

Travis County Judiciary

*(In-Person Jury Proceedings Addendum to
COVID-19 Operating Plans)*

Jury Proceeding Addendum to COVID-19 Operating Plan for the Travis County Civil 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 **the Travis County Civil Courts** will implement, in addition to the procedures and protocols in the previously submitted COVID-19 Operating Plan, the following protective measures for in-person jury proceedings. However, consistent with the State Office of Court Administration's recommendations and the Emergency Orders issued by the Texas Supreme Court, the Travis County Civil Courts will use all reasonable efforts to conduct jury proceedings remotely whenever possible. The State Office of Court Administration has verified that no approval process is necessary for remote jury trial proceedings. As circumstances change during the pandemic including the threat level, technology and circumstances in general, the Civil Courts may implement other safety measures to ensure the health and safety of individuals entering the HMS Courthouse including, but not limited to, requiring rapid testing for COVID-19.

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 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 an in-person jury proceeding will follow the procedure detailed below to obtain approval to proceed with the in-person jury proceeding from the Local Administrative Judge and Regional Presiding Judge:

Due to the central docketing system in the Travis County Civil Courts, the Local Administrative Judge will be kept apprised of both remote and in-person jury proceedings.

2. The Local Administrative Judge will, not more than five days before the in-person jury proceeding, consult with the local public health authority to verify that the local health conditions and plan precautions are appropriate for the in-person jury proceeding to proceed with the following procedure:

The Local Administrative Judge will contact the local public health authority to verify that conditions are appropriate for in-person jury proceedings to proceed.

Hearings on Objections or Motions Related to Proceeding

1. Parties who are scheduled for an in-person 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 an in-person jury proceeding will be heard by the judge presiding over the case at least seven days prior to the in-person jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the in-person 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 in-person 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 in-person jury proceeding commencing; any current exhibition of symptoms of COVID-19; or 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 results of the incarcerated participant within the previous 30 days, prior to any portion of the jury proceeding commencing; or known exposure to COVID-19 and is self-quarantine and awaiting test results due to said exposure.

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 make all reasonable efforts to alert all parties who will not be proceeding at least 24 hours prior to the day of the in-person jury trial to reduce attendance at the court facility.

Summoning Jurors

1. The jury clerk must include with in-person juror summonses information regarding all 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 and make any reasonable effort to use, in all appropriate circumstances, juror questionnaires for voir dire to assist in shortening the length of voir dire and/or the number of venirepersons required to appear.
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.

Location for Jury Selection, Trial, and Deliberation

1. Listed below are the civil courtrooms (district, county courts at law and associate judge courts) at the HMS Courthouse in Travis County. Only the courts highlighted below have sufficient social distancing to be used for in-person jury proceedings during the COVID-19 pandemic:

Name of Court	Room No.	Gallery Capacity	No. of Jurors Needed
53 rd District Court	Room 421	10 people	12-person jury
126 th District Court	Room 436	12 people	12-person jury
200 th District Court	Room 325	13 people	12-person jury
201 st District Court	Room 314	30 people	12-person jury
250 th District Court	Room 412	7 people	12-person jury
261 st District Court	Room 308-C	8 people	12-person jury
345 th District Court	Room 512	4 people	12-person jury
353 rd District Court	Room 501	12 people	12-person jury
419 th District Court	Room 507	8 people	12-person jury
459 th District Court	Room 500	5 people	12-person jury
County Court at Law 1	Room 208	7 people	6-person jury
County Court at Law 2	Room 210	9 people	6-person jury

2. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:³

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>.

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.

- a. Jury Empaneling: Currently conducted online using the iJury system in Travis County.
 - b. Voir Dire: When not possible to conduct voir dire remotely for civil district court cases, multifunction rooms A, B and C at 700 Lavaca in Austin, Texas, with a maximum COVID-19 capacity of 56 people, will be used. When not possible to conduct voir dire remotely for civil county court at law cases, Travis County Commissioners' Court, also at 700 Lavaca in Austin, Texas, with a maximum COVID-19 capacity of 35 people, will be used.
 - c. Trial: When not possible to conduct a jury proceeding remotely, only courtrooms at the HMS Courthouse approved for sufficient capacity under the COVID-19 precautions will be used for jury deliberation for in-person jury trials held in those courtrooms.
 - d. Jury Deliberation: When not possible to conduct jury deliberation remotely, the same courtrooms at the HMS Courthouse approved for capacity under the COVID-19 precautions will be used for jury deliberation for in-person jury trials held in those courtrooms.
3. Security protocols at the locations for in-person 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 at the entrances of the HMS Courthouse 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 participate in the jury proceedings remotely from the jail/prison for 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.

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 an in-person 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. An individual that is not recommended to wear a facemask should report to the Information Booth on the first floor at the HMS Courthouse. At the Information Booth, the individual must show a signed note from the individual's physician in order to receive a special identification badge that indicates they are exempt from using a facemask while at the HMS Courthouse. The Information Booth staff will also provide the individual with a face shield to wear while conducting business at the HMS Courthouse instead of a facemask.
2. All court participants will be required to wear face coverings from in-person jury qualification through the end of the in-person jury 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 in-person 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.
3. Public common areas, including breakrooms and snack rooms, have been closed to the public.
4. Employees and jurors are encouraged to pack their lunch while at the HMS Courthouse and, if weather permits, should eat their packed lunch outside the HMS Courthouse while maintaining adequate social distancing of at least 6 feet.

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 attached drawings detail how each of the courtrooms or facilities approved for sufficient capacity under the COVID-19 precautions will be arranged during in-person jury proceedings:⁴

Attachment C – 126th Courtroom

Attachment D – 200th Courtroom

Attachment E – 201st Courtroom

Attachment F – 353rd Courtroom

Attachment G – County Court at Law #1

Attachment H – County Court at Law #2

Courtroom Arrangement During In-Person Jury Trial

Courtrooms in the HMS Courthouse that have been deemed appropriate to safely hold all parties in an in-person jury trial will be arranged in the following manner:

1. Each courtroom will be outfitted with Plexiglass to ensure all parties are distanced sufficiently and are protected from other parties in the courtroom.

⁴ Include where the judge, parties/counsel, jurors, witnesses, and court reporter will be arranged in each courtroom or facility during each phase of the in-person jury trial.

2. The parties will be seated as follows:
 - a. The judge will be seated at the bench with Plexiglass separation on three (3) sides of the bench. The back of the bench will be left open to allow for ease of entering and exiting the bench by the judge.
 - b. The witness will testify from the jury box, appropriately distanced from the court reporter and counsel tables.
 - c. The court reporter will be seated next to the judge in the witness stand with Plexiglass separation.
 - d. The clerk, if needed, will be seated next to the judge with Plexiglass separation.
 - e. The jurors will be located in the courtroom gallery and distancing guidelines will be observed.
 - f. Counsel tables will be moved 45 degrees to face each other in the courtroom well area and attorneys on each side will be seated in the gallery and visual contact with the witness who is testifying from the jury box.
 - g. The parties in the case, if not seated next to their legal counsel at the counsel table with Plexiglass separation, will be seated in a chair that is appropriately distanced in the courtroom well area.
 - h. Sheriff deputies and/or court staff will maintain appropriate distancing as allowed while providing adequate security protocols and management of security in the courtroom.
 - i. Court proceedings shall be streamed via each Court's assigned YouTube channel. Information on how the public may access this channel shall be posted on the Civil Court's website.

Courtroom Arrangement During Jury Deliberations

Jury deliberations will be held in the courtroom holding the in-person jury trial or an adjacent courtroom that has been designated for this purpose. Jurors will be appropriately socially distanced and court staff/deputies will ensure distancing protocols are maintained during deliberations and upon entering and exiting the courtrooms.

Microphone Protection Protocols

1. Judges will limit, to the degree possible, the shared use of microphones during the in-person 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 of counsel whether witnesses to the proceedings have communicated any COVID-related issues within 30 days of their appearance.
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.

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 where the witness testifies, seating in the gallery, and seating during qualification/voir dire will be cleaned during the transitions of those shared spaces.
3. Seats for members of the jury panel, selected jurors, attorneys and other participants will be assigned and that same seat assignment maintained throughout the in-person jury process to reduce any risk of potential transmission and to reduce the need for more frequent cleaning.

Other

The Jury Proceeding Addendums to the COVID-19 Operating Plans for the Travis County Criminal Courts, Juvenile Courts, Justice of the Peace Courts and Title IV-D Associate Judge Court are included in the appendices as follows:

Appendix A – Travis County Criminal Courts

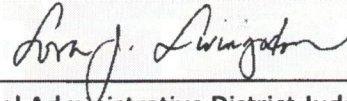
Appendix B – Travis County Juvenile Courts

Appendix C – Travis County Justice of the Peace Courts

Appendix D – Travis County Title IV-D Associate Judge Court

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: 11/10/2020



Local Administrative District Judge

1st COVID-19 In-Person Jury Notice to Jurors

Important Jury Notice! Choose an item.

Judicial District Court – Click or tap to enter a date.@ Choose an item.

Good Choose an item. Jurors,

You have been assigned to the Choose an item. Judicial District Court for jury service on Click or tap to enter a date. @ Choose an item.. Your participation in the jury selection and trial will be in person. You will report to Click or tap here to enter text. . The address is not the same one as on the County website.

The Court is taking precautions consistent with directives from National, State and Local Health officials to ensure your safety and the safety of all involved in the proceedings.

A face covering is required. Attached is a Jury Service COVID-19 Pre-Screening questionnaire which must be completed and returned to the court no later than Click or tap to enter a date. by 12:00 noon. Please send your responses to: Click or tap here to enter text.

Thank you, we appreciate your participation,
Travis County District Clerk Jury Management Office

JURY SERVICE COVID-19 PRE-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 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 service), 2020 AND (insert date of jury selection proceeding), 2020: 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 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 () - _____, 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 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 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 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, 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 THE DISTRICT CLERK'S OFFICE 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 face mask will be provided.

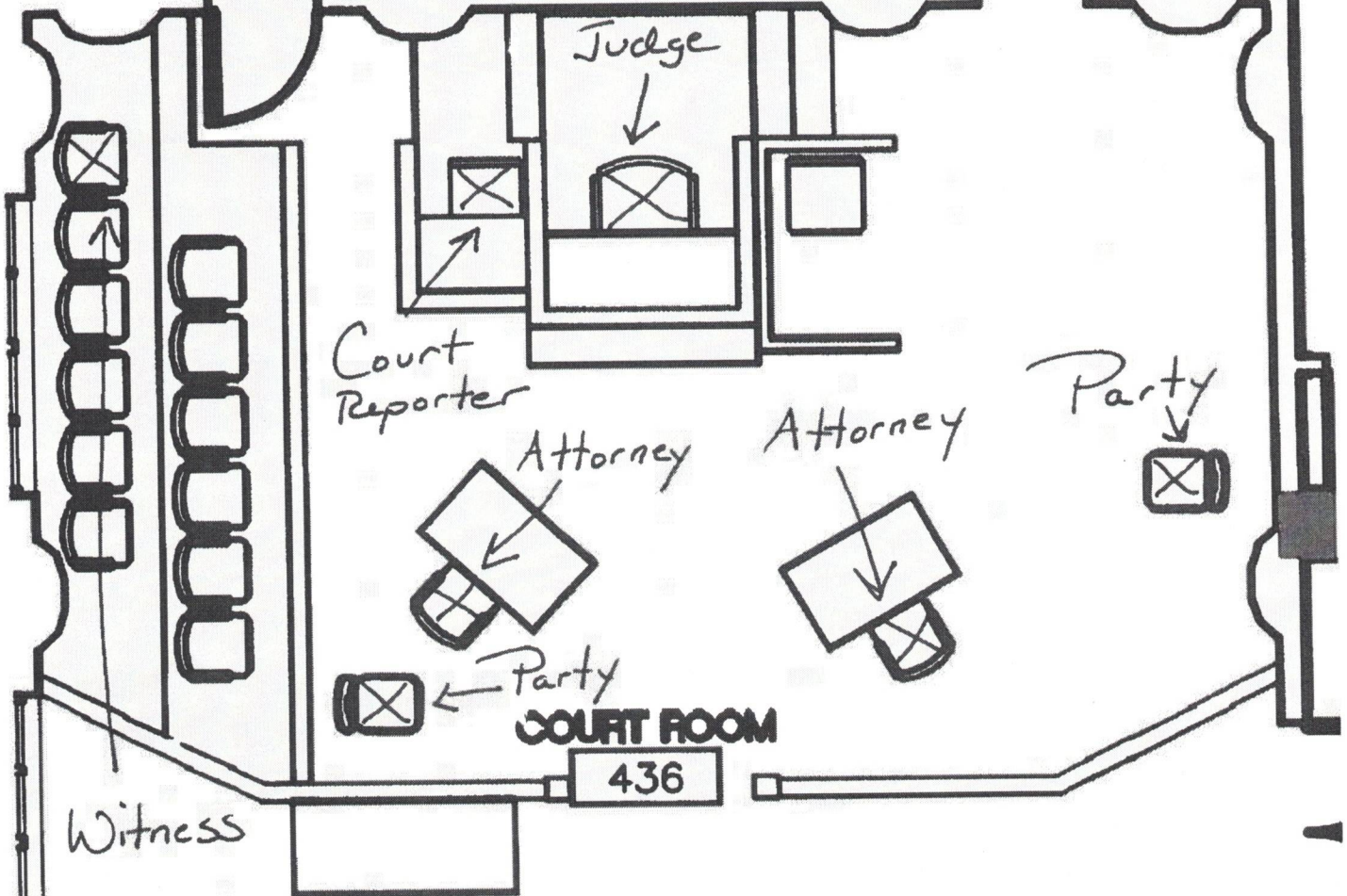
I certify the above is true and correct:

Signature

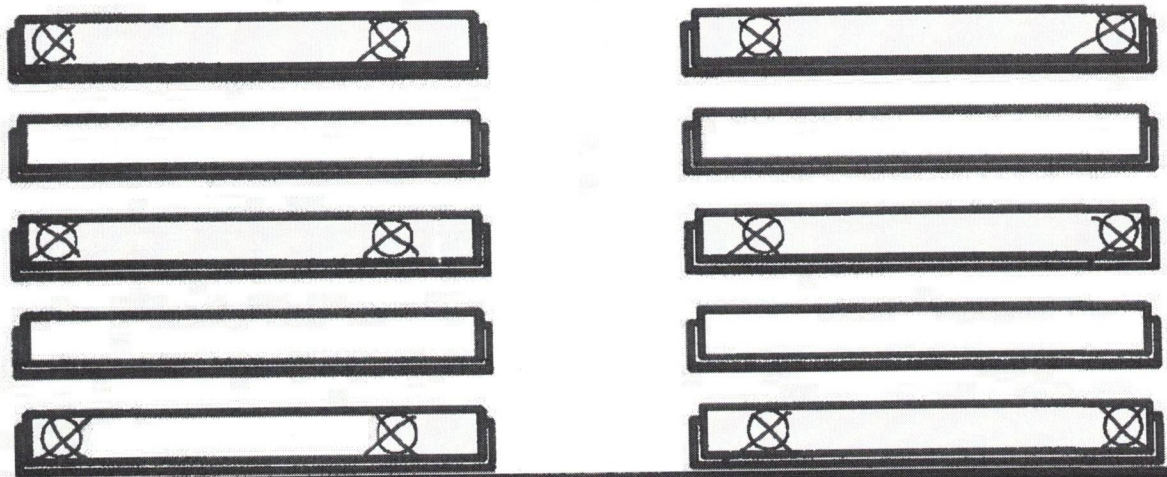
Printed Name

Attachment B

126th Court Room



Gallery - 12 People Maximum



Attachment C



200th Courtroom

Witness

Party →

COURT ROOM
325

Court
Reporter ↓

Judge

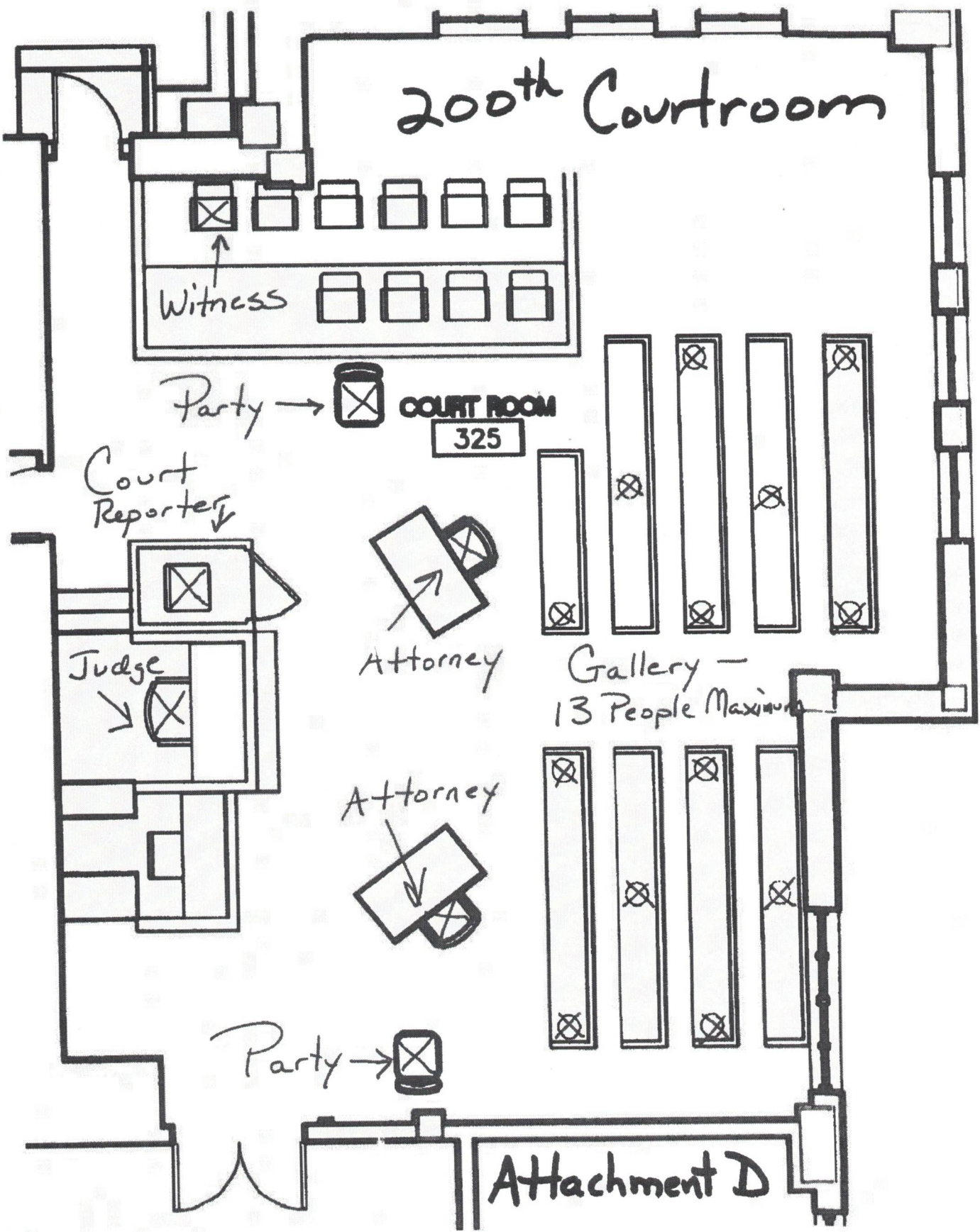
Attorney

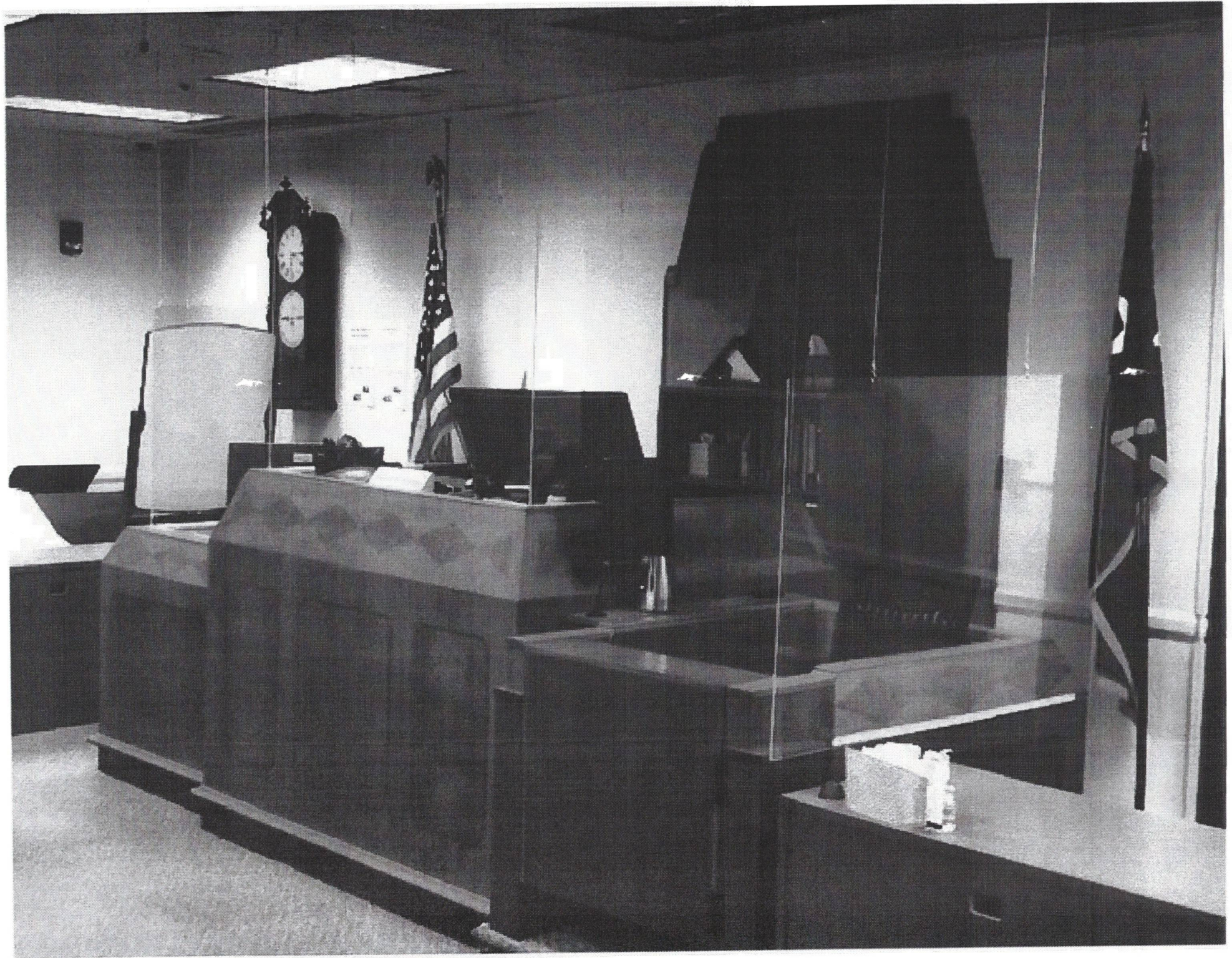
Gallery —
13 People Maximum

Attorney

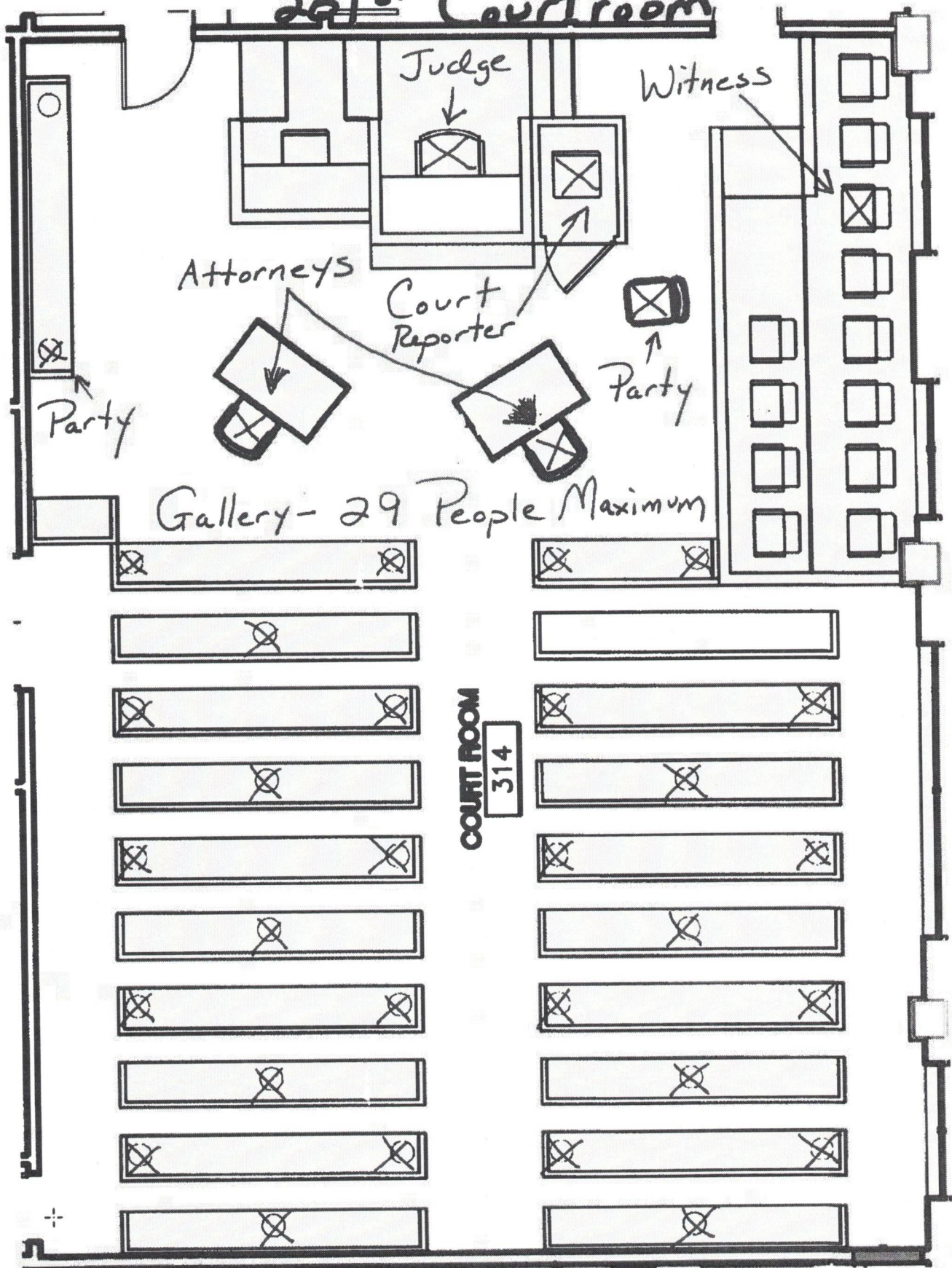
Party →

Attachment D





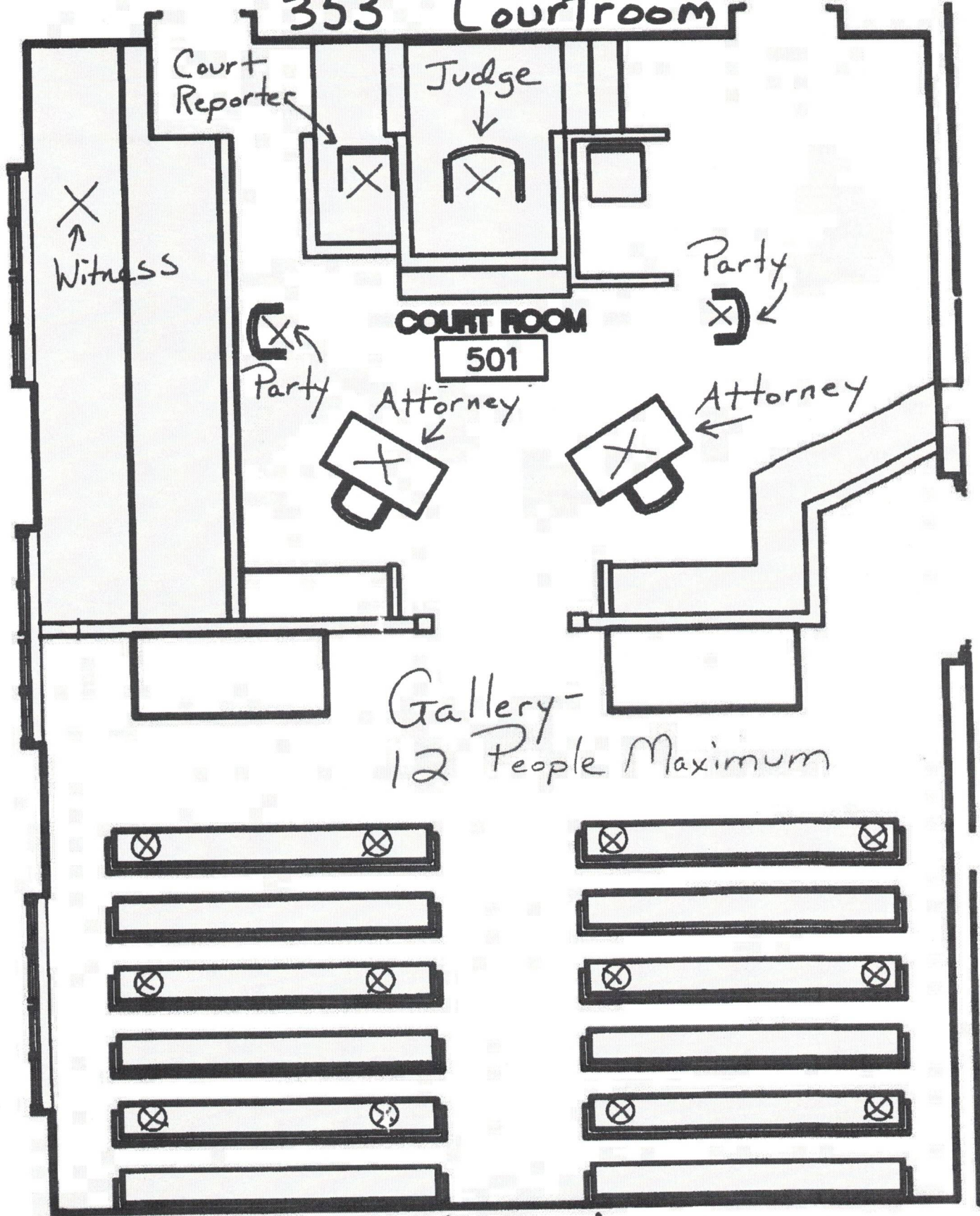
291st Courtroom



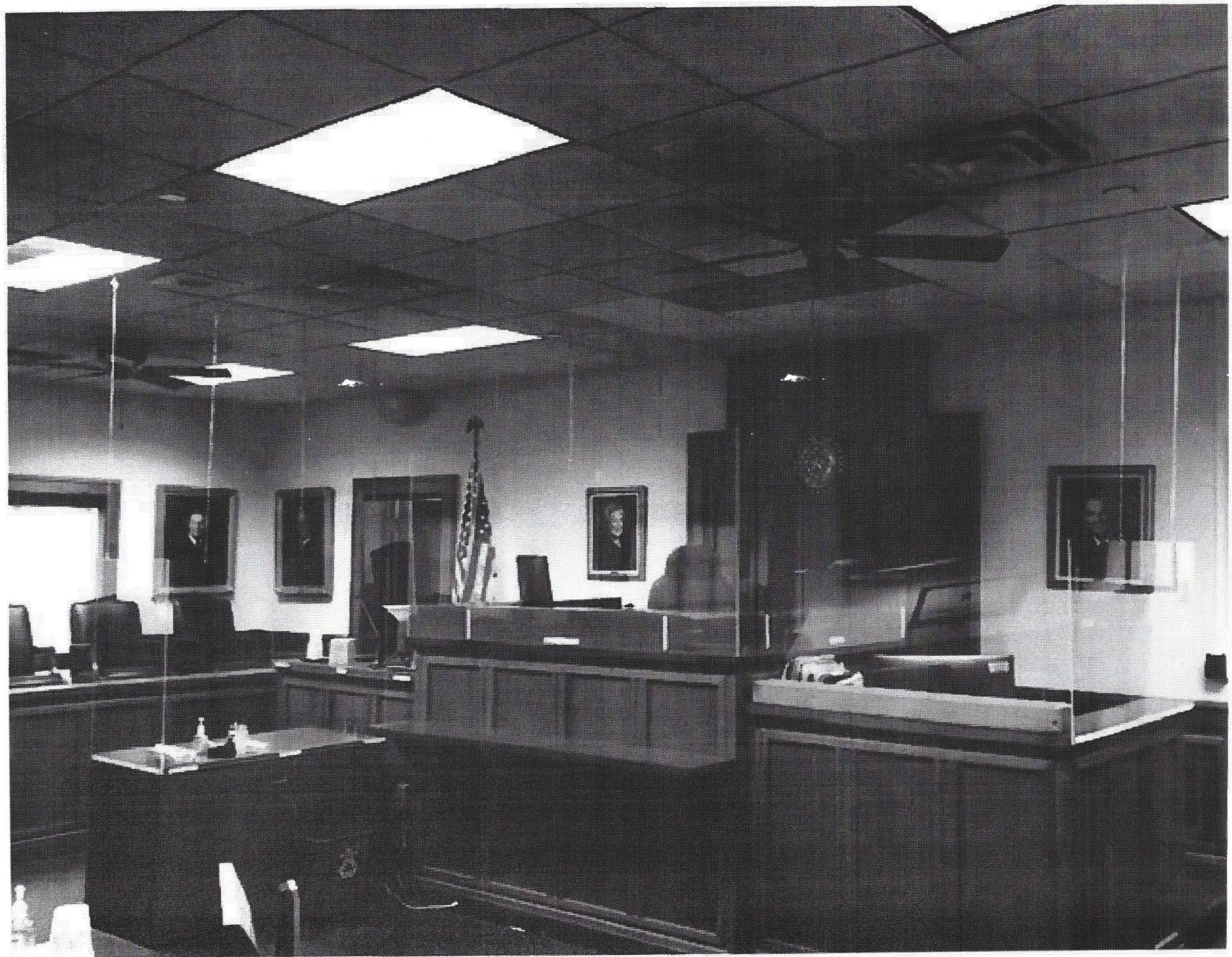
Attachment E



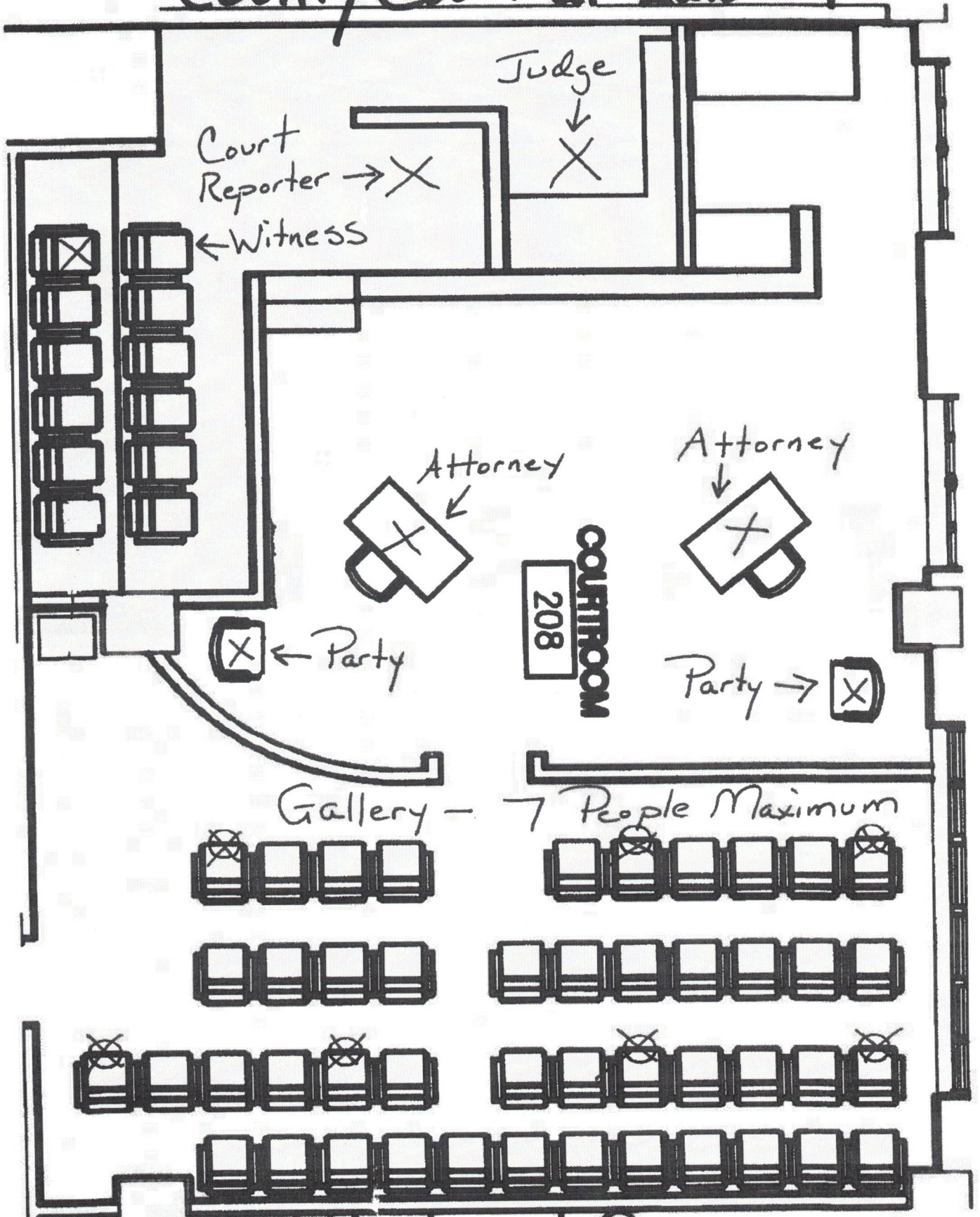
353rd Courtroom



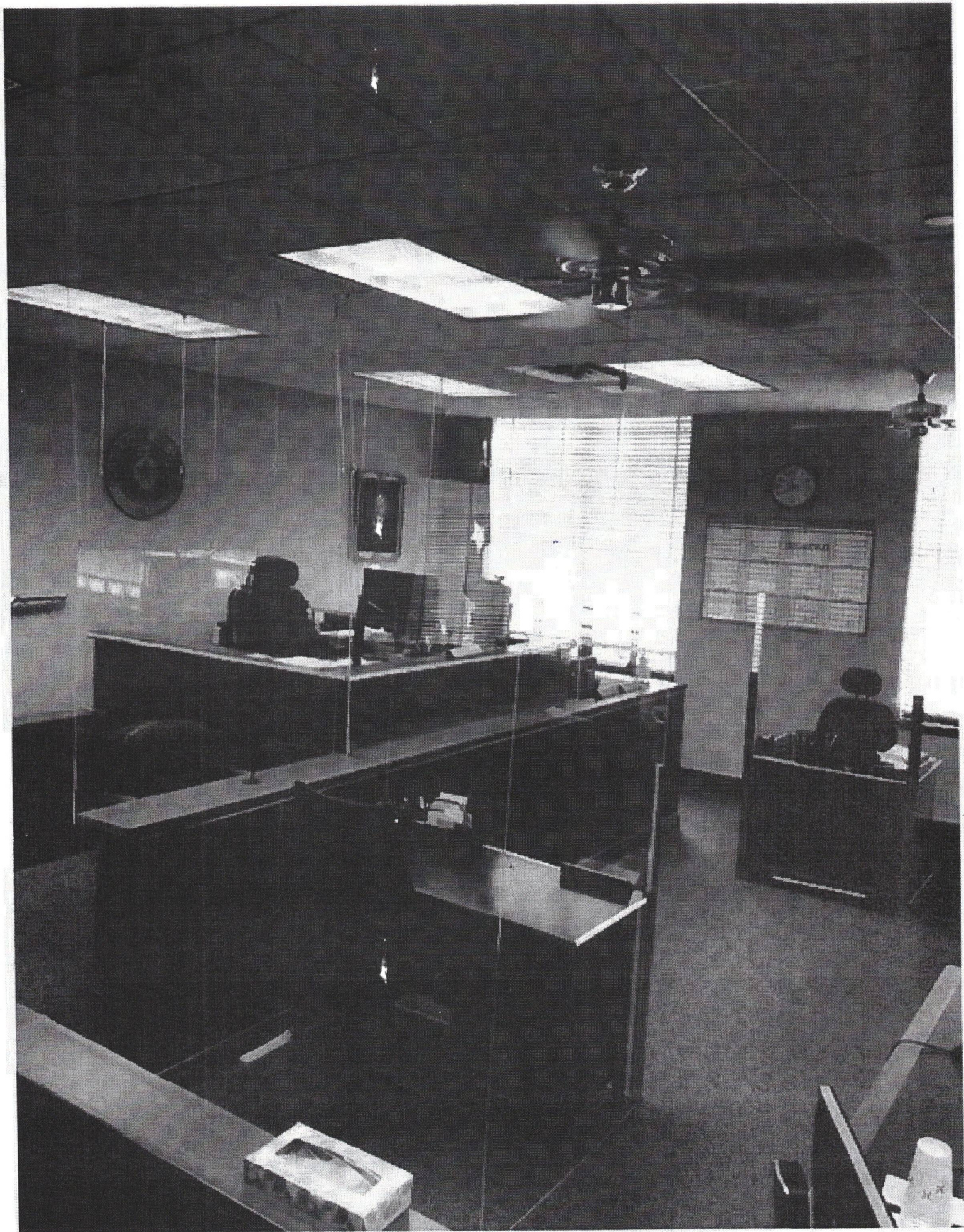
Attachment F



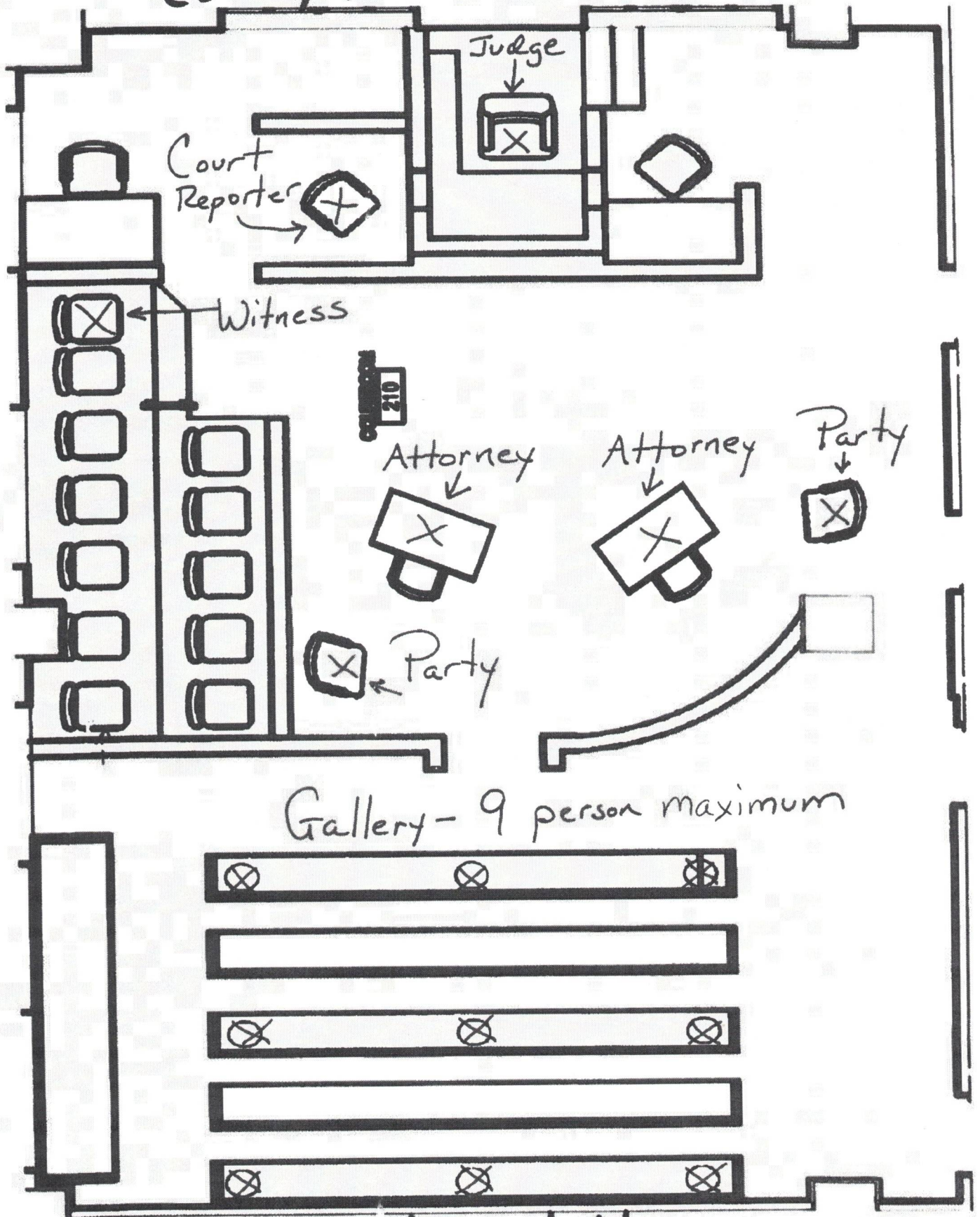
County Court at Law #1



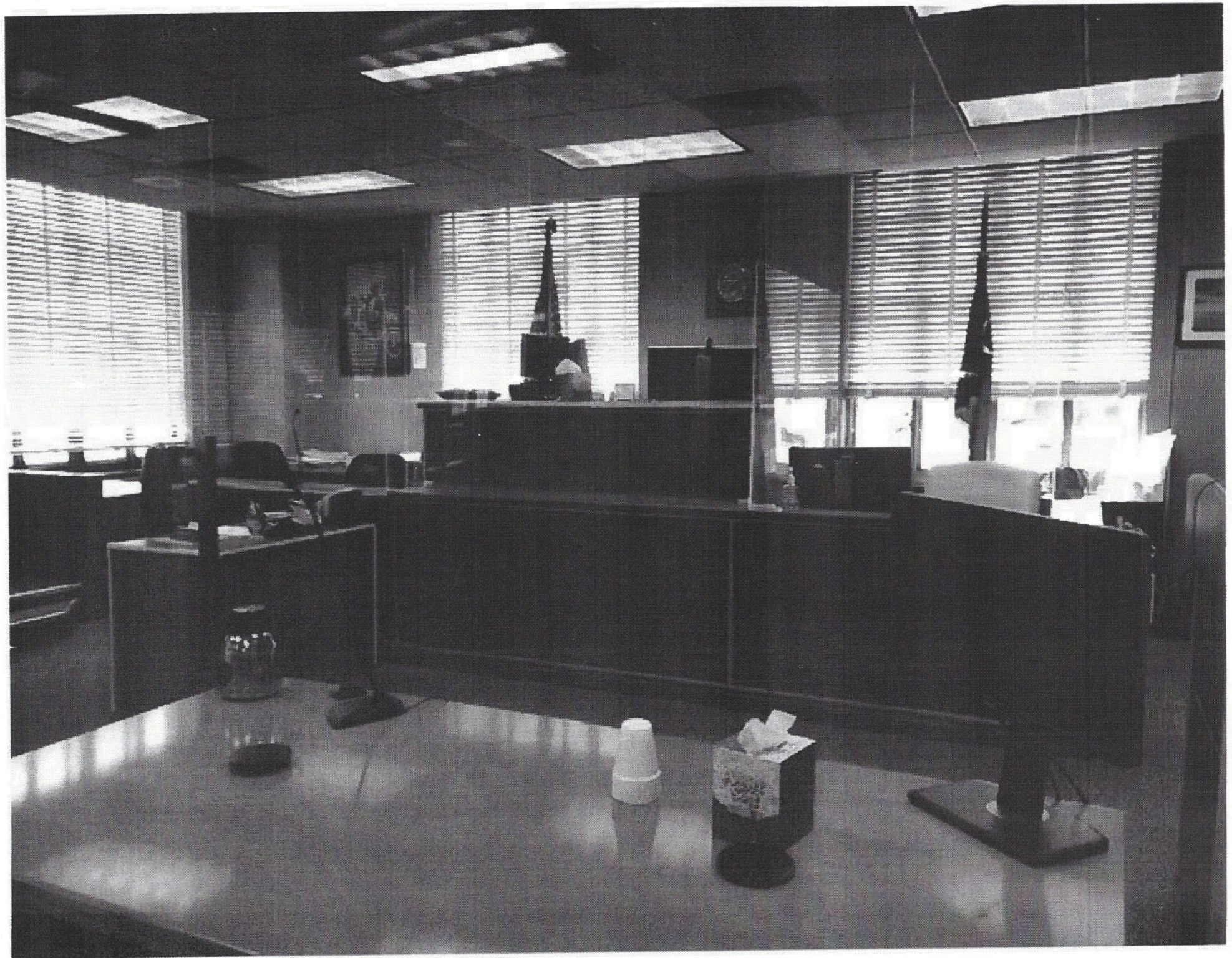
Attachment G



County Court at Law #2



Attachment H



Appendix A

(Travis County Criminal Courts)