

# COVID-19 Operating Plan for the Southmayd City Judiciary

## ORDER 2020.4

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the building housing the court, the Municipal Court of the **City of Southmayd** will implement the following protective measures:

### General

1. All Court Staff will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. Use all reasonable efforts to conduct proceedings remotely.
3. The presiding judge of the municipal court will maintain regular communication with the local health authority and mayor adjusting this operating plan as necessary with conditions in the city.
4. Non-essential in-person proceedings will not commence until all safety, PPE, janitorial and other cleaning equipment, supplies, and items are acquired, issued, placed into service, and any training necessary is received for the proper use of said items is received.
5. Court Staff will begin setting non-essential in-person proceedings no sooner than July 2, 2020.
6. Should it occur that PPE is not available at the time of docket call, the scheduled docket shall be moved to the next available date and all parties notified. No exceptions will be made. In-person proceedings are prohibited to be conducted in any manner other than prescribed by the OCA.

### Judge and Court Staff Health

1. Judge and Court Staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and Court Staff Monitoring Requirements: Minimum Standard Health Protocols for COVID-19 as outlined by the Texas Department of State Health Services.
3. Judge or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.
4. Judge and court staff shall be required to wear face coverings when in contact with the public, they shall practice social distancing, and practice appropriate hygiene recommendations at all times.

5. Only if plexiglass partitions be placed on the dais separating the bench, counsel, clerk, and witness, from the well and gallery, will staff be permitted to remove their masks while conducting in-person proceedings.
6. Protective Measures: When possible, remote access or teleworking will be utilized to minimize the risk of exposure of COVID-19 to judges and court staff.

### **Scheduling**

1. The following court schedules are established to reduce occupancy in the court building:
  - a. First Thursday of the month beginning July 2, 2020, at 3:30 PM.
  - b. Commencement date for in-person proceedings is solely dependent upon the opening of City Hall to the public by determination of the City Council. Proceedings shall be reset or continued if remote sessions are not possible.
  - c. The Associate Judge shall not be present during the court proceeding when the Presiding Judge is in session.
  - d. The Presiding Judge shall not be present during the court proceeding when the Associate Judge is in session.
  - e. Vulnerable individuals who do not have access to remote resources shall be addressed with priority.

### **Vulnerable Populations**

1. 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.
2. The judge will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the court's website and in conspicuous locations around the court building (a copy of which is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by being placed first on the docket if their condition is made known to the court in advance. If not identified beforehand, the case may be rescheduled as to prevent possible exposure to any individual.

### **Social Distancing**

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. Public common areas, including breakrooms, have been closed to the public.

### *Gallery*

3. The maximum number of persons permitted in the gallery of the courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.

4. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row and spaced at least 6 feet apart.
5. Individuals will sign-in at the lobby of the City Hall/Court Building and be screened. They will be instructed to return to their vehicle until contacted by phone to enter the courtroom due to the social distancing requirements and physically limited space.
6. When an individual is called, they will be allowed directly into the courtroom where they will be given a mask if they do not have a face cover, requested to use hand sanitizer, and staff will direct them to the appropriate location.

#### *Well*

7. In the courtroom, the Dais which includes the counsel table, judge's bench, and clerk and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

#### **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrances to the building, and outside of bathrooms.
2. Tissues have been placed near the door of the courtroom, at counsel table, at the witness stand, on the judge's bench.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations of the court building.

#### **Screening**

1. When individuals attempt to enter the court building, court security will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. When individuals attempt to enter the court building, court security will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including N95 mask, optional face shield, disposable gloves.

#### **Face Coverings**

1. All individuals entering the court building will be required to wear face coverings at all times.
2. Anyone refusing to wear a face covering will be denied admittance. If a defendant refuses to comply with the instructions, their case shall be moved to the next available docket.
3. Anyone removing a face covering and refusing to replace it, will be removed from the building.

4. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
5. Individuals who will be required to be in the court building for over 1 hour will be provided surgical masks and required to wear them while in the court building if the supply is available.

### **Cleaning**

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every two hours when possible.
2. Court building cleaning staff will clean the courtroom between every hearing, between proceedings, and at the end of each day the courtroom is used.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

### **Other**

Continued effort shall be made to extend remote hearings where possible. An increase in number of days per month for first appearance to allow for slower pace of online proceedings in some instances.

Jury trials shall continue to be suspended until further notice, pending authorization of the Texas Court of Criminal Appeals or the Texas Supreme Court.

This Plan shall in no way contradict the orders of the Court of Criminal Appeals, the Texas Supreme Court, and the recommendations of the Office of Court Administration's guidance for returning to courthouse proceedings. Any conflicts with requirements by those entities shall be void and those become prevailing standing orders.

I have conferred with all judges of this court regarding this Operating Plan. In developing the plan, I consulted with the local health authority and mayor, documentation of which is attached to this plan. I will ensure that the judges of this court covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 6/1/2020



Presiding Judge of Municipal Court  
City of Southmayd