

OCA UPDATED 4/17/2020 - Guidance on Conducting Court Proceedings

Based upon the Guidelines for Opening Up America Again unveiled yesterday by President Donald Trump and the White House Coronavirus Task Force and Governor Abbott's executive orders, the following updated guidance is provided for all courts:

The Supreme Court and Court of Criminal Appeals Third Emergency Order has prohibited conducting non-essential proceedings in person contrary to local, state, and national directives, whichever is most restrictive, regarding maximum group size. The limitation on group size would apply the local stay-at-home or shelter in place order standards to court proceedings.

- In-person proceedings of any size should be delayed until at least June 1.
- Essential proceedings should occur in-person only if holding the proceeding remotely is not possible or feasible.
- If essential proceedings must be held in-person, the court should ensure that:
 - No more than 10 persons are gathered in the courtroom or in areas around the courtroom (see exception below);
 - Participants wear face coverings where possible; and
 - Participants in the courtroom are separated consistent with social distancing and other precautions.
- **EXCEPTION:** Essential proceedings may occur in-person in excess of the 10-person maximum if the law requires more than 10 persons for the proceedings, such as grand jury deliberations. Participants should be separated consistent with social distancing and should wear face coverings where possible.
- No non-essential proceedings should be held in-person.
- With the introduction of the remote proceedings capability through Zoom, most non-essential proceedings, except for jury trials, can be conducted remotely, and there are no limitations on those remote proceedings so long as reasonable notice and access is provided to the participants and the public.

We will be issuing updated and detailed guidance soon regarding if and how courts should consider bringing teleworking staff back to the courthouse and how in-person proceedings should be handled when the orders allow that to occur.