

NAVARRO COUNTY

MELISSA BUTLER
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JAMES LAGOMARSINO

JUDGE, 13TH JUDICIAL DISTRICT COURT
NAVARRO COUNTY COURTHOUSE
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June 18, 2021

Counsel, Litigants, Navarro County Office Holders & Employees (VIA E-MAIL & POSTING)

RE: Minimum Standard Health Protocols for Court Proceedings and the Public Attending Court Proceedings and In-Person Proceeding Schedule for the Navarro County Judiciary (Amended June 18, 2021)

Dear Counsel, Litigants, Navarro County Office Holders & Employees:

Please find attached the Minimum Standard Health Protocols for Court Proceedings and the Public Attending Court Proceedings and In-Person Proceeding Schedule for the Navarro County Judiciary which have been amended today. The Court thanks you for your perseverance and patience for the past year and half as all courts, counsel, and litigants have adapted to conducting court proceedings much differently than before the pandemic. In closing, the Court hopes this will bring us all back to some sense of normalcy.

Respectfully,

A handwritten signature in blue ink, appearing to read 'James Lagomarsino', with a long, sweeping flourish extending to the right.

James Lagomarsino
District Judge / Local Administrative Judge

cc: The Honorable Amanda Putman (VIA E-MAIL)
The Honorable H.M. Davenport, Jr. (VIA E-MAIL)
The Honorable Phillip Arrien (VIA E-MAIL)
The Honorable Jackie Freeland (VIA E-MAIL)
The Honorable Connie Hickman (VIA E-MAIL)
The Honorable Darrell Waller (VIA E-MAIL)
The Honorable Greta Jordan (VIA E-MAIL)
The Honorable Cody Beauchamp (VIA E-MAIL)

Navarro County Commissioners Court	(VIA E-MAIL)
Dr. John Updegrove	(VIA E-MAIL)
Sheriff Elmer Tanner	(VIA E-MAIL)
Ms. Terri Gillen	(VIA E-MAIL)
Mr. Chris Aldama	(VIA E-MAIL)
Mr. Chris Garrett	(VIA E-MAIL)

Minimum Standard Health Protocols for Court Proceedings and the Public Attending Court Proceedings and In-Person Proceeding Schedule for the Navarro County Judiciary

(Amended June 18, 2021)

JUN 18 2021

Pursuant to the Thirty-Eighth Emergency Order of the Texas Supreme Court Order in addition to the May 2021 Best Practices issued by the Office of Court Administration, the Court issues the following Minimum Standard Health Protocols for Court Proceedings and the Public Attending Court Proceedings and In-Person Proceeding Schedule for the Navarro County Judiciary as amended on June 18, 2021.

Recognizing the need to ensure the health, safety, and protection of litigants, attorneys, visitors, court staff, judges, employees, jury and grand jury panel members, and other individuals entering the buildings housing the courts, the 13th District Court in its role as Local Administrative Judge issues the following minimum standard health protocols for court proceedings and the public attending court proceedings and in-person proceeding schedule for the Navarro County judiciary pursuant to the orders of the Texas Supreme Court and Best Practices of the Office of Court Administration:

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 minimum standard health protocols for court proceedings and the public attending court proceedings AND in-person proceeding schedule for the Navarro County judiciary pursuant to the orders of the Texas Supreme Court and Best Practices of the Office of Court Administration to the extent resources are made available by the county and to the extent practical.
2. The minimum standard health protocols for court proceedings shall be posted on the Navarro County website.
3. The minimum standard health protocols must be employed by all judges in the court buildings.
4. Judges who wish to have in-person proceedings may have more stringent standards in their courtrooms but may not have less stringent standards.
5. Though in-person proceedings are allowed when minimum standard health protocols and an in-person proceeding schedule has been adopted by the local administrative judge, all judges should use all reasonable efforts to conduct proceedings remotely (such as by teleconferencing, videoconferencing, or other means) where doing so would improve access to justice.
6. All judges should consider using hybrid hearings.
7. The local administrative judge will maintain regular communication with the Corsicana-Navarro County Public Health District through its Medical Director and local health authority Dr. John Updegrave and adjust these protocols and schedules as necessary.
8. Judges of the district courts, constitutional and statutory county courts, statutory probate courts, and justice courts shall conduct in-person jury proceedings in accordance with the jury proceeding approval process.
9. Except for criminal cases where confinement in jail or prison is a potential punishment, judges may conduct remote jury proceedings if the court follows the requirements of the hearings on objections or motions section below and ensures that all potential and selected petit jurors have access to technology to participate remotely. Judges may conduct remote jury proceedings in a

criminal case where confinement in jail or prison is a potential punishment only with appropriate waivers and consent obtained on the record from the defendant and the prosecutor.

10. Courts should continue to use remote hearings involving incarcerated defendants to lessen the number of individuals in the courthouse.

Judge and Court Staff Health

1. Courts should take precautions to ensure that judges and court staff do not enter the courthouse or court building when there is a likelihood that they may have COVID-19 or have been recently exposed to COVID-19.
2. Courts should take reasonable steps to protect judges and court staff from contracting COVID-19.
3. Judges and court staff who can perform the essential functions of their job remotely will telework whenever doing so would be beneficial for judges or court staff.
4. Judges and court staff may keep office doors closed to the public and others if the judge or court staff believes it is necessary to protect the court staff and/or to prevent the spread of the COVID-19 virus.
5. Protective Measures: Judges and court staff will adhere to the guidelines set by the CDC, DSHS, and the Corsicana-Navarro County Public Health District for social distancing and personal hygiene.

In-Person Proceeding Schedule

1. The Navarro County Courthouse houses the following courts: The 13th District Court; the County Court at Law; County Court; and IV-D Court.
2. The judges in the Navarro County Courthouse shall work cooperatively with each other to attempt to minimize the number of individuals in the courthouse at any given time in keeping with these protocols and in-person schedule.
3. Judges may wish to limit docket sizes to ensure that adequate social distancing is maintained in the courtroom, in the areas around the courtroom, and in the courthouse.
4. The following court schedules are established to reduce occupancy in the Navarro County Courthouse: In-person proceedings will be scheduled at set times and will allow enough time between each hearing to allow the parties and attorneys to exit the courtroom and courthouse before the next scheduled hearing. Furthermore, the schedule will ensure that unvaccinated persons are able to adequately social distance while in the courtroom and public spaces of the building. It may be necessary to designate certain areas of the courtroom with adequate social distancing for unvaccinated persons. The courts will continue to conduct hearings remotely to bring as few individuals into the courthouse as possible. The Courts and their coordinators will work together on the scheduling of in-person hearings so that the other requirements of these minimum protocols are observed and complied with.
 - a. Courts' in-person proceeding schedule for District Court; County Court at Law; IV-D Court; and County Court:
 - i. Monday 8:00 am – 5:00 pm
 - ii. Tuesday 8:00 am – 5:00 pm
 - iii. Wednesday 8:00 am – 5:00 pm
 - iv. Thursday 8:00 am – 5:00 pm

- v. Friday 8:00 am – 5:00 pm
 - vi. Saturday (if necessary)
 - vii. Sunday (if necessary)
- b. Courts' in-person proceeding schedule for Justice Courts: posted through the Justice Courts
 - c. The above in-person schedule is subject to change and will be posted accordingly.
 - d. Unless renewed, modified, or vacated, this In-Person Proceeding Schedule shall expire on August 1, 2021.
5. If a **party** requests a remote or virtual hearing, the party shall file a verified motion setting out the specific reasons why the case requires a remote or virtual hearing as opposed to an in-person hearing. In addition, the party shall file a proposed order. The Court will review the verified motion and decide whether a remote or virtual hearing should be granted. The parties will be notified of the court's decision via an e-filed order.
 6. If the courtrooms available to the Justice Courts or County Court are not adequate to comply with minimum standard health protocols, the Justice Court or County Court may schedule use of the District or County Court at Law courtroom(s) on a day no District Court, County Court at Law or IV-D court proceeding is occurring in the respective courtrooms.

Witnesses / Court Participant

1. Courts should inquire whether witnesses to proceedings have COVID-related issues.
2. To the degree constitutionally permissible, judges should consider permitting witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVI-19, has been recently exposed, or indicates that he/she is unvaccinated.
3. Upon request and good cause shown by a court participant other than a juror – including but not limited to a party, an attorney, a witness, or a court reporter – a court must permit the participant to participate remotely in any proceeding, subject to constitutional limitations.

Vulnerable Populations / Unvaccinated Individuals

1. Vulnerable Population: 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. Unvaccinated Individuals: Individuals who are not vaccinated or those who live with or are caregivers for unvaccinated individuals are to be considered unvaccinated individuals.
3. Each judge should include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations or unvaccinated individuals 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 (Attachment A).
4. Attorneys and unrepresented parties should provide notice to vulnerable populations or unvaccinated individuals to any participants they plan to have attend the proceeding.
5. Vulnerable populations or unvaccinated individuals who are scheduled for court will be accommodated by being given an opportunity to appear by teleconference, videoconference,

submit necessary information in written format when allowed by the existing law or by rescheduling of the in-person hearing until a time after the crisis has diminished.

Social Distancing

1. Courts should consider how to permit social distancing in public common areas, galleries of courtrooms, wells of the courtroom, hallways, elevators, restrooms, or other locations where the unvaccinated public might gather.
2. Fully vaccinated individuals are not required to socially distance.
3. Courts should give special attention to scheduling in buildings with multiple courtrooms, as common areas such as waiting areas, halls and elevators may become crowded in such a way that it is impossible to maintain appropriate social distancing for unvaccinated individuals.
4. Courts should give special attention to ensure adequate social distancing and managed exits of individuals during breaks, especially when dismissing large groups of people for a break.

Hygiene

1. The county will purchase and provide all needed supplies for use within the court facilities by attorneys, litigants, witnesses, and members of the public including but not limited to: hand sanitizer, wipes, tissues, gloves, and facial coverings.
2. Hand sanitizer dispensers will be placed at the entrances to the building, outside of elevators on each floor, inside and outside of each courtroom, outside of bathrooms, and stairwells.
3. Tissues should be placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
4. Signs should be posted reminding individuals of best hygiene protocols.
5. The courts will, if available, have plexi-glass installed in their courts to protect the court, court staff, attorneys, litigants, witnesses, and general public.

Screening/Signs

1. No screening will be conducted at the Navarro County Courthouse.
2. Individuals feeling feverish or with measured temperatures equal to or greater than 100.0 degrees F, or with new or worsening signs or symptoms of COVID-19 such as fever, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, lost of taste or smell, congestion or runny nose, nausea or vomiting, and diarrhea should not be permitted in a court facility.
3. Special attention should be given to how inmates or detainees from jail and juvenile facilities who may be transported to a courtroom will be screened, including consideration of a lower threshold temperature of 99.6 degrees F as an indicator of symptoms.

Face Coverings

1. Cloth face coverings are encouraged of unvaccinated court participants or individuals planning to enter courtrooms or court-related offices while in the courthouse or a court building.
2. Participants or individuals who are fully vaccinated are not required to wear a face covering.
3. However, a court still possesses broad inherent authority to control proceedings in their

courtrooms, and pursuant to that authority, they can require individuals in their courtroom to wear face coverings.

4. Furthermore, a court may require any person entering the courthouse or court building in which they preside to wear a facial covering while in the courthouse or court building.
5. Courts and court personnel are prohibited from inquiring whether or not a court participant or individual has or has not been vaccinated.

Cleaning

1. Court building cleaning staff, if available, will clean the common areas of the court building so that common spaces are cleaned routinely and more regularly performed.
2. Court building cleaning staff, if available, will clean the courtrooms between every hearing, between morning and afternoon 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.
5. In addition to the routine and more regularly performed cleaning, frequent cleaning protocols in the courtrooms and facilities should be maintained throughout the jury proceeding as appropriate.
6. Shared spaces such as witness stands, seating in the gallery, and seating during qualification/voir dire should be cleaned during transitions of those spaces.
7. Seats for members of the jury panel and selected jurors will be assigned to reduce potential transmission and the need for more frequent cleaning.

Ventilation

Ventilation will be increased in the courtrooms, including opening windows, using air cleaners [if available], and improving building-wide air filtration [if available].

Other

***Navarro County Justice Courts**

COVID-19 Operation Plan for Navarro County Justice Courts

Judges and Court Staff Health – the courts will ensure judges and court staff do not enter the Justice Center when there is a likelihood that they may have COVID-19 or have been recently exposed to COVID-19 and will protect judges and staff from exposure to the degree possible.

Scheduling Docket/Court Day

In-person proceedings will be scheduled to reduce the number of people entering or in the courtroom at any one period of time.

With permission of the court Zoom may be available for remote docket to be held.

Vulnerable Populations

Vulnerable individuals are those 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.

If the court is advised of anyone that is vulnerable special exceptions may be made.

Social Distancing – the courts will ensure that adequate social distancing is maintained in the courtroom and in areas around the courtroom.

Individuals who are ill or potentially exposed to Covid (based on the honor system) should not enter the facility.

Hygiene

Hand sanitizer dispensers and tissues will be available in the courtroom.

Face Coverings

Face coverings will be optional.

Cleaning

The courtroom will be sanitized at the end of each day.

-----End of COVID-19 Operation Plan for Navarro County Justice Courts-----

***Disputes:** Any disputed issues regarding the interpretation of this plan shall be resolved by the local administrative judge.

***Extensions / Modifications:** This Order may be extended, modified, or vacated by written Order of this Court without notice. Any such extension, modification, or vacation shall be delivered to all trial judges of Navarro County, the County Clerk, the District Clerk, posted to the Navarro County's website at the Navarro County Courthouse.

Jury Proceeding Approval Process

1. Judges wishing to conduct an in-person jury proceeding will follow the procedure detailed below to obtain approval to proceed with the jury proceeding from the local administrative district judge:
 - a. To assist with coordination of local resources and to manage capacity issues, the court has obtained prior approval, including a prior approved schedule, for the jury proceeding from the local administrative judge;
 - b. The court has considered on the record any objection or motion related to proceeding with the jury proceeding at least seven days before the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding;
 - c. 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;
- d. The court has included with the jury summons 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
 - e. 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.
2. The local administrative judge will provide written approval to the requesting court.

Communication Protocols

1. Each judge with an approved in-person jury proceeding will require the parties to communicate with the court if any participant in the jury proceeding, including attorneys, parties, attorney support staff, or witnesses, has tested positive for COVID-19 within the previous 10 days prior to any portion of the jury proceeding, have had symptoms of COVID-19 within the previous 10 days, or has had recent known exposure to COVID-19 within the previous 14 days.
2. If the approved in-person jury proceeding involves an incarcerated participant, the judge will require the sheriff to report any positive COVID-19 test of the incarcerated participant within the previous 10 days prior to any portion of the jury proceeding, any current symptoms of COVID-19, or any recent known exposure to COVID-19.

Hearings on Objections or Motions Related to Proceeding In-Person

1. Parties who are scheduled for a jury proceeding are encouraged to make any objections or motions related to proceedings at least 7 days prior to the trial setting.
2. Any objections or motions related to proceeding with a jury proceeding will be heard by the judge presiding over the case at least seven days prior to the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding.

Scheduling

1. A judge who obtains approval for an in-person jury proceeding should not schedule more than ten cases for that jury trial setting, unless pre-approval for larger dockets is obtained from the local administrative judge.
2. Judges should attempt to alert parties who will not be proceeding prior to the day of trial to reduce attendance at the court facility.

Summoning Jurors

1. The jury clerk should include with in-person juror summonses information on what precautions that have been taken to protect the health and safety of prospective jurors by directing them to

- Navarro County website as well as including the COVID pre-screening questionnaires that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
2. Courts should consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons.
 3. Courts should liberally grant excuses or reschedule prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone vulnerable to COVID-19.
 4. Courts should consider conducting voir dire remotely even if the trial portion will be conducted in person.

Location for Jury Selection, Trial, and Deliberation

1. Courts may use locations for conducting the various phases of a jury proceeding that enables adequate social distancing for unvaccinated persons. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:
 - a. Jury Qualification: I.O.O.F. Event Center, 601 N 45th Street, Corsicana, Texas 75110 and the Navarro County Courthouse, 300 West 3rd Avenue, Corsicana, Texas 75110.
 - a. Voir Dire: I.O.O.F. Event Center, 601 N 45th Street, Corsicana, Texas 75110 and the Navarro County Courthouse, 300 West 3rd Avenue, Corsicana, Texas 75110.
 - b. Trial: I.O.O.F. Event Center, 601 N 45th Street, Corsicana, Texas 75110 and the Navarro County Courthouse, 300 West 3rd Avenue, Corsicana, Texas 75110.
 - c. Jury Deliberation: I.O.O.F. Event Center, 601 N 45th Street, Corsicana, Texas 75110; the Navarro County Courthouse, 300 West 3rd Avenue, Corsicana, Texas 75110; and the Navarro County Justice Court, 300 West 2nd Avenue, Corsicana, Texas 75110.
2. Security protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for the proceeding.

Alternate Jurors

1. Courts should consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming ineligible to serve for a reason unrelated to that person's exposure to or contraction of COVID-19.

Arrangement of Courtrooms

1. Courts have discretion in how to arrange their courtrooms.
2. Courts should arrange their courtrooms in a way to accommodate unvaccinated individuals.

Microphone Protection Protocols

1. Judges will limit, to the degree possible, the shared use of microphones during the jury proceeding.
2. If a microphone must be shared, judges will limit the passing of the microphone unless the microphone is cleaned between each user.
3. Disposable microphone covers will be placed on shared microphones and changed between each user or in the alternative an individual will be placed at the microphone to disinfect it after each use.

Exhibit/Evidence Management

1. Judges will limit, to the degree possible, the use of physical or paper exhibits/evidence where feasible or appropriate by converting the exhibit/evidence to a digital form.
2. When physical or paper exhibits/evidence is required, judges will reduce the exchange of that exhibit/evidence to the number of persons necessary and will limit passing the exhibit/evidence to the individual members of the jury.
3. If an exhibit/evidence is required to be transferred from person-to-person, single use gloves will be provided, worn, and discarded immediately after handling the exhibit/evidence.
4. During jury deliberations, judges will make efforts to provide the jury with access to digital exhibits/evidence that would normally be shared with the jury during deliberation. Where digital exhibits/evidence is not feasible, judges will consider limiting the transfer of the exhibits/evidence from juror-to-juror by spreading the exhibits/evidence on a table for inspection from the table in the jury deliberation room.

Food Precautions

1. Courts that provide food to jurors or other participants during a jury proceeding should ensure individual food portions, such as individually boxed meals, are provided.

This Court has conferred or attempted to confer with all judges of courts with courtrooms in the Navarro County Courthouse and in the Navarro County Justice Center regarding minimum standard health protocols for court proceedings and an in-person proceeding schedule. In addition, this Court consulted with Dr. John Updegrave, the local health authority for the City of Corsicana and County of Navarro.

This Court will ensure that the judges of courts with courtrooms in the Navarro County Courthouse and Navarro County Justice Center conduct proceedings consistent with these minimum standard health protocols for court proceedings and the public attending court proceedings and in-person proceeding schedule for the Navarro County Judiciary.

Pursuant to the Thirty-Eighth Emergency Order of the Texas Supreme Court and the May 2021 Best Practices issued by the Office of Court Administration, these minimum standard health protocols for court proceedings and the public attending court proceedings and in-person proceeding schedule for the Navarro County Judiciary will expire August 1, 2021 pm unless modified, extended, or vacated by the Texas Supreme Court or this Court.

So ordered on June 18, 2021.



James Lagomarsino
District Judge – 13th District Court
Local Administrative Judge

Attachment A

Vulnerable Populations / Unvaccinated Individuals

It is ordered that the following language be attached to any orders setting hearings, dockets, notices, and in other communications notifying individuals who are in vulnerable populations or unvaccinated individuals:

“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.”

“Unvaccinated individuals are individuals who are not vaccinated or those who live with or are caregivers for unvaccinated individuals are to be considered unvaccinated individuals.”

“A person identifying as a vulnerable individual or unvaccinated individual may through his or her attorney or the attorney sponsoring the witness contact the respective court to identify themselves as a vulnerable individual and receive accommodations information. A notice with this information will be posted on the courts’ websites and in conspicuous locations around the court building.”

13th District Court – mbutler@navarrocounty.org

County Court at Law – ckirk@navarrocounty.org

IV-D Court – childsupportcourt17@txcourts.gov

County Court – clivingston@navarrocounty.org