

**Jury Proceeding Addendum to COVID-19 Operating Plan for the
Dallas County George Allen Civil Courthouse**
Effective on and after October 1, 2020

Recognizing the need to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the civil courts of Dallas County in the George Allen Civil Courthouse will implement, in addition to the procedures and protocols in the previously submitted COVID-19 Operating Plan, the following protective measures for jury proceedings:

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 jury proceedings according to the guidance issued by the Office of Court Administration.
2. The justice courts will not conduct an in-person jury proceeding until the Supreme Court permits such proceedings.
3. Judges of the district courts, constitutional and statutory county courts, and statutory probate courts will conduct in-person jury proceedings in accordance with the previously approved Operating Plan and this addendum only after this jury proceeding addendum is submitted and accepted by the Regional Presiding Judge.
4. Not more than five days before an approved in-person jury proceeding is scheduled to occur, the local administrative district judge or designee will consult with the local public health authority to verify that local health conditions and plan precautions are appropriate for the jury proceeding to proceed.
5. Except for criminal cases where confinement in jail or prison is a potential punishment, judges may conduct remote jury proceedings if the court follows the requirements of the hearings on objections or motions section below and ensures that all potential and selected petit jurors have access to technology to participate remotely. Judges may conduct remote jury proceedings in a criminal case where confinement in jail or prison is a potential punishment only with appropriate waivers and consent obtained on the record from the defendant and the prosecutor.

Jury Proceeding Approval Process

1. Judges wishing to conduct a jury proceeding in the George Allen Courthouse will follow the procedure detailed below to obtain approval to proceed with the jury proceeding from the local administrative district judge and Regional Presiding Judge:

The Dallas County Civil Courts in the George Allen Courthouse will conduct hybrid jury trials with voir dire proceeding by video conference and the jury trial proceeding in person at the George Allen Courthouse. The judges in the Civil District Courthouse will prepare a jury trial schedule that ensures that no more than one in person jury trial will be conducted on any floor of the George Allen Courthouse on any given day. Judge Carter Thompson, Local Administrative District Judge, and Judge Ray Wheless, Regional Presiding Judge, will approve the schedule.

2. The local administrative district judge will, not more than five days before the jury proceeding, consult with the local public health authority to verify that the local health conditions and plan precautions are appropriate for the jury proceeding to proceed with the following procedure:

Dr. Huang, Director of Dallas County Health and Human Services, has reviewed and approved the plan for proceeding with jury trials in the George Allen Courthouse. (See Attachment C). No more than five days before the jury proceeding, Judge Carter Thompson, Local Administrative District Judge, will confirm that it is safe to proceed with the jury trial in the George Allen Courthouse.

Hearings on Objections or Motions Related to Proceeding

1. Parties who are scheduled for a jury proceeding are encouraged to make any objections or motions related to proceedings at least 10 days prior to the trial setting.
2. Any objections or motions related to proceeding with a jury proceeding will be heard by the judge presiding over the case at least seven days prior to the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding.

Communication Protocols

1. Each judge with an approved in-person jury proceeding will require the parties to communicate with the court if any participant in the jury proceeding, including attorneys, parties, attorney support staff, or witnesses, has tested positive for COVID-19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19.
2. If the approved in-person jury proceeding involves an incarcerated participant, the judge will require the sheriff to report any positive COVID-19 test of the incarcerated participant within the previous 30 days prior to any portion of the jury proceeding, any current symptoms of COVID-19, or any recent known exposure to COVID-19.

Scheduling

1. Because the voir dire portion of the trial will be conducted by video conference, there is less of a concern that parties and counsel that are not proceeding to trial will be present at the courthouse.
2. The courts will establish a trial schedule to ensure that no more than one jury trial is in process on a given floor at any given time.

Summoning Jurors

1. Voir dire will be conducted virtually.
2. The jury clerk must include with in-person juror summonses information regarding precautions that have been taken to protect the health and safety of prospective jurors (see Attachment A) and COVID-19 Questionnaires (see Attachment B) that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
3. Judges will use a juror questionnaires for voir dire to assist in shortening the length of voir dire.

4. Excuses or requests to reschedule from in-person prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone vulnerable to COVID-19 will be liberally granted.

Location for Jury Selection, Trial, and Deliberation for Hybrid Jury Trials

1. The following locations have sufficient space to permit adequate social distancing and will be used for video conference jury selection followed by an in-person jury trials:
 - a. Jury Qualification: The jury qualification process will be conducted virtually.
 - b. Voir Dire: Voir dire will be conducted virtually, and therefore, the venirepanelists will not appear at the courthouse for jury selection
 - c. Trial: The courtrooms have been reconfigured to provide sufficient space for the jurors to socially distance during the trial
 - d. Jury Deliberation: The jury deliberation process will be conducted in the courtroom. During breaks, the jurors will either remain in the courtroom or disburse into two different juror rooms on the same floor.
2. Security protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for the proceeding.

Screening

1. In addition to the requirements of the previously submitted in-person Operating Plan, all court participants attending an in-person jury proceeding will be screened for elevated temperatures and will be questioned to determine if the individual has recently had symptoms of COVID-19 or been exposed to COVID-19. All parties, counsel, and witnesses will be required to complete the COVID-19 Questionnaire (See Attachment C).
2. All participants in a trial who are incarcerated will be screened by the jail/prison prior to transport to the courtroom and any known exposure, symptoms, or COVID-19 positive test results within the past 30 days will be reported to the judge presiding over the jury trial prior to the transport of the participant to the courtroom.

Face Coverings

1. In addition to the requirements of the previously submitted in-person Operating Plan, all persons entering the common areas of a courthouse, including a courtroom or any other location being used to conduct a jury trial, will be required to wear a face covering at all times unless the person is an individual that is not recommended to wear a mask by the Centers for Disease Control or the Texas Department of State Health Services.
2. All court participants will be required to wear face coverings during the entire trial. The jury qualification and selection process will be conducted virtually.
3. Court participants who may need to lower their face mask to speak or for a short period of time will be required to wear a face shield. When speaking, judges will permit a court participant to lower his or her mask so long as a face shield is worn, and the person speaking is immobile.

Social Distancing

1. Social distancing of all court participants and observers will be maintained at all times during the jury proceeding, including during the trial and deliberation.

2. Special attention will be paid by courts to ensure adequate social distancing and managed exits of individuals during breaks, especially when dismissing large groups of people for a break.

Alternate Jurors

Each judge with an approved in-person jury proceeding will be encouraged to consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming ineligible to serve for a reason unrelated to that person's exposure to or contraction of COVID-19.

Arrangement of Courtroom

The attached diagram shows how an example of how the courtrooms will be arranged during the jury proceeding. See Attachment D.¹

Microphone Protection Protocols

1. Judges will limit, to the degree possible, the shared use of microphones during the jury proceeding.
2. If a microphone must be shared, judges will limit the passing of the microphone unless the microphone is cleaned between each user.
3. Disposable microphone covers will be placed on shared microphones and changed between each user.

Exhibit/Evidence Management

1. Judges will limit, to the degree possible, the use of physical or paper exhibits/evidence where feasible or appropriate by converting the exhibit/evidence to a digital form.
2. When physical or paper exhibits/evidence is required, judges will reduce the exchange of that exhibit/evidence to the number of persons necessary and will limit passing the exhibit/evidence to the individual members of the jury.
3. If an exhibit/evidence is required to be transferred from person-to-person, single use gloves will be provided, worn, and discarded immediately after handling the exhibit/evidence.
4. During jury deliberations, judges will make efforts to provide the jury with access to digital exhibits/evidence that would normally be shared with the jury during deliberation. Where digital exhibits/evidence is not feasible, judges will consider limiting the transfer of the exhibits/evidence from juror-to-juror by spreading the exhibits/evidence on a table for inspection from the table in the jury deliberation room.

Witnesses

1. Judges will inquire whether witnesses to the proceedings have COVID-related issues.
2. To the degree constitutionally permissible or with the consent of the parties, judges will permit witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVID-19, has been recently exposed, or is vulnerable to contracting COVID-19.

Food Precautions

¹ Include where the judge, parties/counsel, jurors, witnesses, court reporter, and bailiff will be arranged in each courtroom or facility during each phase of the trial.

1. Courts that provide food to jurors or other participants during a jury proceeding will ensure individual food portions, such as individually boxed meals, are provided.

Cleaning

1. In addition to the requirements of the previously submitted in-person Operating Plan, frequent cleaning protocols in the courtrooms and facilities will be maintained throughout the jury proceeding as appropriate.
2. Shared spaces such as witness stands, seating in the gallery, and seating during qualification/voir dire will be cleaned during transitions of those spaces.
3. Seats for members of the jury panel and selected jurors will be assigned to reduce potential transmission and the need for more frequent cleaning.

I have attempted to confer with all judges of courts with courtrooms in the George Allen Courthouse regarding the Jury Proceeding Addendum to the Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan as Attachment D. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 10/6/2020

Local Administrative District Judge

Attachments

Attachment A—Description of Dallas County Jury Services website link that describes the safety protocols in the George Allen Courthouse

Attachment B—COVID-19 Juror Questionnaire

Attachment C—COVID-19 Questionnaire (for all persons other than jurors)

Attachment D—Diagram of courtroom

Attachment E—Email from Dr. Huang

ATTACHMENT A

The Dallas County courts are committed to protecting the health and safety of all those who visit the courthouse. You can be confident that your health and safety will be a top priority while you perform your jury service. The courts have implemented safety protocols that are approved by the State of Texas Office of Court Administration and Dallas County public health officials. These measures promote public safety and protect the trial rights guaranteed by the Sixth and Seventh Amendments of the United States Constitution.

Prior to entering the George Allen Courthouse, all jurors, attorneys, witnesses, and parties are required to complete the COVID-19 SCREENING QUESTIONNAIRE. You can download the COVID-19 JUROR Questionnaire [HERE]. Please bring the completed questionnaire with you and give it to the Bailiff of the court that you are called to serve.

Face Masks in the Courthouse

All those who enter the George Allen Courthouse are required to use face coverings. If you arrive without a face covering, a disposable face mask will be provided for you.

Social Distancing in the Security Pass Through

Once you enter the George Allen Courthouse, you will be required to go through security. Please maintain at least 6 feet of distance between you and those who are in line with you to proceed through security. You will find signage that will remind you to maintain proper social distancing.

Elevators in the Courthouse

If you are serving as a juror in one of the Family Courts that are located on the 3rd and 4th Floors of the George Allen Courthouse and you physically are able to use the escalator, please do not use the elevators. Please work your way from the security line to the escalators.

For all jurors serving on the 5th through 8th Floors, please maintain social distancing of at least 6 feet while you wait for an elevator. Once you enter the elevator, please note that no more than 4 people are allowed in the elevator at one time. You will find social distancing signage that will remind you of these protocols.

Temperature Checks and Hand Cleansing Before Entering the Courtroom

Before entering the courtroom, everyone will be required to have a temperature check with a wall mounted touchless thermometer. If your temperature is 100 F or higher, you may not enter the courtroom. Prior to entering the courtroom, you are also required to clean your hands with hand sanitizer, which will be provided for you.

Protections in the Courtroom

All those who enter the courtroom must at a minimum properly use a face covering. When you enter the courtroom to serve as a juror, you will be provided an extra layer of protection in the form of a face shield, which you will wear with your face covering. The courtroom will be assembled to allow for proper social distancing between you and the other jurors, the attorneys, the parties, the witnesses, the judge, and the court staff.

During the trial, the attorneys, parties, and witnesses will remain not less than 6 feet away from the jurors and will wear face shields at all times. They will also wear both face shields and face coverings whenever they are not speaking. Only when a witness is testifying or an attorney is speaking will he or she be allowed to remove his or her face covering. However, all jurors, parties, attorneys, witnesses, and observers in the courtroom will wear face shields at all times.

The microphones that are utilized in the courtroom will be protected by a disposable plastic microphone cover. The disposable microphone cover will be discarded and replaced between each speaker.

During trial breaks, the jurors will be directed to multiple rooms that will allow you to remain socially distant. The jurors will not be required to leave the courthouse for lunch breaks. The court will make accommodations to have individually packaged lunches delivered for the convenience of the jurors.

During the jury deliberation process, everyone will clear the courtroom. The jury will be given the entire courtroom to deliberate while maintaining social distance.

ATTACHMENT B

JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE

Dear Prospective Juror:

As part of the court's ongoing measures to protect against the spread of COVID-19 disease, we ask that you complete the following before reporting for Jury Service on _____, 2020. Bring this completed questionnaire with you or email it to _____@_____ BEFORE (insert date of jury service 2020):

1. SYMPTOMS NOW OR BETWEEN (insert date that is 14 days before date of jury services), 2020 AND (insert date of jury selection proceeding), 2020: check any that apply to YOU OR AMEMEBER OF YOUR HOUSEHOLD.

___ Fever (above 100.0) ___ Change in taste or smell ___ Cough ___ Nausea or Vomiting

___ Headache ___ Shortness of Breath/Difficulty Breathing ___ Diarrhea ___ Chills

___ Muscle pain or body aches ___ Sore throat ___ Fatigue ___ Congestion or Runny Nose

___ I certify that NONE of the symptoms above have been experienced by me or a member of my household between (insert date that is 14 days before date of jury service) and (insert date of jury selection 2020).

IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE DISTRICT CLERK'S OFFICE AT (___) ___-___ BEFORE REPORTING ON _____, 2020.

2. CONTACT HISTORY – check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD:

___ I or a member of my household has been diagnosed with COVID-19 within the last 4 months:

___ I or a member of my household has been in close contact with someone exposed to or infected with COVID-19 I the last 14 days:

___ I or a member of my household are currently on a watch list or self-quarantining because of possible COVID-19 exposure:

___ NONE of the above apply.

IF ANY OF THE ABOVE APPLY, CALL THE DISTRICT CLERK'S OFFICE AT (___) ___-___ BEFORE REPORTING ON _____, 2020.

3. COVID-19 RELATED EXCUSE OR POSTPONEMENT – Individuals who are over age 65 and individuals with 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 therapy, are considered to be vulnerable populations and may request to postpone or be excused form jury service at this time. If you wish to be excused or request that your jury service be postpone, check the box below.

___ *I certify that I meet the above-described conditions and I am requesting to be excused from jury service or desire to have my service date postponed because of those conditions.*

IF YOU ARE REQUESTING TO BE EXCUSED OR YOUR SERVICE DATE BE POSTPONED DUE TO A COVID-19 RELATED REASON, CALL JURY SERVICES AT (___) ___-___ BEFORE REPORTING ON _____, 2020.

4. FACE COVERINGS:

Prospective jurors are required to wear a face covering while they are in the courthouse Individuals are encouraged to bring a cloth face covering with them. If an individual does not have a cloth face covering, a disposable mask will be provided.

I certify the above is true and correct:

Signature

Printed Name

ATTACHMENT C

IN PERSON COURT PROCEEDINGS COVID-19 PRE-SCREENING QUESTIONNAIRE

ALL COUNSEL OF RECORD AND WITNESSES:

As part of the court’s ongoing measures to protect against the spread of COVID-19 disease, we ask that you complete the following prior to appearing in person before the 162nd District Court on September 29, 2020. Bring this completed questionnaire with you or email it to mthomas@dallascourts.org no later than September 28, 2020:

1. SYMPTOMS NOW OR BETWEEN **September 15, 2020 AND September 29, 2020**: check any that apply to YOU OR AMEMEBER OF YOUR HOUSEHOLD.

Fever (above 100.0) Change in taste or smell Cough Nausea or Vomiting

Headache Shortness of Breath/Difficulty Breathing Diarrhea Chills

Muscle pain or body aches Sore throat Fatigue Congestion or Runny Nose

I certify that NONE of the symptoms above have been experienced by me or a member of my household between September 15, 2020 and September 29, 2020.

IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE COURT ADMINISTRATOR MELINDA THOMAS AT 214/653-7348 BEFORE REPORTING ON SEPTEMBER 29, 2020.

2. **CONTACT HISTORY** – check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD:

I or a member of my household has been diagnosed with COVID-19 within the last 4 months:

I or a member of my household has been in close contact with someone exposed to or infected with COVID-19 I the last 14 days:

I or a member of my household are currently on a watch list or self-quarantining because of possible COVID-19 exposure:

NONE of the above apply.

IF ANY OF THE ABOVE APPLY, CALL THE COURT ADMINISTRATOR MELINDA THOMAS BEFORE REPORTING ON SEPTEMBER 29, 2020.

3. COVID-19 RELATED EXCUSE OR POSTPONEMENT – Individuals who are over age 65 and individuals with 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 therapy, are considered to be vulnerable populations. If you wish to be excused from appearing before the court in person or request that your appearance be postponed, check the box below.

I certify that I meet the above-described conditions and I am requesting a postponement of my in person appearance in court.

4. FACE COVERINGS:

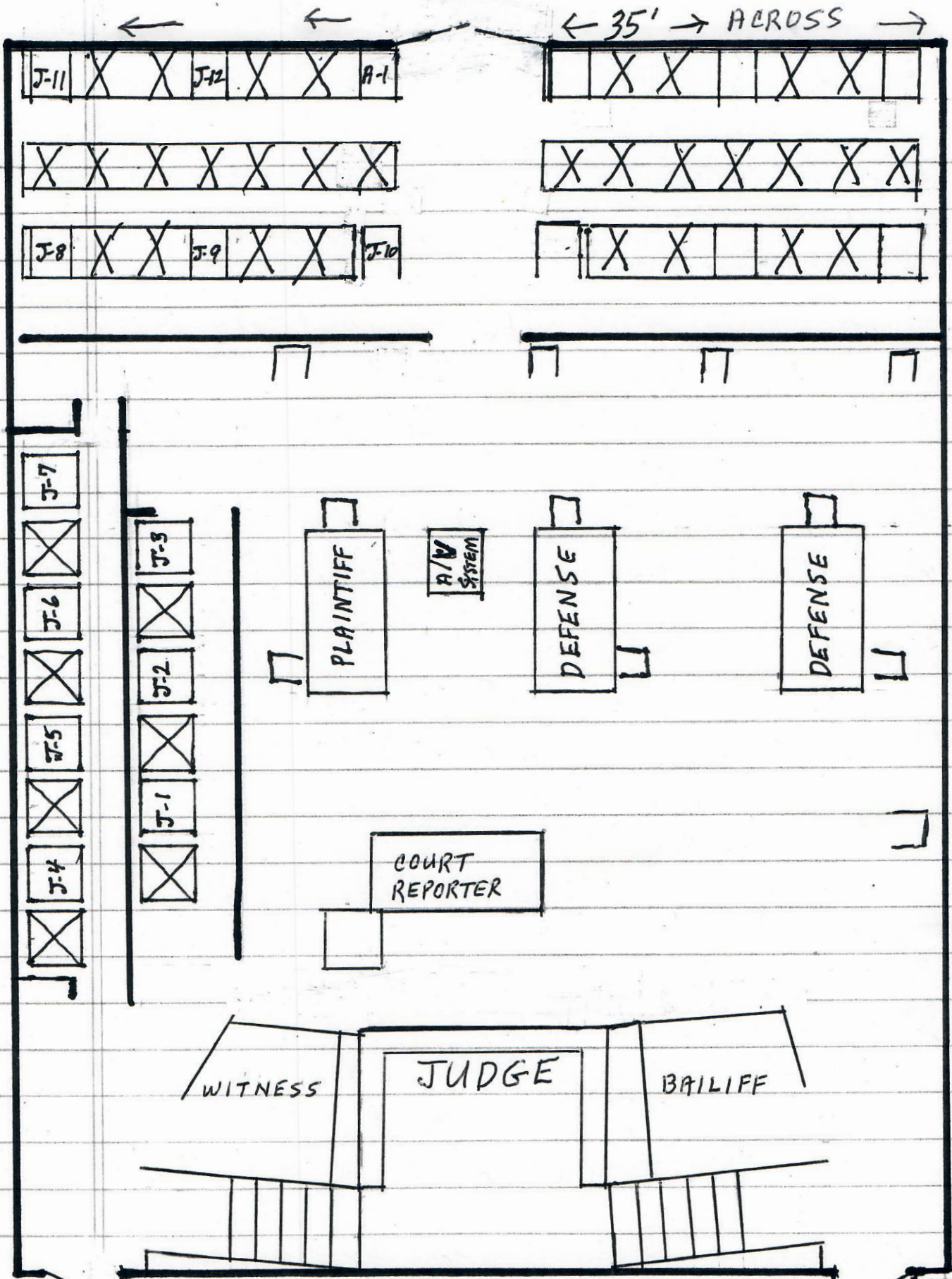
All counsel, parties and witnesses are required to wear a face covering while they are in the courthouse Individuals are encouraged to bring a cloth face covering with them. If an individual does not have a cloth face covering, a disposable mask will be provided.

I certify the above is true and correct:

Signature

Printed Name

ATTACHMENT D



J- JUROR
 NOTE: X-NO SEATING
 □-CHAIR

ATTACHMENT E

Maricela Moore

From: Philip Huang
Sent: Monday, October 5, 2020 12:11 PM
To: Maricela Moore; Clay Jenkins
Cc: Carter Thompson
Subject: RE: George Allen Courts Covid-19 Jury Plan

Judge Moore,

We appreciate all of your efforts to safely bring jury service back into action. You have done great work identifying best practices and developing a plan to do this safely. As per our prior conversation, I approve of your proposed COVID-19 Jury Plan. Please let me know if you need anything else. Thanks.

Philip Huang, MD, MPH

Director/Health Authority

Dallas County Health and Human Services Department (DCHHS)

2377 N. Stemmons Freeway, #604

Dallas, Texas 75207

214-819-2014

Philip.Huang@dallascounty.org



DCHHS
Safe families, healthy lives
Dallas County Health and Human Services

