



109TH JUDICIAL DISTRICT
ANDREWS, CRANE, WINKLER COUNTIES

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109th JUDICIAL DISTRICT
MISCELLANEOUS ADMINISTRATIVE ORDER NO. 019

**Andrews, Crane, and Winkler County Minimum Health Protocols for
Court Proceedings and the Public Attending Court Proceedings**

General

1. This order applies to all judges of the district courts, constitutional county court, justice courts, and to all judges serving as associate judges, magistrates or specialty court judges.
2. All judges shall comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to this order.
3. All judges should consider conducting proceedings remotely and shall consider any requests from attorneys, parties, witnesses, or other court participants to participate in the proceeding, remotely and must make accommodations for remote participation wherever required or feasible.
4. The local administrative district judge shall regularly monitor the local pandemic conditions, including the data indicating whether the courts in the county are in a county with high COVID-19 positivity rate, and notify the judges hearing cases in the courthouse(s) and the Regional Presiding Judge of changes in these conditions that require that in-person proceedings cease. *"County with high positivity rate" means any county that has had seven consecutive days in which the number of confirmed positive molecular COVID-19 tests as a percentage of total confirmed molecular COVID-19 test results exceeds 10 percent, until such time as the county has seven consecutive days in which the number of confirmed positive molecular COVID-19 tests as a percentage of total confirmed molecular COVID-19 test results is 10 percent or less.*

5. Subject to the schedule laid out below in the "Scheduling" section and the other requirements of this order, judges may begin scheduling in-person proceedings no sooner than March 11, 2021.

Judge and Court Staff Health

1. Judge and Court Staff Monitoring Requirements: Judges and court staff shall self-monitor for symptoms that are consistent with COVID-19 or for known exposure to persons exhibiting COVID-19 symptoms or with confirmed diagnoses of COVID-19. Court staff shall report their potential symptoms or exposure to the judge of the court. Judges shall report any potential symptoms or exposure to the local administrative district judge and county judge.
2. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 100°F, or with new or worsening signs or symptoms of COVID-19 such as flu-like symptoms, fever, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, loss of taste or smell, congestion or runny nose, nausea, vomiting, or diarrhea, or who have or believed to have been recently in known close contact with a person who is confirmed to have COVID-19 or exhibiting the symptoms described above, will not be permitted to enter the building and should seek medical advice.
3. Judges and court staff are encouraged to wear face coverings covering the nose and mouth, practice social distancing, and practice appropriate hygiene recommendations.

Scheduling

1. All courts shall establish minimum health protocols to ensure that the common space and conference rooms outside of courtrooms are not crowded.
2. 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:
 - a. The trial judge will submit a written request to the local administrative district judge in advance of the desired trial date. No more than one jury trial shall be conducted in the same location at the same time

Provisions Applicable to Jury Proceedings

1. A court may conduct an in-person jury proceeding if:
 - a. the court has obtained prior approval, including a prior approved schedule for the jury proceeding from the local administrative district judge;

- b. the court has established communication protocols to ensure that no court participants have tested positive for COVID-19 within the previous 10 days, have had symptoms of COVID-19 within the previous 10 days, or have had recent known exposure to COVID-19 within the previous 14 days;
- c. the court has included with the jury summon information on the precautions that have been taken to protect the health and safety of prospective jurors and a COVID-19 questionnaire, to be submitted in advance of the jury selection, that elicits from prospective jurors information about their exposure or particular vulnerability to COVID-19; and
- d. the court has excused or rescheduled prospective jurors who provide information confirming their COVID-19 infection or exposure, or their particular vulnerability to COVID-19 and request to be excused or rescheduled.

Vulnerable Populations and Objections to In-Person Proceedings

1. If a participant objects to appearing in person the participant must notify the court at least 7 days before the scheduled hearing. The court shall conduct an on the record hearing to determine if good cause exists for excusing the participant from the in-person proceeding. If the court determines good cause exists to excuse the participant from in person proceedings the court shall allow the participant to attend remotely by teleconference, zoom, or other methods. Alternatively, the court may reschedule the proceeding to a later date for an in-person hearing.
2. Each judge shall include information on orders setting hearings, dockets 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. A notice with this information will be posted on each court's website.
3. Vulnerable populations who are scheduled for court will be accommodated by allowing the individual to participate remotely or by rescheduling the hearing, trial, or jury service.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than four individuals will be permitted in an elevator at a time, each located at a different corner of the elevator to avoid close contact.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.

Gallery

1. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted to permit adequate social distancing of at least 6 feet. The maximum capacity of the courtroom will be monitored and enforced by court staff.
2. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Well

1. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff 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, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms and shall be replenished as needed.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.

Screening

1. When individuals attempt to enter the court building, they will be asked if they have new or worsening signs or symptoms of COVID-19 such as flu-like symptoms, fever, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, loss of taste or smell, congestion or runny nose, nausea, vomiting, or diarrhea, or have or believe they have been recently in known close contact with a person who is confirmed to have COVID-19 or exhibiting the symptoms described above. Individuals who indicate yes to any of these questions will be refused admittance to the court building
2. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.

3. Staff who are screening individuals entering the court building will be provided, as resources permit, personal protective equipment, including masks or face shields.

Face Coverings

1. All individuals entering the court building will be encouraged, but not mandated, to wear face coverings covering the nose and mouth at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.

This order supersedes the 109th Judicial District Operating Plan dated June 1st, 2020.

ADOPTED the 11th day of March, 2021.



HON. John L. Pool
Local Administrative District Judge