

Jury Proceeding Addendum to COVID-19 Operating Plan for the Fort Bend County Judiciary

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 courts of Fort Bend County 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 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:

Prior to submitting a Jury Proceeding Operating Plan to the local administrative judge for approval, the presiding judge of the court requesting a jury trial shall confirm the date requested for the jury proceeding with the attorneys of record and/or the parties.

The court shall hear any motions or objections to the jury proceeding prior to submitting the Jury Proceeding Operating Plan to the local administrative judge for

Approval.

The judge of the court requesting an in-person jury trial shall comply with the COVID-19 Operation Plan for the Fort Bend County Judiciary, the effective version of the Guidance for All Court Proceedings During COVID-19 Pandemic from the Office of Court Administration and the current effective Orders from the Supreme Court of Texas (Twenty Sixth Emergency Order effective October 1, 2020 is the current order).

For approval the following is required to be submitted with the Jury Operating Plan Procedure;

- *date for which the jury proceeding is to commence
- *cause number of case
- *style of case
- *jury issues
- *estimated length of trial proceeding
- *number of requested to summons for the jury panel. The jury assembly room has a capacity of 128 with COVID-19 safety precautions in place. If more than 128 is needed submit a plan for a 2 day or more jury selection.

The jury assembly room is only available for the jury selection; then the panel shall proceed to the courtroom. If any space is needed in the justice center for any reason during the proceedings, the judge shall be responsible for reserving that space. Indicate in the proposed plan, if applicable, the specific space reserved for the jury proceeding.

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:

Ten (10) days prior to the commencement of the jury trial, notify the local administrative judge in writing via email confirming the jury trial will commence. Include in the written notice any health concerns or issues that could effect the jury proceedings so that they may be communicated to the health authorities.

Upon receipt of the notice the local administrative judge will notify the public health authority as required.

Refusal to comply with the 10 day notice requirement to the local administrative judge could result in the jury trial being rescheduled.

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. A judge who obtains approval for an in-person jury proceeding will schedule no more than ten cases for that jury trial setting, unless pre-approval for larger dockets is obtained from the Regional Presiding Judge.
2. Judges should attempt to alert parties who will not be proceeding prior to the day of trial to reduce attendance at the court facility.

Summoning Jurors

1. 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)¹ and COVID questionnaires (see Attachment B)² that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
2. Judges will consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons.
3. 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.

¹ Include as Attachment A the information that the court will include with summonses.

² Include as Attachment B the COVID questionnaire that the court will include with summonses. A sample COVID questionnaire is available at <https://txcourts.gov/media/1449739/petit-juror-questionnaire-addendum-covid-19-pre-screening.pdf>.

Location for Jury Selection, Trial, and Deliberation

1. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:³
 - a. Jury Qualification: jury assembly room
 - b. Voir Dire: jury assembly room
 - c. Trial: courtroom
 - d. Jury Deliberation: courtroom or reserved meeting rooms
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 and observers 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.
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 from jury qualification through the end of trial.
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.

³ Court who may need to hold a proceeding outside of the courthouse should review Chapter 292 of the Local Government Code (related to having an auxiliary facility designated as a courthouse) and Government Code Sections 24.033(b) (district courts), 25.0019(b) (statutory county courts), 25.0032(b) (statutory probate courts), 26.009(b) (constitutional county courts), 27.0515 (justice courts), 29.015 (municipal courts), and 30.000123 (municipal courts of record)—relating to designating alternative locations for proceedings.

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

1. The following description/details how each of the courtrooms or facilities will be arranged during the jury proceeding:⁴

The courtrooms in the Justice center (except for Associate Judge Courtrooms) are the same floor plan. Additionally, each court room is currently marked to comply with the social distancing requirements. Attached please find photos of each courtroom with the required social distancing areas clearly marked. The courtroom will be used as the jury deliberation area. Any necessary space for attorney meetings will be either the attorney ready rooms in each courtroom or an available meeting room which can be reserved by the judge prior to the trial.

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

⁴ 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.

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. 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.

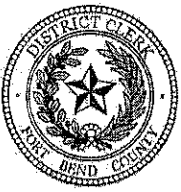
Cleaning

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 court building 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. 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: 9/28/2020


Local Administrative District Judge



BEVERLEY MCGREW WALKER
DISTRICT CLERK
Fort Bend County, Texas

September 28, 2020

Dear Prospective Juror:

You have been summoned to appear in the 387th District Court of Fort Bend County on **Monday, October 19, 2020** at 8:00 A.M. for Jury Service.

We understand that during the COVID-19 Pandemic citizens may have reservations about attending Jury Duty, and we would like to let you know what the Fort Bend County District Clerk's Office has done to ensure your visit to the Fort Bend County Justice Center is a safe and healthy one.

First, all employees and visitors will be required to wear a mask and subject to a temperature check upon entering the Fort Bend County Justice Center. Hand sanitizing stations have been placed throughout the Justice Center for your use. Plexiglas shields have been installed in public facing areas to further prevent the spread of droplets that could possibly carry COVID-19. Lastly, we have placed social distancing markers in our hallways and in the Jury Assembly Room to ensure that six feet of social distance is possible at all times regardless of where a person may be standing or sitting.

We will continue to work with our partners at Fort Bend County Risk Management along with our federal and state partners to ensure the safest possible environment as citizens perform their civic duty.

We look forward to seeing you on **Monday, October 19, 2020**.

Sincerely,

Beverley McGrew Walker
Fort Bend County District Clerk

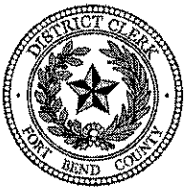
Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Phone: (281) 341-4509
Fax: (281) 341-4519

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469



BEVERLEY MCGREW WALKER
DISTRICT CLERK
Fort Bend County, Texas

JURY SERVICE COVID-19 SCREENING QUESTIONNAIRE

Dear Prospective Juror:

As part of the court's ongoing measures to protect against the spread of the COVID-19 disease, we ask that you complete the following survey.

1. **SYMPTOMS:** Are you or any member of your household currently experiencing any symptom of COVID-19? Check any that apply to YOU or A MEMBER 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 in the last 14 days.

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 past 30 days.

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

____ I or a member of my household is currently self-quarantining because of possible COVID-19 exposure.

____ NONE of the above apply.

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

3. **COVID-19 RELATED EXCUSE OR POSTPONEMENT** - 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 and may request to postpone or be excused from jury service at this time. If you wish to be excused or request that your jury service be postponed, please approach the Judge.

4. **FACE COVERINGS:**

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

I certify the above is true and correct: _____
Signature Printed Name

Badge No. (Located at the Top of Your Summons)

