

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

Recognizing the need to ensure 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 the COVID-19 Emergency Orders issued by the Supreme Court of Texas and Texas Court of Criminal Appeals, and the guidance of the Texas Office of Court Administration:

Non-jury proceedings. Beginning on April 1, 2021, Courts may hold in-person non-jury proceedings, including hybrid proceedings, so long as the requirements of this protocol are met.

Beginning at least one hour prior to any scheduled court proceeding, and ending thirty minutes after conclusion of the last scheduled court proceeding of the day, all entry doors to the courthouse shall remain locked, except for one main entry door, which shall be controlled at all times by courthouse security.

1. Courthouse security shall ask all persons attempting to enter the 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. Courthouse security shall test the body temperature of each person attempting to enter the building.
3. Courthouse security shall refuse admittance to any person who:
 - a. admits any of the factors in paragraph 1a, above;
 - b. appears to be suffering from any such symptoms;
 - c. refuses to answer the questions posed to them;
 - d. has a measured body temperature above 100 F; or
 - e. is not or refuses to properly wear a mask over their nose and mouth.
4. Notwithstanding the foregoing, Courthouse security shall admit a person who violates *only* paragraph 1c above if they present an original CDC COVID-19 Vaccination Record Card showing that at least 14 days have elapsed since receipt of the final dose of any COVID-19 Vaccine. Courthouse security shall make and retain a copy of such Card.
5. 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,

such as rescheduling the hearing, permitting the person to participate remotely, or allowing the person to participate from a secure and sterile location as described in paragraph 6 below.

6. Each court building shall have available a room in which any participant may appear virtually in a court proceeding if they are excluded under paragraph 3 above, if they object for good cause to in-person participation as provided below, are technologically unable to appear remotely, or are subject to a subpoena, writ, show cause order, or Order to Appear. The room shall be sanitized and comply with all social distancing, hygiene and other requirements hereunder, and be furnished with the necessary equipment to participate remotely. An outdoor waiting area shall be designated for those awaiting their turn to appear in this manner.
7. Exhibits shall be submitted electronically when possible, to minimize the physical exchange of documents among participants and the judge.

Courthouse Occupancy. The following measures are established to reduce overall occupancy of court buildings and prevent exposure to COVID-19.

1. No two courts may without the approval of the Local Administrative District Judge hold in-person proceedings in the same court building at the same time. This includes district court, county court, specialty courts (Title IVD court, child protection court, etc.), justice court, and any other court utilizing the court building. All court coordinators and clerks shall communicate and cooperate to ensure that in-person court proceedings do not overlap. Counties will take all reasonable steps to ensure that commissioner's court meetings and other large gatherings in court buildings do not overlap with in-person court proceedings. In the event of conflicting settings, priority of use shall be in this order:
 - a. District Court;
 - b. Specialty Courts;
 - c. County Court; and
 - d. Justice Courts.
2. High volume dockets settings (also known as "cattle-call dockets") are prohibited. No more than 5 cases may be scheduled on a single in-person docket or setting, including no more than 20 total participants including lawyers, parties, witnesses and court staff.
3. Witnesses shall be scheduled or subpoenaed for specific times, so as to arrive shortly before their turn to testify, or allowed to leave the courthouse and directed to return either at a specific time or upon short telephonic notice.

Masking and Hygiene.

1. All persons in courthouse common areas shall be required to wear approved masks properly over their nose and mouth at all times.
2. All persons in the courtroom shall be required to wear masks properly over the nose and mouth at all times, except as follows:
 - a. Judges may permit participants in court proceedings to remove masks during hearings while at the lawyer's table;
 - b. Judges may permit witnesses to remove masks while seated on the witness stand;

- c. Judges may remove their own mask or use a face shield at their discretion.
- d. Judges may allow court staff to remove masks or use face shields.
3. Courthouse security shall immediately remove from the courthouse all persons who fail or refuse to comply with the masking requirement.
4. Court building cleaning staff will clean the courtroom and the common areas of the court building at the end of each day that court is in session.
5. Hand sanitizer dispensers shall be placed at the entrance to the building, courtroom, bathrooms, elevators, and on the counsel tables and witness stand. Court building cleaning staff shall ensure that the sanitizer dispensers are filled at all times.

Social distancing in courtroom. Courts must facilitate public and press access to view court proceedings as required by law, either in person or electronically, as follows:

1. Courts may allow a limited number of audience members into the courtroom, with proper social distancing and masking, seating in every other row and not to exceed 50% capacity. All persons not from the same household shall maintain a social distancing radius of at least 6 feet.
2. Courts may provide remote viewing access in other public areas within the courthouse.
3. Courts may provide electronic viewing access through YouTube or other streaming service, with sufficient public notice and posting at the courthouse.
4. Participants in court proceedings shall exercise proper social distancing where possible.

Objections to In-Person Proceedings. Persons summoned to or scheduled for in-person proceedings must be given the opportunity to object and show good cause for why they should not be permitted to appear virtually rather than physically at the courthouse.

1. Orders setting hearing and docket notices must inform summoned participants that they have the right to object to in-person participation, and provide a method and deadline for submitting such objection. If good cause to excuse in-person participation is found, the court must allow the person to appear remotely from inside the courthouse or virtually from outside the courthouse, or the court may instead hold a fully virtual hearing.
2. No person over the age of 70 or who has serious underlying health conditions such as high blood pressure, chronic lung disease, decreased lung capacity, diabetes, obesity, asthma, compromised immune systems (including by chemotherapy for cancer or other conditions requiring such therapy), or is receiving oxygen therapy, shall be required to attend an in-person court proceeding. Courts shall at the start of each hearing announce to the participants that any person who meets one or both of these categories or can show good cause to be excused has the right to exit the courtroom and appear virtually or remotely as provided herein.

Jury Proceedings. Fully remote virtual jury trials may take place at any time, at the discretion of the judge presiding. In-person jury proceedings are prohibited through May 31, 2021. Thereafter, in-person jury proceedings may be permitted to take place at the discretion of the Local Administrative District Judge. Courts wishing to hold in-person jury trials on or after June 1, 2021 must submit a written application to 394th.jud.dist.court@gmail.com for consideration.

This protocol is subject to change at any time.

Date: March 31, 2021



HON. ROY B. FERGUSON
Local Administrative District Judge