

# Jury Proceeding Addendum to COVID-19 Operating Plan for the Hartley 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 **Hartley 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.
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 a jury proceeding will follow the procedure detailed below to obtain approval to proceed with the jury proceeding from the local administrative district judge and Regional Presiding Judge:  
**The trial court judges will submit proposed jury trial dates to the local administrative judge who will schedule and approve trial dates so that the number of persons required to be in the**

**courthouse on any scheduled date will be minimized. The local administrative judge will discuss the proposed jury trial dates with the regional presiding judge.**

2. The local administrative district judge will, not more than five days before the jury proceeding, consult with the local public health authority to verify that the local health conditions and plan precautions are appropriate for the jury proceeding to proceed with the following procedure: **The local administrative judge will advise the local health authority of the proposed jury trial dates and that said proposed trial will be conducted in accordance with this Jury Proceeding Addendum to the Covid-19 Operating Plan. The local health authority, in his/her sole discretion may determine that:**
  - a. **the proposed jury trial may proceed as planned,**
  - b. **additional safety measures must be instituted before proceeding, or**
  - c. **there is no reasonable probability of ensuring the safety of the participants and that the proposed jury trial may not be conducted.**

**The local administrative judge shall then proceed in accordance with the decision of the local health authority.**

### **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.

### **Summoning Jurors**

1. The jury clerk must include with in-person juror summonses information regarding precautions that have been taken to protect the health and safety of prospective jurors (see Attachment A)<sup>1</sup> and COVID questionnaires (see Attachment B)<sup>2</sup> that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
2. Judges will consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons.
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. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:<sup>3</sup>
  - a. **Jury qualification and voir dire:** Hartley County shall secure the use of a building with a sufficient seating capacity to provide appropriate social distancing for the proposed jury panel. If the County does not own an appropriate building, it may secure the use of a building owned by another entity.
  - b. **Trials:** Trials will be conducted in the building secured by the County. The additional safety measures described below shall be followed at all times.
  - c. **Jury Deliberation:** Juries will deliberate in the building secured by the County. All other participants shall retire to other rooms in the building as are appropriate.
2. Security protocols at the locations for 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 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.

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<sup>1</sup> Include as Attachment A the information that the court will include with summonses.

<sup>2</sup> 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>.

<sup>3</sup> 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.

### **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 description (or attached drawing) details how each of the courtrooms or facilities will be arranged during the jury proceeding:<sup>4</sup>
  - a. **Jury qualification:** The potential jurors shall be seated so that appropriate social distancing shall be maintained (at least 6 feet apart). All participants will be instructed to maintain use of face coverings as set forth above. During the qualification process, the Judge shall maintain a minimum distance of 6 feet from the closest juror. Should it become necessary to address any qualification issue or request to be excused from service outside the presence of the rest of the potential jurors, the judge will meet with each individual juror in an adjacent room while maintaining appropriate social distancing at all times.
  - b. **Voir Dire:** After qualifying the jurors, the room will be rearranged in order to add tables for the judge, court staff, counsel and the parties while still maintaining a

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<sup>4</sup> 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.

distance of six feet between all participants. The tables will have plexi-glass dividers in the middle of the tables and plexi-glass dividers in front of the tables. Potential jurors will be provided with face shields and instructed to continue to wear face coverings during voir dire except when responding to questions, at which time a potential juror may lower the mask but keep the face shield in place. The attorneys will use the podium and microphone to conduct voir dire. To the extent the judge needs to address any issues related to challenges for cause outside the presence of other potential jurors, the judge will meet with individual counsel and individual jurors in a separate room while maintaining appropriate social distancing at all times. If necessary, potential jurors may be asked to respond to counsel and the court by using a microphone supplied by court personnel directly or at a microphone positioned away from other jurors. The microphone will be sanitized and a disposable cover will be removed and replaced after each use as included below.

- c. **Trial:** The judge will be sitting at his/her bench and will have a plexi-glass divider in front of the bench. The court reporter will be seated at least six feet apart from the judge and will have a plexi-glass divider in front of her. The jurors will be seated in the gallery of the courtroom in designated seats that maintain appropriate social distancing. Counsel tables and the witness table shall be arranged so that a distance of 6 feet is maintained between all participants. Counsel table will have a plexi-glass divider in front of the table and a plexi-glass divider in the middle of the table to facilitate client-counsel consultation. The bailiff will be seated at least six feet apart from the witness stand and counsel table. The witness table will also have plexi-glass dividers in front and on the sides, as appropriate to the arrangement of the room.
- d. **Breaks:** The jurors will take breaks in the courtroom. They will be directed to maintain social distancing anytime they are not seated. All other participants shall retire to other rooms as are appropriate. The Court will allow extra time for breaks to make sure jurors are able to use restroom facilities in accordance with the standards in place for the building.

### **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.

#### **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**

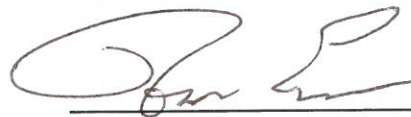
1. Courts that provide food to jurors or other participants during a jury proceeding will ensure individual food portions, such as individually boxed meals, are provided.

#### **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. 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: 1/20/2021



\_\_\_\_\_  
Ron Enns, Local Administrative District Judge

Hartley County, Texas  
 Melissa Mead  
 District and County Clerk  
 P.O. Box 189  
 Channing, Texas 79018

**JURY SUMMONS NO.**

**Dear Prospective Juror:**

**You are hereby summoned for jury service as set out below:**

**Forwarding Service Requested**

*Before reporting for petit jury service, call 806-235-3582 Ext. 400 after 5:00 p.m. the day before you are to report to verify if the jury panel is to report, or has been dismissed.*

**THE FOLLOWING "JUROR QUESTIONNAIRE" IS MANDATED BY GOVERNMENT CODE, SECTION 62.0132.**  
 Your answers are **CONFIDENTIAL** and may be disclosed only to the judge, court personnel, the litigant, and the litigant's attorney.

PLEASE TYPE OR PRINT WITH INK ONLY		JUROR QUESTIONNAIRE			
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Race (required by State Law):	Age:	Date of Birth:	Are you a U.S. Citizen? <input type="checkbox"/> Y <input type="checkbox"/> N (Please see "Note" below.)
Your Name: Home Address:					<b>Please check highest level of education completed:</b> <input type="checkbox"/> No H.S. Diploma or GED <input type="checkbox"/> GED <input type="checkbox"/> H.S. Diploma <input type="checkbox"/> 2yr College <input type="checkbox"/> 4yr College/University <input type="checkbox"/> Post-Graduate <input type="checkbox"/> Other _____
Mailing Address (if different from home):					
Primary Phone:		Alternate Phone:		County of Residence:	
Your Occupation:					<b>Current Marital Status:</b> <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
Your Employer:			How Long?		
Spouse's Name:			Spouse's Occupation:		
Spouse's Employer:			How Long?		Number of Children: _____  Ranges of Age: from _____ years to _____ years
Have you ever served on a civil jury? <input type="checkbox"/> Y <input type="checkbox"/> N			Have you ever served on a criminal jury? <input type="checkbox"/> Y <input type="checkbox"/> N		
<b>I CERTIFY THAT ALL ANSWERS ARE TRUE AND CORRECT.</b> Please sign here: _____					
<b>NOTE: If you state that you are not a U.S. citizen, you will no longer be eligible to vote if you fail to provide proof of U.S. citizenship to your county voter registrar.</b>					

**Directions:** You must report for jury service unless you: (1) claim an exemption; (2) are disqualified; or (3) choose to postpone your service.

**To claim an Exemption:** Circle the exemption(s) that you claim. Sign the form. Mail or take the form to the District clerk's office. NOTE: You do not have to claim an exemption and may instead choose to serve.

**If you are Disqualified:** Circle the qualification(s) that you do not meet. Sign the form. Mail or take the form to the District clerk. NOTE: If you claim to be disqualified because you are not a resident of this county, you may become ineligible to vote in this county. If you state that you are not a U.S. citizen, you will no longer be eligible to vote if you fail to provide proof of U.S. citizenship to your county voter registrar.

**To Postpone your Service:** Contact the District clerk's office before your scheduled date of service.

**Before Reporting for Jury Service:** Please complete the juror questionnaire. Bring the questionnaire with you when you report.

**Questions or Special Accommodations:** Please contact the District clerk's office.

Melissa Mead, District & County Clerk  
P.O. Box 189  
Channing, Texas 79018  
806-235-3582

**EXEMPTIONS FROM JURY SERVICE**  
(Texas Government Code, Section 62.106)

1. You are over 70 years of age.
2. You have legal custody of a child or children younger than 12 years of age and service on the jury would require leaving the child or children without adequate supervision.
3. You are a student at a public or private high school.
4. You are enrolled and in actual attendance at an institution of higher education.
5. You are an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government.
6. You are the primary caretaker of a person who is unable to care for himself or herself. (This exemption does not apply to you if you are a primary caretaker only in your capacity as a health care worker.)
7. You are a member of the United States military forces serving on active duty and deployed to a location away from your home station and out of your county of residence;

**QUALIFICATIONS FOR JURY SERVICE**  
(Texas Government Code, Section 62.102)

To be qualified to serve as a juror you *must*:

1. be at least 18 years of age;
2. be a citizen of the United States;
3. be a resident of this state and a resident of the county in which you are to serve as a juror;
4. be qualified under the Constitution and laws to vote in the county in which you are to serve as a juror (*Note: You do not have to be registered to vote to be qualified to vote*);
5. be of sound mind and good moral character;
6. be able to read and write;
7. not have served as a juror for six days during the preceding three months in the county court or during the preceding six months in the district court; and
8. not have been convicted of, or be under indictment or other legal accusation for, misdemeanor theft or a felony.

**I certify that I am exempt or disqualified from jury service for the reasons circled above.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Right to Reemployment:** A private employer may not terminate the employment of a permanent employee because the employee serves as a juror. An employee whose employment is terminated in violation of this section is entitled to return to the same employment that the employee held when summoned for jury service if the employee, as soon as practical after release from jury service, gives the employer actual notice that the employee intends to return. (Civil Practice and Remedies Code, Section 122.001).

**Failure to Answer Summons and Provision of False Information:** A person who fails to comply with this summons, or who knowingly provides false information in a request for an exemption or to be excused from jury service, is subject to a contempt action punishable by a fine of not less than \$100 nor more than \$1,000 (Government Code, Section 62.0141). Additionally, a person shall be fined not less than \$100 nor more than \$500 if the person: (1) fails to attend court in obedience to this summons without reasonable excuse; or (2) files a false claim of exemption from jury service. (Government Code, Section 62.111; *see also* Code of Criminal Procedure, Article 35.01).



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 ( ) - \_\_\_\_\_ BEFORE REPORTING ON \_\_\_\_\_, 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



## CERTIFICATION OF LOCAL HEALTH AUTHORITY

I do certify that the Local Administrative District Judge, did consult with me in the development of the Jury Proceeding Addendum to COVID-19 Operating Plan for the HARTLEY County Judiciary and I do approve the adoption of said addendum.

Date: January 21, 2021



Dr. Matt Turner

## CERTIFICATION OF HARTLEY COUNTY JUDGE

I do certify that the Local Administrative District Judge, did consult with me in the development of the Jury Proceeding Addendum to COVID-19 Operating Plan for the HARTLEY County Judiciary and I do approve the adoption of said addendum.

Date: January 21, 2021



Ronnie Gordon  
Hartley County Judge

