

**COVID-19 MINIMUM STANDARD HEALTH PROTOCOLS
FOR IN-PERSON COURT PROCEEDINGS IN BREWSTER,
CULBERSON, HUDSPETH, JEFF DAVIS, AND PRESIDIO COUNTIES**

Recognizing the need to protect the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering buildings where proceedings are conducted by the district, county, and justice courts of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio Counties, the undersigned Local Administrative District Judge hereby implements the following minimum standard health protocols and protective measures, as directed by and pursuant to COVID-19 Emergency Order #40 issued by the Supreme Court of Texas and Texas Court of Criminal Appeals, and the guidance of the Texas Office of Court Administration:

All courts subject to this Protocol are encouraged to hold non-evidentiary proceedings remotely, and may hold evidentiary proceedings remotely to protect the health and safety of court participants, or to promote access to justice.

Courts may in their discretion hold all non-jury civil proceedings, non-evidentiary criminal proceedings, and evidentiary criminal proceedings in cases where incarceration is not a potential punishment, either remotely or in-person, or a combination thereof. Courts are prohibited from holding in-person jury proceedings at this time. Courts are further prohibited from holding remote evidentiary criminal proceedings in cases where incarceration is a potential punishment, unless appropriate waivers and consent are given on the record by the defense.

The requirements of this Protocol must be followed for all in-person court proceedings.

In-Person Proceedings May Be Held. On any day that an in-person court proceeding is held, the judge presiding over the court proceeding may and is encouraged to do the following:

1. Require courthouse security to ask all persons attempting to enter the courthouse building whether:
 - a. they are experiencing any symptoms of cold, flu or COVID-19, including cough, shortness of breath or difficulty breathing, chills, repeated shaking with fever, muscle pain, headache, fatigue, sore throat, loss of taste or smell, diarrhea, vomiting, or myalgias, or have experienced such symptoms within the prior 10 days;
 - b. whether they have been diagnosed with a probable or confirmed case of COVID-19 within the prior 10 days; and
 - c. whether they have within 14 days been in close contact with a person who has a probable or confirmed active case of COVID-19 or is displaying typical cold, flu, or COVID-19 symptoms;
2. Require courthouse security to test the body temperature of each person attempting to enter the building;
3. Refuse in-person admittance to the courthouse or courtroom to any person who:
 - a. admits any of the factors in paragraph 1a or 1b, above;
 - b. appears to be suffering from any such symptoms described in 1a, above;
 - c. refuses to answer the questions posed to them;

- d. has a measured body temperature above 100.5 F; or
 - e. refuses to comply with any directive to properly wear a mask over their nose and mouth; and
4. Require exhibits to be submitted electronically when possible, to minimize the physical exchange of documents among participants and the judge.
 5. Notwithstanding the foregoing, if a judge elects to have courthouse security conduct health screenings as described in paragraph 3 above, courthouse security shall admit persons who violate *only* paragraph 1c above if they are fully vaccinated against COVID-19. The Court or courthouse security may inquire as to vaccination status of any person. Refusal to answer is grounds for requiring masking of the person or exclusion of the person from the courthouse.
 6. If a court participant is excluded under paragraph 3 above, courthouse security shall immediately notify the judge presiding, so that appropriate accommodations can be made.
 7. Each court building shall make available a room in which a court participant may appear virtually in a court proceeding if (i) they are excluded under paragraph 3 above, (ii) they are excused from in-person participation upon request for good cause as provided below, (iii) they are technologically unable to appear remotely, or (iv) they are subject to a subpoena, writ, show cause order, or Order to Appear for a remote proceeding. The room shall be furnished with the equipment needed for remote participation.

Courthouse Occupancy Limits Are Encouraged. Courts are encouraged to avoid high volume dockets settings (also known as “cattle-call dockets”). Multiple courts should to the extent possible avoid holding in-person proceedings in the same court building at the same time.

Masking and Hygiene Are Permitted.

1. Courts may at the discretion of the judge presiding over court proceeding require persons to wear approved masks properly over their nose and mouth at all times, but are discouraged from requiring fully vaccinated people to do so. Courthouse security shall immediately remove from the courthouse all persons who fail or refuse to comply with any masking requirement.
2. Courts shall allow persons who wish to wear masks or face shields in the courthouse to do so, but may require masks and face shields to be removed while a person is testifying or addressing the Court. You are prohibited from refusing a request by a court participant or audience member to wear a mask when not testifying or addressing the Court.
3. Hand sanitizer dispensers or sanitary wipes shall be placed at visible and conspicuous places in the courtroom and throughout the courthouse. Courthouse cleaning staff shall ensure that the sanitizer dispensers are filled at all times.

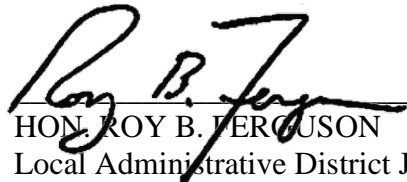
Social Distancing Is Permitted. Courts must facilitate public and press access to view court proceedings as required by law, either in person or electronically. For in-person proceedings, courts must permit audience seating to the extent possible under this Protocol, and may require social distancing as deemed appropriate and necessary for the safety of court participants. Courts shall designate a seating area in each courtroom which social distancing is required, for persons who wish to do so.

Remote Jury Proceedings. Fully remote civil jury trials may take place at any time, at the discretion of the judge presiding over the case, so long as the Court ensures that all potential remote jurors have access to adequate technology to participate remotely. Lawyers and parties may be compelled over objection to participate in a fully remote civil jury trials or criminal jury trials in which incarceration is not a possible sentence. Jury trials in criminal cases where incarceration is a possible sentence must be held in-person unless the prosecution and the defense agree to the remote proceeding and the defendant enters necessary waivers, in open court.

In-Person Jury Proceedings. In-person jury proceedings are prohibited until further notice.

Applicability. This Protocol applies only on days that an in-person court proceeding is to take place in a court building. On days that no court proceeding is being held, protective measures are at the discretion of the respective county judge. This protocol is subject to change at any time.

Signed and Effective on August 9, 2021.



HON. ROY B. FERGUSON
Local Administrative District Judge