zoom kiosk, or if this is not available, appear in person from the courtroom using an additional screen, camera and microphone ensuring the person can see and hear all parties, witnesses and counsel as well as the court. The requirements and safeguards set out in the Court's COVID operating procedure must be strictly followed for any individual to enter the courthouse even to appear from a kiosk.

Thank you for review and consideration of this recertification. If you have any questions or concerns, please let me know.

Sincerely,

/s/ Carmen S. Dusek

Carmen S. Dusek

cc Via Email:

Hon. Pamela Talley
Hon. Gary Banks
Hon. Hal Spain
Hon. Molly Criner
Hon. Charlie Bradley
Hon. Debbie Horwood
Hon. Russell Johnson
Hon. Donna Smith
Hon. Phil Edmiston
Hon. Stacy Dyer