

Minimum Standard Health Protocols (COVID-19) for the Gray County Judiciary For Proceedings On or After June 1, 2021

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals in the buildings housing the courts and its courtrooms, those being the Gray County Courthouse (“GCC”) and the Lovett Building (GCLB”), 1146 N. Hobart, Pampa, Texas, the Local Administrative District Judge, as authorized by Paragraph 7.a. of the THIRTY-SIXTH EMERGENCY ORDER REGARDING THE COVID-19 DISASTER, issued by the Supreme Court of Texas, on March 5, 2021, and in consultation with the judges of Gray County, Texas, does adopt the following Minimum Standard Health Protocols for court proceedings and the public attending court proceedings that will be employed in all courtrooms and throughout all public areas of the court buildings:

General

1. **Compliance with the THIRTY-SIXTH EMERGENCY ORDER REGARDING THE COVID-19 DISASTER, issued by the Supreme Court of Texas on March 5, 2021.** All courts in Gray County will comply with all terms and provisions of the THIRTY-SIXTH EMERGENCY ORDER REGARDING THE COVID-19 DISASTER, issued by the Supreme Court of Texas on March 5, 2021, as amended by subsequent Emergency Orders of the Texas Supreme Court.
2. **Employment of Standards.** All judges in the court buildings will comply with these Minimum Standard Health Protocols (“MSHPs”). Judges who wish to have in-person proceedings may have more stringent standards in their courtrooms, but may not have less stringent standards.
3. **Remote Proceedings.**
 - a. **All judges will continue to use all reasonable efforts to conduct proceedings remotely (such as by videoconferencing, teleconferencing, or other means)** unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court’s control.
 - b. Excerpted from the Thirty-Sixth Emergency Order Regarding the COVID-19 State of Disaster issued by The Supreme Court of Texas, ¶ 7, issued March 5, 2021: The district courts, constitutional county court, statutory probate court, and justice courts in Gray County **may** conduct in-person proceedings, including both jury and non-jury proceedings, if the Local Administrative District Judge adopts:
 - i. Minimum standard health protocols for court proceedings and the public attending court proceedings that will be employed in all courtrooms and throughout all public areas of the court buildings, including masking, social distancing, or both, and
 - ii. an in-person proceeding schedule for all judges in Gray County.
4. **Metric to Help Determine When to Restrict In-Person Proceedings.** The Gray County Judge is informed daily of new active cases for Gray County. If, at any time, ten (10) new active cases occur in one day or a total of fifty (50) active cases are current in

Gray County, the Gray County Judge will notify the Local Administrative District Judge who will, in turn, notify the other judges with courts in the court buildings, that, subject to constitutional limitations and the provisions of the most current Texas Supreme Court Emergency Order Regarding the COVID-19 State of Disaster, all in-person proceedings are suspended until it is determined the COVID-19 community spread in Gray County has been mitigated and it is in the best interest of all court participants to resume in-person proceedings; provided, however, essential matters may of necessity be conducted by in-person proceedings in any event.

5. As used herein “**socially distanced**” means remaining six (6’) feet from any other participant and being seated.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will continue to telework when possible.
2. Courts will take precautions to ensure judges and court staff do not enter the courthouse or court buildings when there is a likelihood that they may have COVID-19 or have been recently exposed to COVID-19. Court will take reasonable steps to protect Judge and Court Staff from contracting COVID-19.
3. 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 enter the building, will return home, and, if necessary, will seek medical advice.
4. Judges and court staff will wear face coverings when social distancing is not practicable, will practice social distancing, and will practice appropriate hygiene recommendations at all times.

Scheduling

1. Conducting as many proceedings remotely as possible, and to assist the Local Administrative District Judge in adopting an **In-Person Schedule**, the courts will coordinate scheduling with the Local Administrative District Judge to ensure that the number of persons in the courthouse or court buildings are able to adequately social distance while in the courtroom and public spaces of the building and to reduce the number of people in the courthouse or court buildings to the lowest degree possible.
2. **Docket Calls:** Judges will use every reasonable effort to conduct docket calls remotely. If in-person proceedings are necessary, judges will limit docket sizes to ensure that adequate social distancing is maintained in the courtroom, in the areas around the courtroom, and in the courthouse and court buildings.
3. **Jury Trials by the Courts in Gray County, including District Courts, County Court, and Justice Courts:**
¶ 8, Thirty-Sixth Emergency Order Regarding the COVID-19 State of Disaster, Texas Supreme Court, March 5, 2021:

“A court may conduct an in-person jury proceeding if:

- 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 district 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.”

Vulnerable Populations

1. Vulnerable populations include those individuals 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.
2. Judges should include information in orders setting hearings, notices of hearings, docket notices, and other communications, notifying vulnerable individuals or those who live with or are caregivers for vulnerable individuals setting out how those individuals can request accommodations to reduce the appearance of those individuals at the courthouse or court buildings. 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 as follows:
 - a. By conducting proceedings remotely if at all possible and advising members of vulnerable populations of all of the resources, such as electronic devices, available to them and the manner of use to allow vulnerable populations to participate remotely.

- b. If remote proceedings are not at all reasonably possible and beyond the control of the court, vulnerable individuals as well as all other participants will wear face coverings or cloth face masks while in the court buildings. Hand-sanitizer with at least 60% alcohol will be provided for each such participant. Proper spacing between members of the at-risk population and other participants will be strictly maintained. Each and every participant, including those in the at-risk population, will be screened before entering the courtroom with temperature reading and pertinent questions concerning health and physical conditions. All surfaces, buttons, handles, knobs, and other places touched will be periodically disinfected.

Witnesses

1. Courts should inquire whether witnesses to proceedings have COVID-19-related issues. To the degree constitutionally permissible, judges should permit witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVID-19, has been recently exposed, or is vulnerable to contracting COVID-19.
2. A witness whose is called to participate in an in-person proceeding will remain in the witness's vehicle until called to come into the courthouse or court building to testify.

Social Distancing

1. **Social distancing** in all in-person court proceedings **is of particular importance** and will be practiced diligently by litigants, attorneys, visitors, court staff, judges, and all other individuals in the courthouse and court buildings.
2. Courts should consider how to ensure distancing in public common areas, galleries of courtrooms, wells of the courtroom, hallways, elevators, restrooms, or other locations where the public might gather.
3. All persons not from the same household who are permitted in the courtroom will be required to maintain adequate social distancing of at least 6 feet.
4. 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.
5. Public common areas, including breakrooms, snack rooms, conference rooms and the "Jury Room" on the third floor have been closed to the public until further notice.

Gallery

6. 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.
7. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row. Two or more members of the same household may sit adjacent to one another with six feet separation on either side.

Well

8. 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 in strategic locations throughout the Courthouse and court buildings, including, but not limited to at the entry and exit from each courtroom and at locations easily accessible by a "screener."
2. Courts should and will post readily visible signage reminding individuals of best hygiene protocols.
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 courthouse.

Screening

1. Individuals feeling feverish or with measured temperatures equal to or greater than 100.0°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, loss of taste or smell, congestion or runny nose, nausea or vomiting, and diarrhea will not be permitted in a court facility and will be sent home.
2. Entrants to the courthouse, i.e. courts building, will self-screen. Signage at all three entrances to the courthouse will be posted in English and Spanish asking each entrant to answer certain COVID-19 Screening Questions suggested by the CDC.
3. If an entrant to the courthouse answers any of those questions "Yes", the signage will direct that person to immediately leave the building and contact their desired office by telephone, email or other remote manner.
4. Individuals who indicate yes to any of these questions will be refused admittance to the courtroom and asked to immediately leave the courthouse. A hearing in which that individual is a participant will be rescheduled or conducted remotely if possible.
5. In addition to the screening questions, an individual desiring to enter a given courtroom will be screened by a person designated by each Court or Judge who 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 courtroom and asked to leave the courthouse immediately. A hearing in which that individual is a participant will be rescheduled or conducted remotely if possible.
6. **Inmates being transported from the jail** to a court proceeding **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 a court proceeding.
7. Staff who are screening individuals entering the court building will be provided personal protective equipment, including masks/face coverings, gloves, hand sanitizer, and other PPE as requested and designated by a "screener".

Face Coverings

1. Any individual entering the courtrooms or court-related offices who feels more comfortable wearing a mask or face covering will be encouraged to do so.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.

Cleaning

1. Sanitizing will be routinely and more regularly performed, including when a transition of participants occurs within a courtroom between hearings and after recesses.
2. Courthouse cleaning staff will clean the common areas of the courthouse so that common spaces are cleaned at least every twenty-four (24) hours at a minimum or more frequently as requested by a Court or Judge in coordination with the office of the Gray County Judge.
3. In courtrooms, all areas and regularly touched surfaces, including, but not limited to, doorknobs, tables, desks, chairs, microphones, and equipment will be cleaned and disinfected, including each location where participants were seated, by persons designated by the Court or Judge between every hearing, between morning and afternoon proceedings, and by the Courthouse cleaning staff at the end of each day the courtroom is used.
4. Courthouse cleaning staff and those persons designated by the Court or Judge to clean and disinfect the courtroom and its areas and equipment between proceedings have been provided cleaning supplies shown to be effective with this coronavirus, COVID-19.
5. Courthouse cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.
6. **Jury Trials:** Courts will implement frequent cleaning protocols during a jury proceeding. Specifically, courts will ensure that shared spaces such as witness stands, seating in the gallery, and seating during jury qualification/voir dire/selection (which for District Court juries will take place at M. K. Brown Auditorium, 1100 W. Coronado Drive, Pampa, Texas, and for County Court juries and for Justice Court juries in the 2d Floor Gray County Courtroom, Gray County Courthouse, Pampa, Texas) are cleaned during transitions of those spaces. Courts should assign seats for members of the jury panel and selected jurors to reduce potential transmission and the need for more frequent cleaning.

Summoning Juries

1. All courts will include with juror summonses (a) information on precautions that have been taken to protect the health and safety of prospective jurors (See Attachment "A" Jury Trial Precautions/Jury Trial Public Health Measures) and (b) COVID questionnaires that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
2. **Juror Questionnaires:** Courts will consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venire persons. Courts should liberally grant excuses or reschedule prospective jurors who have been potentially exposed, who are symptomatic, and/or who are vulnerable or live with someone vulnerable to COVID-19.
3. Courts will consider conducting voir dire remotely even if the trial portion will be conducted in person.

Location(s) for Jury Selection, Trial, and Deliberation

1. The following locations have sufficient space and are large enough to permit adequate social/physical distancing, to accommodate jurors and the parties to safely conduct a jury trial, and will be used for in-person jury proceedings:
 - a. District Court Jury Qualification/Voir Dire/Jury Selection will take place at M. K. Brown Memorial Auditorium and Civic Center, 1100 W. Coronado Drive, Pampa, Texas (“M. K. Brown”).
 - b. County Court and Justice Court Jury Qualification/Voir Dire/Jury Selection will take place in the 2d Floor County Courtroom, Gray County Courthouse, 205 N. Russell, Pampa, Texas.
 - c. Trial:
 - i. District Court only - M. K. Brown or 3d Floor District Courtroom;
 - ii. County Court and Justice Court - 2d Floor County Courtroom, Gray County Courthouse, 205 N. Russell, Pampa, Texas (“District Courtroom/County Courtroom”). Each of those courtrooms/facilities is large enough to assure appropriate social/physical distancing.
 - d. Jury Deliberation: M. K. Brown (District Court only) or District Courtroom/County Courtroom.
2. Security protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for a proceeding.

Alternate Jurors

Courts will select 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/Remote Facilities

1. Courts will modify the way in which courtroom participants (judge, parties/counsel, jurors, witnesses, court reporters, bailiffs, public) will be arranged in the courtroom.
2. Special attention will be paid to placement of the witness and parties so that the jurors, judge, and attorneys can see the witness and parties during testimony.
3. Special attention will also be paid to placement of evidence presentation displays so that jurors and witnesses can see the information being displayed.
4. Courts will plan for spaces where a judge can have sidebar or private conversations with jurors and counsel.
5. In each location, potential jurors and jurors will be seated at a minimum of six (6’) feet apart. A
6. Jurors will take breaks in an unused courtroom which will also serve as the deliberation room arranged so that jurors be and remain socially distanced. Extra time for breaks will be allowed to accommodate jurors and court participants.

Microphone Protection Protocols

Courts will limit, to the degree possible, the shared use of microphones during the jury proceeding. If a microphone must be shared, courts will limit the passing of the microphone unless the microphone is cleaned between each user. Disposable microphone covers will be placed on shared microphones and changed between each user.

Exhibit/Evidence Management

1. Courts 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, courts will reduce the exchange of that exhibit/evidence to the number persons necessary and should 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 should be worn and discarded immediately after handling the exhibit/evidence.
4. During jury deliberations, courts will make efforts to provide the jury with access to digital exhibits/evidence that would normally be shared with the jury during deliberation.
5. Where digital exhibits/evidence is not feasible, courts 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

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

In-Person Proceedings and Schedule

Judges will communicate with the Local Administrative District Judge to schedule any in-person proceeding, including particularly jury proceedings, to better enable the Local Administrative District Judge to publish an in-person proceeding schedule as required by Paragraph 7.b. of the March 5, 2021, Texas Supreme Court's Thirty-Sixth Emergency Order Regarding the COVID-19 State of Disaster.

Adoption

I, the undersigned Local Administrative District Judge, in consultation with the judges in Gray County, adopt the above and foregoing Minimum Standard Health Protocols for use in the Courts of Gray County, Texas.

Date: 4/12/2021

Hon. Phil N. Vanderpool
Local Administrative District Judge

Attachment “A”
COVID-19 JURY TRIAL PRECAUTIONS
JURY TRIAL PUBLIC HEALTH MEASURES

Gray County’s District Courts, the Gray County Court, and the Justice of the Peace Courts are resuming jury trials.

SAFETY OF ALL COURT PARTICIPANTS, including prospective jurors, jurors, parties, attorneys, witnesses, the viewing public, court staff, and judges, **IS the FIRST PRIORITY.**

The Courts are making every effort to ensure that you, as jurors, know the precautions that have been taken to protect you and keep your jury service safe during the COVID-19 pandemic.

(For District Court cases) Jurors are **SUMMONED** to appear at **M. K. Brown Memorial Auditorium and Civic Center at 1100 W. Coronado Drive, Pampa, Texas**, for Jury qualification and selection.

Upon entry to M. K. Brown, each prospective juror will (1) be questioned about any exposure to the COVID-19 virus or symptoms of the virus and (2) will have temperature checks.

Throughout jury selection and trial in every location, the typical 6’ social/physical distancing will be observed and hand sanitizing stations made available. If any particular juror feels more comfortable wearing a mask or face-covering, he or she is encouraged to do so.

We urge all those receiving a summons to **respond as soon as possible** by following the instructions in your summons to call or go online. Remember, we need you, the jurors, to participate so our justice system can continue to do its job and we need your help to do it safely for all.

After the jury is selected, the trial will take place in one of the Courtrooms in the Gray County Courthouse, 205 N. Russell, Pampa, Texas, or may take place at M. K. Brown.

The trial judges of Gray County will be utilizing **Minimum Standard Health Protocols** (which are posted on the 223rd District Court’s website at **223rddistrictcourt.org** and on the Gray County Courthouse bulletin board). Minimum Standard Health Protocols include, but are not limited to, maintaining social/physical distancing and sanitation practices and encouraging face coverings when the juror is more comfortable doing so.