

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

Effective on and after January 1, 2021

Recognizing the need to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals entering the Courthouse, the Courts of Hardin County will implement, in addition to the procedures and protocols in effect in the COVID-19 Operating Plan for the Hardin County Judiciary, 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 and Constitutional County Court 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 (5) days before an approved in-person jury proceeding is scheduled to occur, the local Administrative District Judge (or his 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:

As soon as possible, the Judge requesting a jury proceeding will request approval by emailing the local Administrative District Judge (steve.thomas@co.hardin.tx.us) the proposed trial date, cause number, style of the case, and the anticipated days of trial. 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:

2. The local Administrative District Judge will, not more than five (5) days before the jury proceeding, contact the local Health Authority by email (jana.winberg@co.hardin.tx.us) to verify that the local health conditions and plan precautions are appropriate for the jury selection and trial process to proceed. Once verified, the local Administrative District Judge will email the local Health Authority's verification to the Regional Presiding Judge.

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 Sars-CoV-2 (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 (10) 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 to trial prior to the day of trial to reduce attendance at the Courthouse.

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 and COVID questionnaire (see Attachment A - JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE) 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 decreasing the length of voir dire or the number of venire persons.
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.

Locations 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:
 - a. **Jury Qualification**: Family Life Center (behind the First United Methodist Church of Kountze), 1015 South Pine Street, Kountze, Texas 77625.
 - b. **Jury Selection**: Family Life Center (behind the First United Methodist Church of Kountze), 1015 South Pine Street, Kountze, Texas 77625.
 - c. **Trial**:
District - Hardin County Courthouse - 2nd Floor, "Big" Courtroom
County - Hardin County Courthouse - 1st Floor, County Courtroom
 - d. **Jury Deliberation**: The Courtroom of the Court conducting the trial or the Courtroom for the District Court not conducting the trial.
2. Security protocols at the locations for jury proceedings have been reviewed with the Sheriff 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 Jail Staff 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 the 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.
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 presiding over 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 following paragraphs provide a description how each of the Courtrooms or facilities will be arranged during the jury proceeding. Also attached is a diagram of the facility where the empaneling and voir dire will take place.

Impaneling and Voir Dire

Impaneling and voir dire will be conducted in what is essentially a large gym which serves as the Family Life Center (located behind First United Methodist Church of Kountze), 1015 South Pine Street, Kountze, Texas 77625. Chairs for the jurors, counsel tables, the clerk, the court reporter, and the Judge are spaced at least 6 feet apart to permit adequate Social Distancing. The bailiff will be seated near the exit, 6 feet away from the nearest juror.

Trial and Jury Deliberation

Trials will be held in each Judge's Courtroom located in the Hardin County Courthouse at 300 West Monroe Street, Kountze, Texas 77625. The jurors, counsel tables, the clerk, the court reporter, witness, and the Judge will be spaced at least 6 feet apart to permit adequate Social Distancing. Specifically, the jurors will be seated in the jury box and/or the gallery to permit adequate Social Distancing. The bailiff will be seated near the exit, 6 feet away from the nearest juror.

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. 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 utilized during jury qualification and 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 conferred with all Judges of Courts with Courtrooms in the 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. I will request that the Judges of Courts with Courtrooms in the Courthouse covered by this Jury Proceeding Addendum to the COVID-19 Operating Plan for the Hardin County Judiciary conduct proceedings consistent with the plan.



Judge Steve Thomas
356TH Judicial District Court
Local Administrative District Judge

December 3, 2020

Date

JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE

Dear Prospective Juror:

Your attention to this matter and your service to your community are greatly appreciated.

During the COVID-19 pandemic, the District Courts of Hardin County are taking the following precautions to make your time for jury service as safe as possible while continuing to see that Justice is done:

- A minimal number of prospective jurors have been summoned
- All summoned **MUST** wear facial coverings (masks)
- All summoned **MUST** have their temperature checked upon entry (must not exceed 100.0°)
- Hand sanitizer will be provided at the entrance and throughout the building
- Jury selection seating is arranged per social distancing guidelines
- Jury selection typically will not exceed 1-2 hours

If you have experienced any of the following symptoms within 14 days before the date of jury service, please call the District Clerk at (409) 246-5150 BEFORE reporting for Jury Service!

- Fever (100° or higher)
- Loss of Taste or Smell
- Headache
- Shortness of Breath
- Diarrhea
- Dry Cough
- Body Aches
- Sore Throat
- Chills
- Nausea/Vomiting
- You or a member of your household has tested positive for SARS-CoV-2 (COVID-19) within the 14 days before the date of jury service
- You or a member of your household has been in close contact with someone exposed to or infected with COVID-19 within the 14 days before the date of jury service
- You or a member of your household has been in quarantine (or self-isolation) within the 14 days before the date of jury service

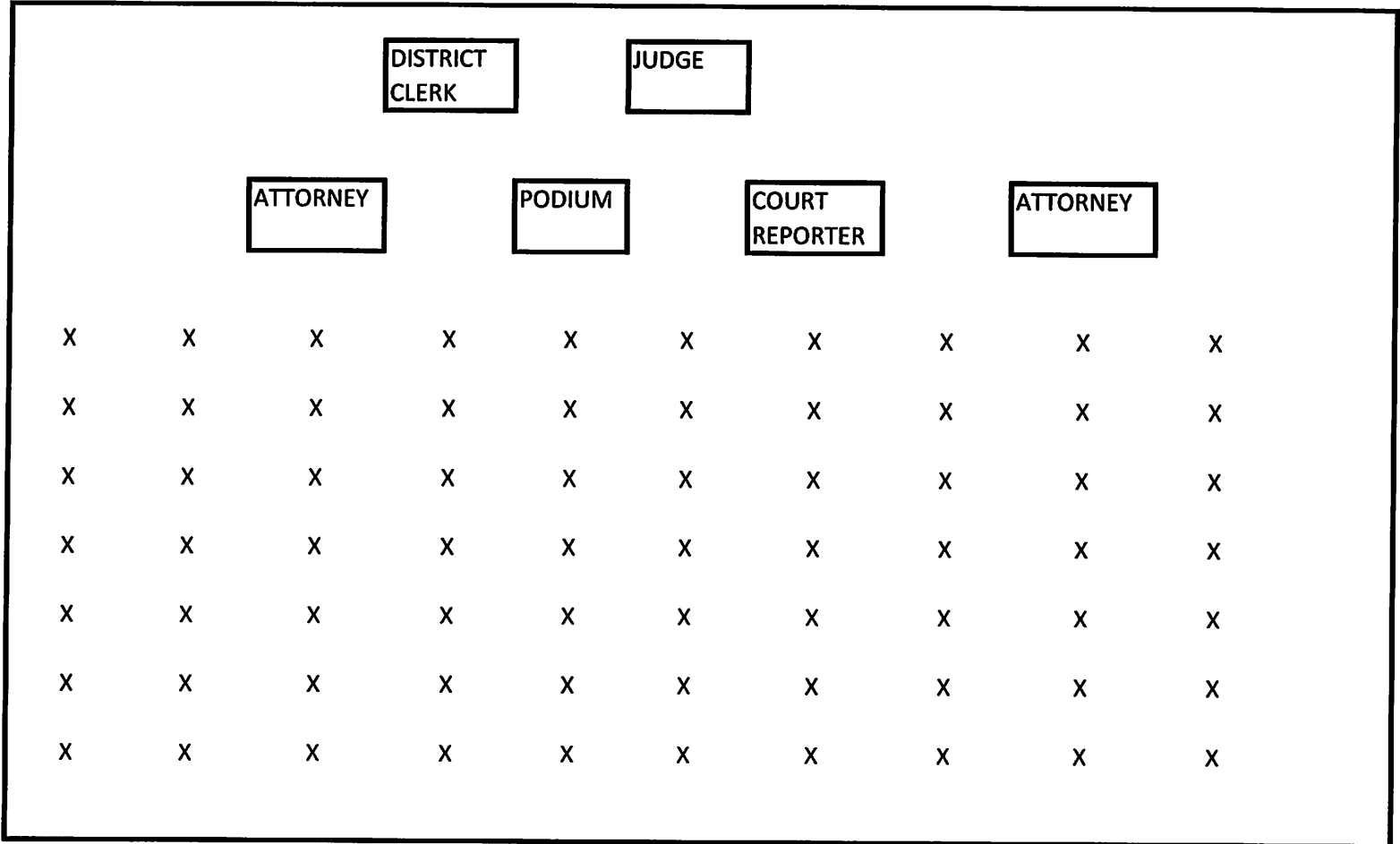
COVID-19 RELATED EXCUSE FOR VULNERABLE POPULATION:

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 in the vulnerable population and may request to be excused from jury service. If you wish to claim this exemption, please check the box below and email to: DistrictClerk@Co.Hardin.TX.US ; or mail to: PO Box 2997, Kountze Texas 77625.


- I certify that I meet the above-described conditions and I am requesting to be excused from jury service because I am considered to be in the vulnerable population.

NAME: _____

JUROR NUMBER: _____



*ALL TABLES AND CHAIRS
ARE AT LEAST SIX (6) FEET APART

X = chair
 = table

FAMILY LIFE CENTER - First United Methodist Church
 1015 South Pine