



CHRIS MARTIN
294TH Judicial District Court

121 E Dallas, Room 301
Canton, TX 75103
Ph: 903-567-4422 Fax: 903-567-5652

January 5, 2021

Re: Re-Certification of In-Person Operating Plans

As required by the Supreme Court's Emergency Orders and Guidance from the Office of Court Administration, I include here the required re-certification of Van Zandt County's In-Person Operating Plan.

I have consulted with the local public health authority regarding the local pandemic conditions and have reviewed with the health authority the previously-submitted in-person operating plan to determine whether the plan provides sufficient health and safety protocols to permit in-person proceedings.¹ The local public health authority has determined that (check one):

- Local pandemic conditions are conducive to in-person proceedings under the precautions and protocols contained in the previously-submitted in-person operating plan;
- Local pandemic conditions are conducive to in-person proceedings with modifications to the precautions and protocols in the previously-submitted in-person operating plan;²
- Local pandemic conditions are not currently conducive to in-person proceedings under the precautions and protocols contained in the previously-submitted in-person operating plan.

In addition, I have conferred with the judges of the courts with courtrooms in county buildings and have determined that the following criteria will be used to determine when an in-person proceeding is necessary and when all reasonable efforts do not permit the proceeding to be conducted remotely:

All judges in Van Zandt County, before conducting an in-person hearing shall first determine if an in-person hearing is necessary by following this procedure:

1. The judge shall inform each counsel and pro se litigant that the hearing shall be conducted remotely over Zoom. The judge shall provide each counsel and pro se litigant a phone number or email address to inform the judge if they believe any counsel, their clients, a pro se litigant, any witness, an interpreter, or any other participant (all referred to below as "Participant") cannot participate remotely. The judge or judge's staff shall then determine

¹ Documentation of the consultation can be accomplished by submitting this letter stating such or an email or letter from the local public health authority.

² If it is determined that the previously-submitted in-person operating plan needs to be modified, the local administrative district judge or presiding judge of the municipal court should submit the modified plan after following the process detailed on p. 3 of the [Guidance for All Court Proceedings During COVID-19 Pandemic](#).

whether a Participant is unable to participate in the hearing due to any one or more of the following:

- a. lack of technology which precludes or impedes their ability to participate in the hearing via the Zoom videoconferencing app. Examples of the lack of such technology include:
 - i. lack of access to a computer tablet or other device with internet video capability;
 - ii. lack of access to a cell phone; or
 - iii. lack of access to an internet connection.
 - b. A physical, mental, or other disability that prevents a Participant from being able to effectively operate or utilize the required technology. Examples of such a disability include:
 - i. a physical or mental disability that precludes them from effectively operating the technology necessary to access the Zoom videoconferencing app;
 - ii. a physical disability that precludes them from effectively seeing, hearing, or otherwise participating in a Zoom video hearing;
 - iii. the lack of or unavailability of an interpreter who can assist the individual in communicating during a Zoom hearing;³
 - iv. incarceration and the incarcerating facility's lack of technological resources or facilities to allow the inmate to participate remotely in the hearing or confer privately with the inmate's legal counsel;⁴ or
 - v. if the proceeding is in a specialty court defined by Title 2, Subtitle K of the Texas Government Code (e.g. veteran's court, mental health court, drug court, etc), the specialty court team determines that there is a risk to the physical or mental well-being of a participant in the specialty court program if the proceeding is not held in person.
 - c. A confrontation clause constitutional objection is raised by criminal defense counsel or a pro se litigant, and the judge sustains the objection after conducting a *Haggard*⁵ analysis.
 - d. A proceeding where one Participant needs to appear in person due to a need to provide fingerprints, is subject to incarceration, or must meet with multiple departments as a result of the court proceeding, in which case that party may need to appear while the other parties appear remotely.
2. If an individual is unable to participate for one of these reasons, prior to holding an in-person hearing, the judge shall make reasonable efforts to accommodate the individual as set forth in the procedure below.

When an individual is found to be unable to participate in a Zoom videoconference for one of the reasons stated above, prior to holding an in-person hearing, the judge considering the in-person hearing shall make all reasonable efforts to make accommodations that will allow the individual(s) to participate. The accommodations that the judges of the County/Municipal Court shall consider include:

³ If a Spanish interpreter is needed, please consider using OCA's free Spanish interpretation service. More information and scheduling options is available at <https://www.txcourts.gov/tcris/>.

⁴ If the facility is a TDCJ facility, judges should contact coronavirus@txcourts.gov to see if OCA can assist with getting the facility connected with the court.

⁵ [Haggard v. State](#), 2020 WL 7233672 (Tex. Crim. App. 2020)

1. When an individual does not have adequate technological resources on their own to participate in a Zoom videoconferencing hearing, a judge shall:
 - a. determine whether the court has the ability to provide the individual with a laptop or other device which would allow the individual to participate in the hearing from some segregated location within the court facility while following appropriate COVID-19 precautions and protocols;
 - b. determine if such technological resources can be provided to the individual by some other source (e.g. a participating attorney, a party, a family member, friend, public library, or an appropriate agency of the State of Texas); and
 - c. determine whether the individual could participate in a meaningful manner by telephone (audio only).
2. When an individual has physical or mental disabilities that would prevent the individual from operating the technology required, a judge shall:
 - a. determine if the individual has legal counsel, family or friends who can assist in operating the required technology; and
 - b. inquire as to what, if any, accommodations could be made which would allow the individual with a disability to participate.
3. When an individual is incarcerated, a judge shall:
 - a. determine whether the facility has the technological resources or facilities to allow the incarcerated individual to participate in the hearing;
 - b. if the facility does not have the technological resources to allow the inmate to participate in a Zoom videoconference, determine whether the inmate could participate in a meaningful manner by telephone (audio only).
4. When an individual is otherwise unable to participate in a hearing via videoconference or by audio only, a judge shall determine whether the individual can effectively participate in the proceeding by a sworn statement made out of court as permitted by the Emergency Orders of the Supreme Court of Texas.
5. If no accommodation is available, the judge shall determine if a continuance is warranted, balancing the risk to public health and safety with the need to resolve the particular case.
6. If no accommodation is available and the judge determines a continuance is not warranted, the judge may permit the hearing to occur in-person under the precautions and protocols in the approved in-person operating plan.

Having completed the required re-certification, I am submitting it to you in your role as Regional Presiding Judge. I understand and have communicated to the judges with courtrooms in Van Zandt County facilities that no in-person hearings will be permitted on or after January 11 until I receive an acknowledgement from you that the re-certification meets the requirements of OCA's Guidance.

Respectfully submitted,



Chris Martin
294th District Court
Local Administrative District Judge
Van Zandt County, Texas

Amended COVID-19 Operating Plan for the Van Zandt 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 **Van Zandt County** will implement the following protective measures:

I. 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 will use all reasonable efforts to conduct proceedings remotely when appropriate.
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 February 1, 2020

II. Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely may telework when possible and only with prior approval.
2. Judges will discuss with court staff the need for self-monitoring and reporting of COVID-19 symptoms. Judges and court staff will make every reasonable effort to comply with the health requirements set out in this plan. County policies have been amended and adopted to protect the employment and compensation of court staff who are required to quarantine or work remotely.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 100.0°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.
4. Judges and court staff will practice social distancing and follow appropriate hygiene recommendations. Face coverings are recommended and optional. Disposable face coverings will be provided to judges and court staff upon request and if supplies are available to the county.
5. Courts may keep office doors closed to the public and others, if the Judge believes it is necessary to protect the court staff and/or to prevent the spread of the COVID-19 virus.

III. Scheduling

1. The 294th District Court and the Van Zandt County Court at Law will continue to coordinate court schedules in an effort to reduce occupancy in the Van Zandt County Courthouse.
2. Magistration schedules at the Van Zandt County Jail shall not be affected by this plan. Magistrates shall otherwise maintain social distancing and recommended hygienic procedures during magistration duties.

IV. Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions 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.
3. Attorneys and unrepresented parties shall provide the notice to vulnerable populations to any participants they require to attend any proceeding.
4. Vulnerable populations who are scheduled for court may be accommodated by:
 - a. Rescheduling their attendance until the crisis has diminished, if appropriate.
 - b. Allowing them to appear remotely, if appropriate.
 - c. Providing them with protective personal equipment, such as a face covering, if appropriate and if supplies are available.
 - d. Allowing them to submit necessary information in writing when allowed by the existing law, if appropriate.

V. 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, including breakrooms, have been and will continue to be closed to the public.

Courtroom Gallery

5. The maximum number of persons permitted in the gallery of each courtroom has been determined. 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.

Courtroom Well

7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating will be arranged in such a way to ensure social distancing of at least 6 feet between each space when possible.

VI. Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building and near to elevators, the courtroom, and bathrooms.
2. Tissues will be made available in courtroom.
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.

VII. Screening

1. When individuals attempt to enter the court building, Courthouse Security personnel or court staff will screen individuals to determine 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 do not pass the screening measures will be refused admittance to the court building.
2. When individuals attempt to enter the court building, Courthouse Security personnel or court staff will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to 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 prior to transport. Inmates with symptoms or a temperature equal to or above 100.0°F will not be transported to the court building.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including face coverings, gloves, and if requested and available, face shields.

VIII. Face Coverings

1. All individuals entering the courtrooms will be required to wear face coverings. Face coverings will only be removed if approved by the Court for an appropriate and necessary reason. If an individual does not have a personal face covering, a disposable face covering will be provided upon request if the supply is available.

IX. Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every Eight (8) hours.
2. Court building cleaning staff will clean the courtrooms as often as is reasonably practical, but not less than before morning proceedings and at the end of each day the courtroom is used.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

X. Other

1. Van Zandt County Courts may take any other reasonable action necessary to avoid the threat and spread of the COVID-19 virus.
2. This Order may be extended or modified by written Order of this Court without notice. Any such extension or modification shall be delivered to all the trial judges of Van Zandt County, the Van Zandt County Clerk, the Van Zandt County District Clerk, and posted on the Van Zandt County website.

I have conferred with all judges of courts with courtrooms in the Van Zandt County court buildings regarding this Operating Plan. In developing the plan, I consulted with the Van Zandt County local health authority, Dr. J.W. Dailey, documentation of which is attached to this plan. I will make every reasonable effort to ensure that the judges of courts with courtrooms in the court buildings covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 1/4/2021



CHRIS MARTIN, Judge
294th District Court
Van Zandt County, Texas
Local Administrative District Judge

Judge Chris Martin
294th District Court
County Courthouse
121 E. Dallas St., Suite 301
Canton TX, 75103

30th Dec. 2020

Honorable Judge:

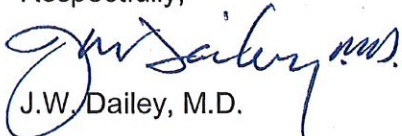
I am submitting this letter to you in order to update the current recommendations for court proceedings in Van Zandt County court facilities during the Sars-CoV2 pandemic. This new update is submitted as per new requirements set forth by the Supreme Court and the Office of Court of Administration (OCA) dated 12/17/2020.

I have reviewed the revised 'Guidance for All Court Proceedings During COVID-19 Pandemic' developed by the OCA and the revised 'COVID-19 Operating Plan – 294th District Court – Van Zandt County' and I find the plans to be concordant in intent and consistent with current recommendations by The Centers for Disease Control (CDC) and The Texas Department of State Health Services (DSHS). I have been in the county facilities and am aware of the physical arrangements as well the action plan for implementation of court proceedings.

In summary, I approve the revised plan and will assist all judges and court personnel in the conduct of court operations. I will also continue to survey the impact of Covid-19 in the region (Trauma Service Area G) and notify the Local Administrative Judge of any significant changes if they pose a threat to the health and well-being of all parties involved in court proceedings.

I will be available at any time for further clarification or for assistance in any health-related manner. Until further correspondence, I remain

Respectfully,



J.W. Dailey, M.D.

Van Zandt County Health Authority

State of Texas