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**May 15, 2020**

**RE: HEARING REQUESTS**

**To All Attorneys Practicing Before the 24th, 135th, 267th and 377th District Courts:**

**The following is Ordered by the Courts:**

**On June 1, 2020, in-person court hearings will resume. There will be a considerable number of constraints. Social distancing, facial coverings, and limits on the number of persons allowed in the court will have an impact on how many cases can be set, and the time of each setting. SEE ATTACHED ORDER.**

**Cases will be set by the Court hourly on docket days beginning at 9:00 a.m. (for example: Five (5) cases will be set at 9:00 a.m., five (5) cases will be set at 10:00 a.m., etc.) Some cases may be docketed in the afternoon. Do not arrive before your case is scheduled. Early arrival will negatively impact required social distancing. Cases which have been settled before docket day may be proved up at the scheduled time. Written orders or Rule 11 Agreements signed by all parties and attorneys detailing terms of settlement are preferred by the Court and will facilitate disposition of the Court's docket.**

**Incident to the foregoing, attorneys MUST confer before arriving at the courthouse. There will be no time to accommodate settlement negotiations which have customarily occurred after docket call in the past. The new normal will be that attorneys will be expected to go forward on the merits of their cases as soon as the Court is ready to proceed. Announcements of "conferring" will not be honored.**

**Attorneys should also anticipate that the Court will curtail presentation of testimony which is not concise and to the point of the matter to be decided. All exhibits should be pre-marked and ready for submission to the Court. Attorneys should present accurate summaries of the relief requested or be prepared to make brief statements to the Court regarding relief requested**

**COVID-19 OPERATING PLAN FOR THE COUNTIES OF THE 24<sup>TH</sup>,  
135<sup>TH</sup>, 267<sup>TH</sup> AND 377<sup>TH</sup> DISTRICT COURTS, COUNTY COURTS AT LAW,  
CONSTITUTIONAL COUNTY COURTS AND JUSTICE COURTS**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges and other individuals entering the buildings housing the courts, the referenced district, county courts at law, constitutional and justice courts will implement, to the extent that such implementation is feasible and consistent with the availability of safety supplies and manpower, the following measures:

**General**

1. All judges, to the extent compliance is possible and consistent with constitutional limitations on the powers of The Supreme Court of Texas, the Texas Court of Criminal Appeals and the availability of safety supplies and manpower to the affected counties, will exercise reasonable efforts to comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals.
2. At the discretion of the judges of the courts referenced above, remote hearings may still be conducted in compliance with practices initiated by said courts prior to June 1, 2020.
3. The courts will consult with the local health authority as deemed appropriate by the judges of said courts and make adjustments to this operating plan if deemed necessary by the judges of the referenced courts following such consultation.
4. Judges of the referenced courts will begin setting non-essential in-person proceedings, in the discretion of the judge of the referenced court on or after June 1, 2020.

**Judge and Court Staff Health**

1. Judges and Court Staff who have measured temperatures equal to or greater than 99.6° F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building housing the courtroom.
2. Judges and court staff will be required to wear face coverings, practice social distancing and engage in appropriate hygiene practices to the extent consistent with the practicalities of in-person proceedings.

**Scheduling**

1. Judges and clerks will exercise reasonable efforts to schedule proceedings in a manner which will reduce courtroom occupancy.

### **Vulnerable Populations**

1. "Vulnerable Populations" are persons who are over age 65 and individuals with serious underlying health conditions.
2. To the extent a judge or attorney has knowledge that a participant in a proceeding is a member of the "vulnerable population", the court and attorneys with such knowledge shall attempt to make a reasonable accommodation for the vulnerable person to protect that person's health, consistent with that person's due process rights and the rights of the parties to the proceeding. The court and court staff have no independent obligation to determine whether a person is a member of the "vulnerable population".

### **Social Distancing**

1. All persons permitted in the court building who are not from the same household will be required to maintain adequate social distancing of at least 6 feet.
2. Social distancing of at least 6 feet will be required in common areas.
3. Social distancing of at least 6 feet will be required in the courtroom.
4. Social distancing of at least 6 feet will be required in the jury room when used for conferencing. In the case of jurors participating in a jury trial, accommodations, consistent with jury privacy and security, will be made to accomplish social distancing of at least 6 feet.

### **Hygiene**

1. To the extent supplies and ancillary equipment are available to the county government which owns the court building, hand sanitizer dispensers will be made available to persons in the court building at the entrance to the building and the entrance to the courtroom. The absence of such hand sanitizer or dispensers shall not affect the right of the court to conduct in-person proceedings.

### **Screening**

1. Court building security personnel will ask each person entering the building if they feel feverish, or are experiencing new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or have had known close contact with a person who is confirmed to have COVID-19. A person who responds affirmatively to this inquiry will not be permitted to enter the building housing the courtroom.
2. When individuals attempt to enter the court building, Court building security personnel will use an infrared thermometer to determine the temperature of the individual. If the indicated temperature equals or exceeds 99.6°F, following 2 consecutive temperature measurements by infrared thermometer, the individual will not be permitted to enter the court building.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken before transport. If the inmates Temperature equals or exceeds 99.6° or the inmate demonstrates any symptoms of COVID-19, the inmate will not be transported.

4. Court building security personnel will, to the extent available to the county government, be provided face masks, gloves and hand sanitizer for their use while on duty.
5. To the extent any of these screening measures are impractical or cost-prohibitive, alternate means of achieving such measures, such as signage, may be implemented if approved by local health authorities.


### **Face Coverings**

1. All individuals entering the court building will be required to wear face coverings at all times, unless circumstances specific to the purpose for which that person is present at the court building require that the face covering be temporarily removed. After completing the task which required removal of the face covering, the person shall resume wearing the face covering. All face coverings worn must cover the wearer's mouth and nose at all times, unless temporarily excused as provided in this paragraph. Failure or refusal to wear face coverings as provided in this paragraph will result in immediate expulsion of the person failing or refusing to wear the face covering in compliance with this paragraph.
2. Persons seeking to be admitted to the court building for the purpose of observing or participating in an in-person judicial proceeding who are not wearing a face covering, will be provided a disposable face mask, if the county government authority which owns the court building has an adequate supply of face masks. Failure or refusal to wear a face mask or face covering as provided in paragraph 1 "Face Coverings" or this paragraph will result in immediate expulsion of the person failing or refusing to wear the face covering in compliance with this paragraph or paragraph 1 "Face Coverings".

### **Cleaning**

Judges of the courts referenced above shall request that the County government authority which owns the court building to instruct its maintenance and cleaning staff to clean the courtrooms and common areas of the court building at the beginning of each day and at the conclusion of the last hearing in each courtroom daily, in addition to normal cleaning procedures.

I have provided copies of these procedures to the County Judge of each county in the 24<sup>th</sup>, 135<sup>th</sup>, 267<sup>th</sup> and 377<sup>th</sup> Judicial districts and to the Judges of the 24<sup>th</sup>, 135<sup>th</sup>, 267<sup>th</sup>, 377<sup>th</sup> District courts and the judges of the County Courts at Law of Victoria and Calhoun Counties and the Title IV-D Associate judges and the Justice courts of said counties and have requested their compliance with these procedures. These procedures are not inconsistent with the recommendations of the public health authority of the said counties.

  
Local Administrative District Judge