

**Jury Proceeding Addendum to COVID-19 Operating Plan for the
130th Judicial District Court of Texas
effective 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 Matagorda 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:

1. The Court adopts and incorporates into this plan the Supreme Court of Texas's Twenty-Sixth Emergency Order Regarding the COVID-19 State of Disaster and any subsequent Emergency Orders relating to the jury trials in the State of Texas.
2. Prior to the commencement of jury selection, the Court will require the parties through counsel to communicate with the court if any participant in the proceeding, including attorneys, parties, attorney support staff or witnesses have 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.
3. If the approved in-person jury proceeding involves an incarcerated person, 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 the COVID-19, or any recent known exposure to COVID-19.
4. The District Clerk will either (a) include with in-person jury summons information regarding precautions that have been taken to protect the health and safety of prospective jurors and COVID-19 questionnaires that elicit from prospective jurors information about their exposure or vulnerability to COVID-19 or (b) provide and inquire about the information before jurors are allowed entry into the Civic Center for jury selection.
5. 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.
6. In person trial proceedings will be conducted as follows:
 - a. Jury selection at the Bay City Civic Center, 201 Highway 35, Bay City TX, main hall.
 - b. Trial in the 130th Judicial District Courtroom, 1700 7th St., Rm. 317, Bay City

TX.

7. Protocols relating to jury selection will include the following.
 - a. Markers or tape will be placed outside the Civic Center to indicate a 6-foot distance between jurors entering the facility.
 - b. Before entry into main hall, Clerk's staff will inquire of each juror whether or not the juror, in the last 30 days, 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.
 - c. All trial participants shall wear face masks or shields at all times during the jury selection process and during trial, except during such time when the person is speaking.
 - d. A person may remove the mask to speak, but must at all times be not less than six (6) feet from all other persons.

8. Protocols for trial include the following:
 - a. Jurors will be spaced not less than six (6) feet apart by expanding seating outside the jury box, or alternatively, will be separated by plexiglass dividers.
 - b. Counsel tables will be moved to provide six-foot social distancing from each other and jurors.
 - c. Plexiglass will divide the witness in the witness box from the court reporter and the judge.
 - d. All tangible evidence will be handled by persons wearing disposable gloves. Jurors will be provided disposable gloves for exhibits published to the jury.
 - e. Capacity in the courtroom will be limited to 24 persons excluding court participants, which provides for six-foot social distancing.
 - f. Jurors will use the 23rd Judicial District Courtroom or the County Courtroom during breaks and for deliberation.
 - g. The court will inquire of each witness, outside the jury's presence whether or not the witness 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.

- h. All meals provided to jurors will be individually boxed.
- i. In addition to the requirements previously submitted in the in-person operating plan, frequent cleaning protocols in the courtrooms and facilities will be maintained throughout the jury trial.
- j. Shared spaces such as the witness box will be cleaned during each transition.
- k. Seats for jurors will be assigned to reduce potential transmission and the need for more frequent cleaning.

Signed: October 22, 2020.

/Craig Estlinbaum/

Judge Craig Estlinbaum
130th Judicial District Court of Texas
Matagorda County, Texas



Eleventh Administrative Judicial Region of Texas

Susan Brown

Presiding Judge

Rebecca Brite, Executive Assistant

October 28, 2020

Dear Judge Estlinbaum,

I have completed a review of your Operating Plan and find it meets all of the conditions required by the Office of Court Administration to begin holding in person jury trials starting October 1, 2020. You may begin holding in person jury trials on October 1st. I would remind you and the other judges in your jurisdiction that per the Supreme Court, Court of Criminal Appeals and OCA guidelines, which are in effect from June 1, 2020 until updated, that all proceedings should continue to be held remotely unless it is not possible or practicable.

Should you need further assistance as you move toward re-opening your courtrooms please do not hesitate to contact me.

Thank you for all that you do for the citizens of our great state.

A handwritten signature in black ink that reads "S. Brown".

Susan Brown

Presiding Judge, 11th Administrative Judicial Region