



City of Panorama Village Municipal Court

Judge Gary Scott

Court Clerk Celaida Dejoie

COVID-19 Re-Certification

Operating Plan

City of Panorama Village Municipal Court

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 Panorama Village** will implement the following protective measures:

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 proceedings according to the guidance issued by the Office of Court Administration by before conducting an in-person hearing the City of Panorama Village with first determine if an in-person hearing is necessary by following the procedures listed herein. We in-person hearing are permitted social distancing, maximum group size, and other restrictions and precautions will be utilized.
2. The judge will use all reasonable efforts to conduct proceedings remotely.

Procedure utilized by the Court before an in-person hearing shall be set

1. The judge shall inform each counsel and pro se litigant that the hearing shall be conducted remotely over Zoom. The judge shall provide each counsel and pro se litigant a phone number or email address to inform the judge if they believe any counsel, their clients, a pro se litigant, any witness, an interpreter, or any other participant (all referred to below as "Participant") cannot participate remotely.
2. The judge or judge's staff shall then determine whether a Participant is unable to participate in the hearing due to any one or more of the following:
 - a. Lack of technology which precludes or impedes their ability to participate in the hearing via the Zoom videoconferencing app. Examples of the lack of such technology include:
 - i. lack of access to a computer tablet or other device with internet video capability;
 - ii. lack of access to a cell phone; or
 - iii. lack of access to an internet connection.
 - b. A physical, mental, or other disability that prevents a Participant from being able to effectively operate or utilize the required technology. Examples of such a disability include:



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- i. a physical or mental disability that precludes them from effectively operating the technology necessary to access the Zoom videoconferencing app;
 - ii. a physical disability that precludes them from effectively seeing, hearing, or otherwise participating in a Zoom video hearing;
 - iii. the lack of or unavailability of an interpreter who can assist the individual in communicating during a Zoom hearing;¹
 - iv. incarceration and the incarcerating facility's lack of technological resources or facilities to allow the inmate to participate remotely in the hearing or confer privately with the inmate's legal counsel;² or
 - v. if the proceeding is in a specialty court defined by Title 2, Subtitle K of the Texas Government Code (e.g. veteran's court, mental health court, drug court, etc.), the specialty court team determines that there is a risk to the physical or mental well-being of a participant in the specialty court program if the proceeding is not held in person.
- c. A confrontation clause constitutional objection is raised by criminal defense counsel or a pro se litigant, and the judge sustains the objection after conducting a *Haggard*³ analysis.
- d. A proceeding where one Participants needs to appear in person due to a need to provide fingerprints, is subject to incarceration, or must meet with multiple departments as a result of the court proceeding, in which case that party may need to appear while the other parties appear remotely.
3. If an individual is unable to participate for one of these reasons, prior to holding an in-person hearing, the judge shall make reasonable efforts to accommodate the individual as set forth in the procedure below.

Procedure utilized by the Court when individual is found to be unable to participate in a Zoom videoconference hearing

1. When an individual does not have adequate technological resources on their own to participate in a Zoom videoconferencing hearing, a judge shall:
 - a. determine whether the court has the ability to provide the individual with a laptop or other device which would allow the individual to participate in the hearing from some segregated location within the court facility while following appropriate COVID-19 precautions and protocols;

¹ If a Spanish interpreter is needed, please consider using OCA's free Spanish interpretation service. More information and scheduling options is available at <https://www.txcourts.gov/tcris/>.

² If the facility is a TDCJ facility, judges should contact coronavirus@txcourts.gov to see if OCA can assist with getting the facility connected with the court.

³ [Haggard v. State](#), 2020 WL 7233672 (Tex. Crim. App. 2020)



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- b. determine if such technological resources can be provided to the individual by some other source (e.g. a participating attorney, a party, a family member, friend, public library, or an appropriate agency of the State of Texas); and
 - c. determine whether the individual could participate in a meaningful manner by telephone (audio only).
2. When an individual has physical or mental disabilities that would prevent the individual from operating the technology required, a judge shall:
 - a. determine if the individual has legal counsel, family or friends who can assist in operating the required technology; and
 - b. inquire as to what, if any, accommodations could be made which would allow the individual with a disability to participate.
3. When an individual is incarcerated, a judge shall:
 - a. determine whether the facility has the technological resources or facilities to allow the incarcerated individual to participate in the hearing;
 - b. if the facility does not have the technological resources to allow the inmate to participate in a Zoom videoconference, determine whether the inmate could participate in a meaningful manner by telephone (audio only).
4. When an individual is otherwise unable to participate in a hearing via videoconference or by audio only, a judge shall determine whether the individual can effectively participate in the proceeding by a sworn statement made out of court as permitted by the Emergency Orders of the Supreme Court of Texas.
5. If no accommodation is available, the judge shall determine if a continuance is warranted, balancing the risk to public health and safety with the need to resolve the particular case.
6. If no accommodation is available and the judge determines a continuance is not warranted, the judge may permit the hearing to occur in-person under the precautions and protocols in the approved in-person operating plan.

When in-person hearings are permitted - Judge and Court Staff Health

1. 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.



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2. Judge and court staff will be required to practice social distancing, and practice appropriate hygiene recommendations at all time.
3. Protective Measures: face masks when appropriate, frequent hand washing/sanitizing.
4. Until Executive Order No GA-29 is modified, Judges and court staff will be required to wear a face covering while inside the court building or location where jury selection or jury trial will take place (except when alone in a private office).

When in-person hearings are permitted – Scheduling

1. The following court schedules are established to reduce occupancy in the court building:
 - a. No in-person hearings or trials will be scheduled until after July 1, 2020. After July 1st individuals will be allowed to schedule in-person appearances with the Judge, to include bench trials. Defendants will not be allowed to bring other guests with them to a hearing.
 - b. Juvenile defendants shall only be accompanied by one parent/guardian and no other guests including siblings.
 - c. Accommodations will be made to comply with the Open Courts provision, but at no time will the courtroom exceed 25% of its normal courtroom capacity. Jury trial scheduling will be dependent on orders and guidance issued by the supreme Court of Texas, Court of Criminal Appeals, and the Office of Court Administration.
 - d. The court will utilize emails, mail and fax when possible.

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 docket 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.
3. Vulnerable populations who are scheduled for court will be accommodated by phone, fax, email, and mail or rescheduled until such time that they can safely appear in person.



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When in-person hearings are permitted – Social Distancing

1. To ensure there is adequate social distancing of at least 6 feet apart, the manner in which individuals will be allowed into and out of the court building will be regulated.
2. The court building will be restricted to only 10 (ten) persons at a time.
3. All persons not from the same household who are permitted in the court building will be encouraged to maintain adequate social distancing of at least 6 feet.

Gallery

4. The gallery of the courtroom will be regulated identifying the appropriate social distancing in the seating. The maximum capacity of the courtroom will be monitored and enforced by court staff.

Well

5. In each room, the counsel tables, witness stand, judge's bench, and clerk(s), and bailiff(s) 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, in the lobby and outside of the courtroom.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and at the clerk(s) desk.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations of the court building.

When in-person hearings are permitted – Screening

1. When individuals attempt to enter the courtroom, the bailiff or court clerk 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 courtroom.
2. Staff who are screening individuals entering the courtroom will be provided personal protective equipment, including mask and surgical gloves.



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Face Coverings

1. Individuals will be required to wear face coverings while in the court building. If the individual does not have a face covering and would like to use one, a disposable face mask will be provided as supply is available.

Cleaning

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

A handwritten signature in blue ink, appearing to read "G. Scott", is written over a horizontal line.

Date: 1/15/2021

Gary A. Scott
Presiding Judge of Municipal Court