

COVID-19 OPERATING PLAN FOR THE POTTER COUNTY JUDICIARY
EFFECTIVE JUNE 7, 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 of Potter County, Texas (hereinafter “**Court Building**” or “**Court Buildings**”), the Potter County judiciary shall take the following measures:

GENERAL POLICY

All judges may at their discretion conduct proceedings remotely when both practical and feasible. Subject to Constitutional limitations, all courts are permitted to require anyone to participate remotely in a proceeding. Consent of a participant is **not** required.

All judges in a Court Building and related offices may, at their discretion, 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 document, 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 temperatures 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 in a Court Building.

MINIMUM HEALTH STANDARD PROTOCOLS FOR COURT BUILDINGS

For ALL Court Buildings in Potter County: A COVID-19 Symptoms Poster (example attached) shall be prominently displayed at the main entrance. At their discretion, Courthouse Security personnel may inquire of any person seeking to enter a Court Building through the main entrance 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 upon testing, an individual's temperature reading exceeds 100F or the person is either showing or reporting symptoms of COVID-19, Courthouse Security personnel may deny the person entry into a Court Building.

In addition, a poster encouraging all persons who have not yet been fully vaccinated to wear a face covering shall be prominently displayed at the main entrance.

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 a Court Building who requests one.

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 all Courtrooms in the Court Buildings of Potter County: Judges are solely responsible for setting the parameters for all persons entering the Courtrooms (and adjacent offices and rooms) over which they preside when it comes to social distancing, implementation of any hygiene practices and masking. Accordingly, Judges may, in their sole discretion, require any person entering the Courtroom over which they preside, or any office or room adjacent to the Courtroom, to wear a face covering that covers both the nose and the mouth while within the Courtroom (and adjacent offices and 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.

A Court imposing a mask requirement shall be prepared to provide a suitable disposable mask to any person arriving without an adequate face covering. Persons who refuse to wear an appropriate face covering as required by a Judge may be excluded from a Court Building.

ALL Courts must be prepared to provide a suitable disposable mask to any person who requests one when attending Court, or to any person that has been identified as a member of a “vulnerable population” as defined below.

PROCEDURES FOR IN-PERSON HEARINGS AND TRIALS

SCHEDULING

ALL JUDGES within a Court Building will continue to use their best efforts to schedule any in-person hearings to facilitate social distancing by limiting the number of attorneys and litigants that congregate in their courtrooms or areas immediately adjacent to their courtrooms at one time.

All judges will adhere to the in-person proceedings schedule prepared by the LAJ in consultation with the judges presiding over courts within a Court Building. The in-person proceeding schedule prepared by or approved by the LAJ may be modified by the agreement of the courts within a Court Building to allow another court within the building to use a scheduled session that will not be used by a designated court.

The Probate Court may hold in-person hearings at the Courthouse in its area so long as the Court acts in accordance with the provisions of this Plan document.

NOTICES RELATED TO IN-PERSON TRIALS AND PROCEEDINGS

Hearing and Trial Notices: In any communication related to the setting of any 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 Courts 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.

NOTICES - 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.

Pamela C. Sirmon, 320th District Judge
Local Administrative Judge – Potter County

This AMENDED COVID-19 OPERATING PLAN FOR THE POTTER COUNTY JUDICIARY shall be published on the website for the Courts of Potter County. In addition, a printed copy of this Plan and 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.