

Jury Proceeding Addendum to COVID-19 Operating Plan for the Harrison County Court at Law 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 **Harrison 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.

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.

Jury Qualification

1. Jury qualifications will be conducted in groups (for example, 8:30 am, 10:30 am, 1:30 pm, and 3:30 pm) to allow for adequate social distancing in the courtroom. The individual group's reporting times will be staggered to allow for adequate time to ingress and egress the premises in a socially distanced manner as well as to allow for proper cleaning of the courtroom between groups. All prospective jurors will be requested to report to the courtroom in groups of 30 or less. If required by current conditions and the Local Health Authority, the group size will be reduced accordingly.
2. A pre-screening questionnaire will be presented to each prospective juror prior with the jury summons. All prospective jurors who indicate an individual or household exposure to COVID-19 within 14 days prior to qualification will be turned away at the courthouse entrance and excused from service.
3. Prospective jurors will be pre-screened prior to the entry of the courtroom for qualification.
4. The prospective jurors will be seated with all social distancing requirements observed.
5. All prospective jurors will be provided a disposable face covering upon entry into the courtroom and required to wear the face covering pursuant to GA-29.

Voir Dire examination and Jury Selection

1. Voir Dire examination and jury selection will be conducted in the courtroom. All qualified prospective jurors (limited to 30) will be requested to report to the courtroom after all qualifications have concluded. If required by current conditions and the Local Health Authority, group size will be reduced accordingly with voir dire being conducted in multiple sessions, if necessary.
2. Prospective jurors will be pre-screened for COVID-19 symptoms prior to the entry of the courtroom.
3. The prospective jurors will be seated with all social distancing requirements observed.
4. All prospective jurors will be provided a disposable face covering upon entry into the courtroom.
5. Public access will be permitted by a rotation of the public desiring to attend in numbers that allow social distancing. If social distancing requires closing the courtroom for voir dire, those proceedings will be broadcast to a separated public viewing area in the courthouse via Zoom.

Conduct of Jury Trial

1. The trial will be conducted in the County Court at Law courtroom of the Harrison County Courthouse.
2. The jury will be maintained in a jury room selected for social distancing spacing.
3. Upon reporting to the courthouse, each prospective juror, party and court personnel will be screened for COVID-19 symptoms as set forth in the in-person Operating Plan for Harrison County Courts.
4. All trial participants will be provided a face coverings daily, as necessary.
5. Witness attendance will be limited to social distancing spacing throughout the courthouse. Additional witnesses can be staged in their vehicle in the parking lot to be notified to enter the courthouse for testimony. Any witness experiencing COVID-19 symptoms or actively quarantined may be offered through teleconference broadcast to the courtroom via Zoom.
6. Counsel and parties will maintain social distancing requirements throughout the conduct of the trial.
7. The courtroom will be rearranged to accommodate social distance requirements throughout the conduct of the trial.
8. Public access will be permitted by a rotation of the public desiring to attend in numbers that allow adequate social distancing or, via Zoom viewing in a public viewing room held in the courthouse.

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.
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

1. 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 attached drawing details how each of the courtrooms or facilities will be arranged during the jury proceeding: See attached¹

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.

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.

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.

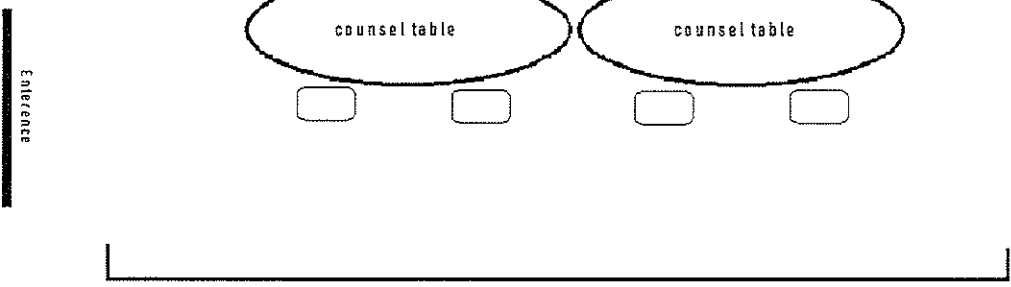
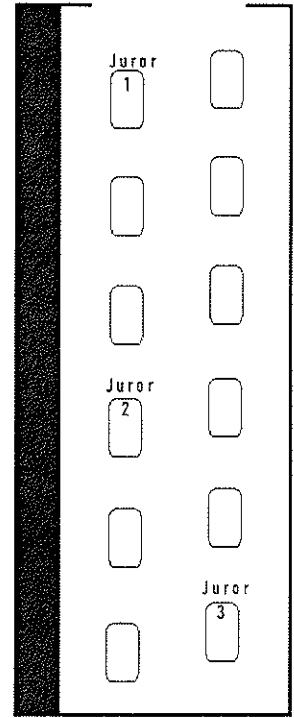
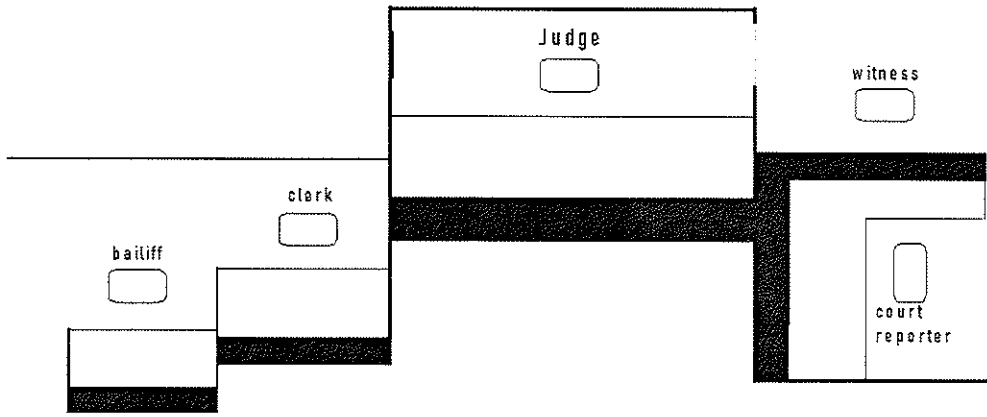
I have attempted to confer with all judges of courts with courtrooms in the court building regarding the Jury Proceeding Addendum to the Operating Plan.

Date: 9/28/2020



Judge Joe Black
County Court at Law
Harrison County, Texas


Local Administrative Judge



Juror 4 Juror 5 Juror 6

Jury Proceeding Addendum to COVID-19 Operating Plan for the 71st District Court of Harrison County Judiciary

Effective on and after October 1, 2020

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General

1. The Judge 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. The Judge of the District 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 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.

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. The 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

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3. Upon reporting to the courthouse, each prospective juror, party, and court personnel will be screened for COVID-19 symptoms as set forth in the in-person operating plan for Harrison County Courts.
4. All trial participants will be provided a face coverings daily, as necessary

5. Witness attendance will be limited to social distancing spacing throughout the courthouse. Additional witnesses can be staged in their vehicle in the parking lot to be notified to enter the courthouse for testimony. Any witness experiencing COVID-19 symptoms or actively quarantined may be offered through teleconference broadcast to the courtroom via Zoom.
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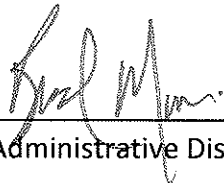
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3. Seats for members of the jury panel and selected jurors will be assigned to reduce potential transmission and the need for more frequent cleaning.

Date: 9/24/2020



Local Administrative District Judge

JUROR 5 X

JUROR 6 X

