

**Second Amended
COVID-19 Operating Plan for the
Potter County Judiciary**

Effective September 1, 2021

Recognizing there continues to be a need to consider the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering a building housing any court in Potter County (hereinafter “court building”), the Potter County Judiciary shall take the following measures:

GENERAL POLICY

Judges may conduct proceedings remotely when both practical and feasible. Subject to Constitutional limitations, courts are permitted to require anyone to participate remotely in a proceeding. Consent of a participant is not required.

Judges may implement policies and procedures in addition to the Minimum Health Standard Protocols set forth below within their courtrooms and adjacent offices.

The Local Administrative District Judge (LAJ) will continue to monitor the recommendations of the local health authority and communicate with the County Judge for purposes of considering amendments to the Minimum Health Standard Protocols, including but not limited to, the imposition of mask mandates for all court buildings and related offices.

Judges may set in-person proceedings, including jury trials, so long as they act in accordance with this Plan and they have received the approval of the LAJ.

JUDGE AND COURT STAFF HEALTH

Judges and court staff who are able to perform the essential functions of their job remotely may still be allowed to telework when possible and feasible, at the discretion of the judge.

Judges, court staff, and the staff of court-related offices, will continue to self-monitor for symptoms of COVID-19. Any judge or staff member feeling feverish or having a measured temperature equal to or greater than 100°F,

or with new or worsening signs or symptoms of COVID-19, such as: persistent cough, shortness of breath or difficulty breathing, repeated shaking with chills, muscle pain or body aches, headache, sore throat, loss of taste or smell, diarrhea, nausea or vomiting, fatigue, or congestion or runny nose, or having known close contact with a person who is confirmed to have COVID-19, must not enter the building and should seek medical advice.

Judges are solely responsible for setting the parameters for themselves and their staff when it comes to social distancing, implementation of any hygiene practices and masking when interacting with each other and with the public within their offices.

MINIMUM HEALTH STANDARD PROTOCOLS

For all Court Buildings in Potter County

A COVID-19 Symptoms Poster shall be prominently displayed at the main entrance. Courthouse Security personnel may inquire of any person seeking to enter a court building regarding any symptoms listed in the poster and may require a person to be scanned with a no-touch infrared thermometer prior to entering the building. If an individual's temperature reading exceeds 100F or the person is showing or reporting symptoms of COVID-19, Courthouse Security personnel may deny the person entry into a court building.

Courthouse Security shall wear appropriate face coverings at all times when interacting with the public or other courthouse personnel and disposable gloves should be worn when required to touch items brought into a Court Building through the screening areas.

Sheriff's deputies will perform screening at the detention center prior to transporting inmates to a court building. Inmates exceeding 100F or showing or reporting signs or symptoms of COVID-19 will not be transported to a court building.

For the District Court's Building and Historic Courthouse

All persons entering these buildings shall be required to wear a face covering that covers both the nose and the mouth within the confines of

the buildings unless the person is an individual that is not recommended to wear a face covering by the Centers for Disease Control or the Texas Department of State Health Services.

Potter County, through its Courthouse Security personnel, will be responsible for keeping a supply of suitable disposable masks on hand to distribute to any person entering one of these buildings who request one. Persons who refuse to wear an appropriate face covering as required by this Plan shall be excluded from the buildings.

For the Santa Fe Building and Justice of the Peace #3 Building

All persons entering one of these buildings **for the purpose of attending a court proceeding** shall be required to wear a face covering that covers both the nose and the mouth while within a courtroom or the areas of the buildings adjacent to the courtroom including hallways and waiting rooms unless the person is an individual that is not recommended to wear a face covering by the Centers for Disease Control or the Texas Department of State Health Services.

PROCEDURES FOR IN-PERSON HEARINGS

Judges will facilitate social distancing by limiting the number of attorneys and litigants that congregate in their courtrooms or areas immediately adjacent to their courtrooms.

Judges will adhere to the in-person proceedings schedule prepared by the Local Administrative Judge in consultation with the judges presiding over courts within a building. The current in-person proceeding schedule may be modified by the agreement.

The Probate Court may hold in-person hearings at the courthouse in its area in accordance with the provisions of this Plan.

NOTICES RELATED TO IN-PERSON TRIALS AND PROCEEDINGS

Hearing and Trial Notices

In any communication related to the setting of an in-person proceeding (e.g. docket notices, orders setting hearing, etc.) the judge shall include information to notify counsel and unrepresented participants:

1. Of the obligation to inform the court prior to the proceeding if they are aware that any anticipated participant has 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;
2. Of the right to contact the court to receive accommodations for themselves and any associated participant in the proceeding who is a member of a “vulnerable population” as defined below; and
3. Of the right to have any objection to an in-person hearing or trial heard on the record at least seven days before the date of the hearing or trial, or as soon as practicable if the objection or motion is made or filed less than seven days before the date of the proceeding.

Jury Summons

The District Clerk will include with the jury summons a COVID-19 questionnaire to be submitted in advance of the jury selection that elicits from prospective jurors information about their exposure to or vulnerability to COVID-19 and gives notice of the juror’s right to object to being exposed to unmasked persons within a building or room.

Any prospective juror who informs the District Clerk that they:

1. are experiencing one of the listed symptoms of a COVID-19 infection,
2. have been diagnosed with COVID-19 within the past 10 days,
3. have been exposed to an infected person within the past 14 days,
4. are a member of a “vulnerable population” as defined below, or
5. object to being exposed to unmasked persons within a building or room,

must be excused from jury service and rescheduled.

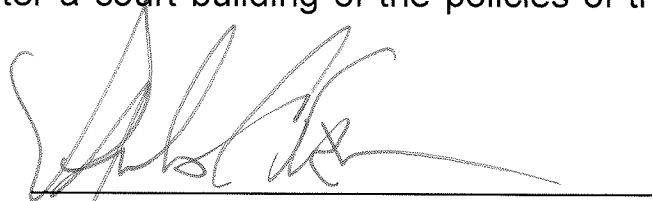
VULNERABLE POPULATIONS

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 may be compromised such as by chemotherapy for cancer or other conditions requiring such therapy.

If court personnel receive notice that an individual in the vulnerable population has been scheduled for a court proceeding, court personnel will accommodate the individual by:

1. allowing them to participate in the proceeding remotely via Zoom, or
2. if the individual must appear in-person, court personnel will set up a separate room for the individual to participate in the hearing remotely via Zoom.

This amended COVID-19 operating plan for the Potter County Judiciary (effective June 7, 2021) shall be published on the Potter County website. In addition, a printed copy of this Plan shall be kept at the public entry points of each court building and made available as necessary to inform all persons seeking to enter a court building of the policies of the courts.



Pamela C. Sirmon
320th District Judge
Local Administrative Judge

This Second Amended Covid-19 Operating Plan for the Potter County Judiciary shall be published on the Potter Country website. In addition, a printed copy of this Plan shall be kept at the public entry points of each building that contains a Court and made available as necessary to inform all persons seeking to enter a Court building of the policies of the Courts.