

COVID-19 Operating Plan for the Lavaca County Judiciary

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 courts of Lavaca County will implement the following protective measures:

General

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. All judges may conduct proceedings remotely.
3. The local administrative district judge will maintain regular communication with the local health authority and county judge and adjust this operating plan as necessary with conditions in the county.
4. Judges will begin setting non-essential in-person proceedings no sooner than June 1, 2020

Judge and Court Staff Health

1. Vulnerable court staff may perform the essential functions of their job remotely on a case-by-case basis as determined by their supervisor.
2. Judges or court staff who feel feverish or 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 and should seek medical advice.
3. Court staff will be required to wear face coverings in the courtroom or when interacting with non-judicial persons. Judges and Court Staff should practice social distancing and practice appropriate hygiene recommendations at all time.
4. Protective Measures: Court staff will be provided hand sanitizer and face masks.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building:
The Court Coordinators for each of the Courts will coordinate scheduling. Courts will limit the number of cases set for a specific time, in order to ensure that the number of attendees will be kept at a level which will allow for appropriate social distancing i.e. the Court's dockets will be staggered to limit the number of cases at a particular time and will have hearing times spread out through the day.

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Each judge will 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 the courts' websites and in conspicuous locations around the court building (a copy of which is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by appearance via teleconferencing or, if necessary, in-person proceedings in a limited access courtroom .

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 two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
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.
4. Public common areas have been closed to the general public.

Gallery

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

Well

7. 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.

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.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building.

Screening

1. When individuals attempt to enter the court building, bailiffs will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. 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 is screening individuals entering the court building will be provided personal protective equipment, including face mask and gloves.

Face Coverings

1. All individuals entering the court building will be encouraged to wear face coverings at all times. Notice that face coverings are recommended will be provided to litigants through the setting notice and communicated to them or their attorney at the time the hearing is set.

Cleaning

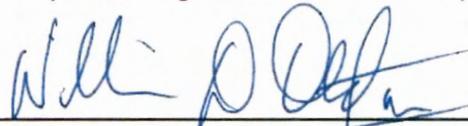
1. Court building cleaning staff will clean the common areas of the court building as is practicable.
2. Court building cleaning staff will clean the courtrooms as is practicable.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.

Other

This plan may be amended by the Local Administrative District Judge as deemed appropriate.

I have provided all judges of courts with courtrooms in the Justice Center a copy of this Operating Plan and requested their input. In developing the plan, I consulted with the local health authority and county judge. I will ensure that the judges of courts with courtrooms in the Justice Center have a copy of this plan and request that they conduct proceedings consistent with the plan.

Date: 5/20/2020



Local Administrative District Judge

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9071

SEVENTEENTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This Order is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2. The Twelfth Emergency Order Regarding the COVID-19 State of Disaster (Misc. Dkt. No. 20-9059) issued April 27, 2020, Paragraphs 3, 4, 5, 6, and 9, are renewed as amended.

3. Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public—without a participant's consent:

a. except as provided in paragraph (b), modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than September 30, 2020;

b. in all proceedings under Subtitle E, Title 5 of the Family Code, specifically including but not limited to Section 263.401(b):

(i) modify or suspend a deadline or procedure—whether imposed by statute, rule, or order—for a stated period not to exceed 180 days;

(ii) extend the dismissal date for any case previously retained on the court's docket for an additional period not to exceed 180 days from the date of this Order.

c. Allow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, court

reporter, grand juror, or petit juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means;

d. Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means;

e. Conduct proceedings away from the court's usual location with reasonable notice and access to the participants and the public;

f. Require every participant in a proceeding to alert the court if the participant has, or knows of another participant who has: (i) COVID-19 or flu-like symptoms, or a fever, chills, repeated shaking with chills, cough, shortness of breath or difficulty breathing, muscle pain, headache, sore throat, loss of taste or smell, diarrhea; or (ii) been in close contact with a person who is confirmed to have COVID-19;

g. Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

4. Courts must not conduct in-person proceedings contrary to guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions. Prior to holding any in-person proceedings on or after June 1, 2020, a court must submit an operating plan that is consistent with the requirements set forth by the Office of Court Administration's Guidance for All Court Proceedings During COVID-19 Pandemic issued on May 4, 2020. Courts must continue to use all reasonable efforts to conduct proceedings remotely.

5. Existing grand juries may meet remotely or in-person as long as adequate social distancing and other restrictions and precautions are taken to ensure the health and safety of court staff, parties, attorneys, jurors, and the public. Courts should consider extending the term of a grand jury under Section 24.0125 of the Texas Government Code and reassembling discharged grand juries under Article 19.41 of the Texas Code of Criminal Procedure.

6. A court must not hold a jury proceeding, including jury selection or a jury trial, prior to August 1, except as authorized by this Order.

7. The Office of Court Administration, in coordination with the Regional Presiding Judges and the local administrative judges, should assist trial courts in conducting a limited number of jury proceedings prior to August 1, whether in-person or remote proceedings involving grand

and petit jurors, and, no later than July 31, must submit a report to the Court outlining its observations regarding those jury proceedings and making recommendations regarding procedures for jury proceedings.

8. A jury trial conducted as part of the limited number of jury trials permitted prior to August 1 must:

- a. be at the request of the judge presiding over the case;
- b. ensure adequate social distancing and other restrictions and precautions are taken to ensure the health and safety of court staff, parties, attorneys, jurors, and the public;
- c. require the consent of all parties to the case except in a proceeding which is non-binding, in which case the consent of the parties is not required;
- d. take all reasonable steps to protect the parties' constitutional and statutory rights;
- e. require the admonishment of petit jurors as appropriate to ensure that proper attention is given by each juror and that outside influence is removed; and
- f. permit the Office of Court Administration to observe the processes used during the proceeding in order for the Office of Court Administration to prepare its report to the Court and to develop best practices for other courts' use.

9. Except for non-binding proceedings, a court may not permit or require a petit juror to appear remotely unless the court ensures that all potential and selected petit jurors have access to technology to participate remotely.

10. Pursuant to Sections 74.046 and 74.047 of the Texas Government Code, the Regional Presiding Judges are assigned the following duties:

- a. ensure that all courts in each region are operating in full compliance with the Court's Orders and the guidance issued by the Office of Court Administration;
- b. ensure that all trial court judges in each region, including justices of the peace and municipal court judges, do not conduct in-person proceedings inconsistent with the Court's Orders and the latest guidance issued by the Office of Court Administration;

c. report to the office of the Chief Justice of the Supreme Court any proceedings that are being conducted in the regions-and the court in which the proceedings are being conducted-that are inconsistent with the Court's Orders and the guidance issued by the Office of Court Administration; and

d. assist each region's local governments and courts to ensure that courts have the ability to conduct court business.

11. Any deadline for the filing or service of any civil case that falls on a day between March 13, 2020, and July 1, 2020, is extended until August 15, 2020. This does not include deadlines for perfecting appeal or for other appellate proceedings, requests for relief from which should be directed to the court involved and should be generously granted.

12. In determining a person's right to possession of and access to a child under a court-ordered possession schedule in a Suit Affecting the Parent-Child Relationship, the existing trial court order shall control in all instances. Possession of and access to a child shall not be affected by any shelter-in-place order or other order restricting movement issued by a governmental entity that arises from the pandemic. The original published school schedule shall also control, and possession and access shall not be affected by the school's closure that arises from the pandemic. Nothing herein prevents parties from altering a possession schedule by agreement if allowed by their court order(s), or courts from modifying their orders on an emergency basis or otherwise.

13. All deadlines, whether prescribed by statute, rule, or order, that expired or would have expired between March 13, 2020, and July 1, 2020, are extended until August 15, 2020:

a. in attorney professional disciplinary and disability proceedings; and

b. relating to the issuance or renewal of certifications, licenses, or registrations issued by the Judicial Branch Certification Commission, or for fulfilling mandatory continuing education.

14. This Order is effective immediately and expires July 31, 2020 except as otherwise stated herein, unless extended by the Chief Justice of the Supreme Court.

15. The Clerk of the Supreme Court is directed to:

a. post a copy of this Order on www.txcourts.gov;

b. file a copy of this Order with the Secretary of State; and

c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

16. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

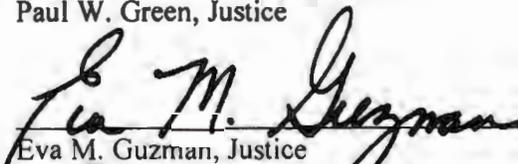
Dated: May 26, 2020



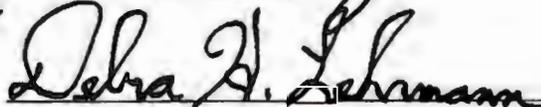
Nathan L. Hecht, Chief Justice



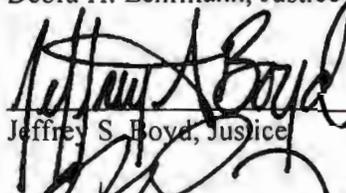
Paul W. Green, Justice



Eva M. Guzman, Justice



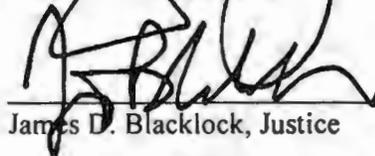
Debra H. Lehrmann, Justice



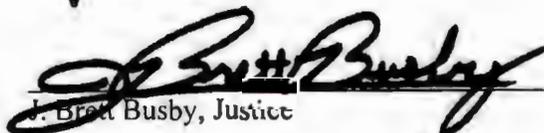
Jeffrey S. Boyd, Justice



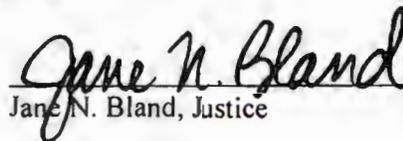
John F. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice