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COURTS PRESS RELEASE #2 Re: COVID 19 – FOR IMMEDIATE RELEASE

Pursuant to Texas Government Code §74.092, the Local Administrative Judge, for the courts for which the judge serves as local administrative judge, shall (a)(1) *implement and execute the local rules for administration, including the assignment, docketing, transfer, and hearing of cases*, and (a)(7) *shall set the hours and places for holding court in the county*.

Following discussion with the District and County Court-at-Law judges, and, in effort to continue the most prudent measures in response to COVID – 19, the Lubbock County District and County Courts-at-Law (Courts) will continue adhering to previously adopted measures. The Courts have also implemented the following new and modified measures to continue the administration of justice during the COVID – 19 pandemic.

This release further explains and identifies procedures for attorneys requesting telephonic or videoconference hearings. In addition, the release attempts to address some frequently asked questions (FAQs) received by the judges and court coordinators.

Because the circumstances are changing rapidly, the dates or deadlines found herein may be adjusted at any moment. Please note, the dates found in [brackets] indicate the date the measure or procedure was approved, updated or clarified.

Court Cancellations

- [3.13.2020] All child support cases remain cancelled through March 31, 2020. If you are a party to a child support case that is set for hearing between now and March 31, 2020, please call the Attorney General's Office at (800) 252-8014.
- [3.13.2020] All jury trials scheduled through Friday, April 3rd, remain cancelled and will be rescheduled and prioritized by the presiding judge of the court where the case is filed. The courts will monitor the situation and revisit further suspensions of trials at the Friday, April 3rd, Board of Judges meeting.
 - **[3.18.2020]** The District and County Courts-at-Law will provide a cancellation update on or before April 3rd.
- **[3.18.2020]** Final hearings set in March for Judge Kara Darnell (South Plains Foster Care Court) have been rescheduled.

Schedule Information by Case Type

All Cases

- **[3.18.2020 Clarification]** The courts consider any hearing involving an in-custody party or defendant essential.
- **[3.18.2020]** All other non-essential hearings may be considered by the presiding judge of each court on a case-by-case basis, and in consultation with the attorneys and parties of the case.

Criminal - Magistrate, County Court-at-Law #1, County Court-at-Law #2, 137th, 140th, and 364th District Courts

- [3.13.2020] Plea Negotiation Conferences (PNCs) and other court docket events not requiring the defendant's appearance should be completed by telephonic or videoconference communication. In lieu of or following the telephonic or videoconference communication, the attorneys shall submit an electronic notice (email) or Certificate of Conference to the court coordinator on or before the docket event's day and time.
 - [3.13.2020] The full and part-time magistrates will conduct all Code of Criminal Procedure Article 15.17 hearings via videoconferencing for offenders in custody at the Lubbock County Detention Center. Part-time magistrates will continue to coordinate their schedules with the full-time magistrate.
 - **[3.18.2020 Clarification]** Attorneys may exchange emails and communicate case statuses with the court coordinator managing the dockets. If attorneys elect to complete a Certificate of Conference, please e-file the document and e-serve a copy to the coordinator. If attorneys communicate via telephone, some type of written communication is still required to the coordinator so that they can create the next docket event.
- [3.13.2020] Guilty pleas for in-custody defendants will occur as scheduled.
- **[3.18.2020]** On bond guilty pleas scheduled through April 3rd will be rescheduled. The judge, in coordination with the district attorney(s) and defendant's attorney(s), of each individual court may determine it necessary to accept an on bond guilty plea prior to April 3rd.
- **[3.18.2020]** Bond reduction and writ hearings are considered essential and will occur through normal scheduling and processes.

Civil – County Court-at-Law #3, 72nd, 99th and 237th District Courts

- [3.13.2020] Jury trials are cancelled through April 3rd and will be rescheduled and prioritized by the presiding judge of the court where the case is filed.
- [3.13.2020] Temporary injunctions are considered essential and will occur through normal scheduling and processes.

Family

- [3.13.2020] CPS removal hearings, temporary restraining orders or injunctions, and family violence protective orders are considered essential and will occur through normal scheduling and processes.
- **[3.18.2020 Clarification]** TROs, with and without relief, and protective orders are considered essential and will occur through normal scheduling and processes.

- **[3.18.2020]** Pursuant to Supreme Court Misc. Docket No 20-9043 Order (attached) issued 3.17.2020, entitled Second Emergency Order Regarding COVID – 19 State of Disaster:
 - *“This order applies to and clarifies possession schedules in Suites Affecting the Parent-Child Relationship. For purposes of determining a person’s right to possession of and access to a child under a court-ordered possession schedule, the original published school schedule shall control in all instances. Possession and access shall not be affected by the school’s closure that arises from an epidemic or pandemic, including what is commonly referred to as the COVID – 19 pandemic.”*
 - *“Nothing herein prevents parties from altering a possession schedule by agreement if allowed by their court order(s), or courts modifying their orders.”*

Juvenile

- [3.13.2020] Juvenile detention hearings are considered essential and will occur as scheduled.
- **[3.18.2020]** Juvenile pleas and other hearings are only being scheduled for juveniles in-detention.

Mental Health

- [3.13.2020] Certain mental health proceedings are considered essential.

Specialty Courts – Adult Drug Court, DWI Court, and Freedom (Re-Entry) Court

- **[3.18.2020]** Unless otherwise listed below, all specialty court requirements remain unchanged.
- **[3.18.2020]** The following is effective until April 6, 2020:
 - Team Staffings may be attended through videoconferencing or in-person.
 - Only Phase 1 and non-compliant Phase 2, 3 and 4 participants will be required to appear at scheduled court sessions.
 - No new participants will be screened, staffed or accepted into program.
 - Individual sessions with in-house counselor and office visits will be conducted by telephone. Participants must contact their probation officer or the in-house counselor for more information.
 - Group sessions and peer group support meetings are suspended. Online meetings are encouraged.

Telephonic & Videoconference Information & Procedures

- **[3.18.2020]** If the presiding judge of a court approves a hearing by telephonic or videoconferencing means, the District and County Courts-at-Law will utilize the Zoom.us platform.
 - Parties will not need a subscription to use the platform; however, parties will need microphone and video functionality through either a mobile device or computer.
 - Attorneys requesting the use of telephonic or videoconferencing means shall obtain approval through the presiding judge hearing the case. Once approved, the court coordinator for the judge approving the remote hearing will notify Lubbock County Court Administration (Court Admin).
 - Court coordinators will need to provide the following information to Court Admin to set the remote hearing: cause number, possible duration of hearing, and the email addresses of parties participating in the remote hearing.
 - Attorneys may download Zoom plugins, clients, apps, etc. from the your app store or here: https://zoom.us/download#client_4meeting

Other Information

- [3.13.2020] Any attorney or party with cold or flu-like symptoms shall contact the court to determine if their appearance is necessary.
- [3.13.2020] Any documents or pleadings for the court that are not required to be filed through electronic filing (e-filing), should be emailed to the specific court.
- [3.13.2020] For the week of 3/16 through 3/20, court employees will be permitted to work remotely as approved by their individual judge or supervisor; therefore, please email the individual court if there are questions or issues.
- **[3.18.2020]** Any procedure that inadvertently conflicts with Supreme Court Misc. Docket No 20-9042 and Court of Criminal Appeals of Texas Misc. Docket No 20-007 Orders (attached) issued 3.13.2020, entitled "First Emergency Order Regarding COVID – 19 State of Disaster," shall be superseded by procedures or rules outlined in said orders.

Subsequent Press Releases will be forwarded following the review of additional information from local, state and national resources, and will further detail any specific measures the Lubbock County District and County Courts-at-Law will implement in response to these rapidly changing conditions.

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For questions concerning this release, please contact Dean Stanzione, Director of Court Administration, at oca@co.lubbock.tx.us or 806.775.1355.

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9042

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 20-007

FIRST EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This order is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2. Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public—without a participant’s consent:

a. Modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than 30 days after the Governor’s state of disaster has been lifted;

b. Allow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, or court reporter, but not including a juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means;

c. Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means;

d. Conduct proceedings away from the court's usual location, but in the county of venue, and only with reasonable notice and access to the participants and the public;

e. Require every participant in a proceeding to alert the court if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, or a fever, cough or sneezing;

f. Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

3. All courts in Texas may extend the statute of limitations in any civil case for a stated period ending no later than 30 days after the Governor's state of disaster has been lifted.

4. This Order is effective as of March 13, 2020, and expires May 8, 2020, unless extended by the Chief Justice of the Supreme Court.

5. The Clerk of the Supreme Court is directed to:

a. post a copy of this Order on www.txcourts.gov;

b. file a copy of this Order with the Secretary of State; and

c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

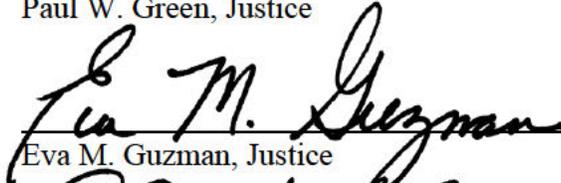
Dated: March 13, 2020



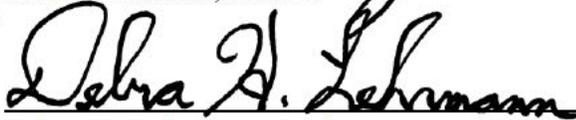
Nathan L. Hecht, Chief Justice



Paul W. Green, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



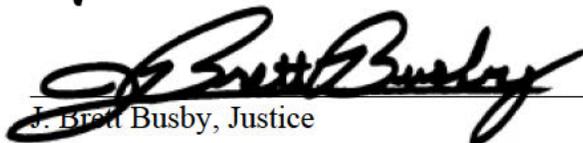
Jeffrey S. Boyd, Justice



John F. Devine, Justice



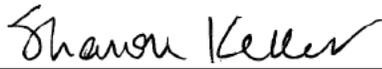
James D. Blacklock, Justice

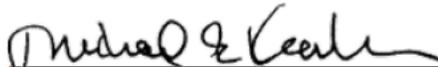


J. Brett Busby, Justice

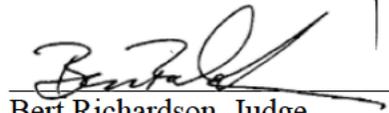


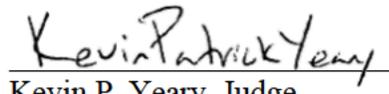
Jane N. Bland, Justice

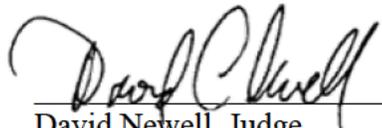

Sharon Keller, Presiding Judge

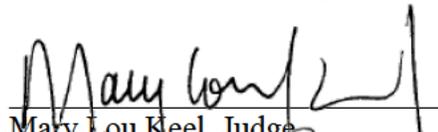

Michael Keasler, Judge

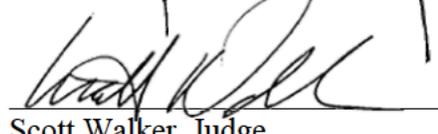

Barbara P. Hervey, Judge

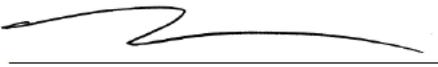

Bert Richardson, Judge


Kevin P. Yeary, Judge


David Newell, Judge


Mary Lou Keel, Judge


Scott Walker, Judge


Michelle M. Slaughter, Judge

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9043

SECOND EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This order is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2. This order applies to and clarifies possession schedules in Suits Affecting the Parent–Child Relationship. For purposes of determining a person’s right to possession of and access to a child under a court-ordered possession schedule, the original published school schedule shall control in all instances. Possession and access shall not be affected by the school’s closure that arises from an epidemic or pandemic, including what is commonly referred to as the COVID-19 pandemic.

3. Nothing herein prevents parties from altering a possession schedule by agreement if allowed by their court order(s), or courts from modifying their orders.

4. This Order is effective as of March 13, 2020, and expires May 8, 2020, unless extended by the Chief Justice of the Supreme Court.

5. The Clerk of the Supreme Court is directed to:

- a. post a copy of this Order on www.txcourts.gov;
- b. file a copy of this Order with the Secretary of State; and
- c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

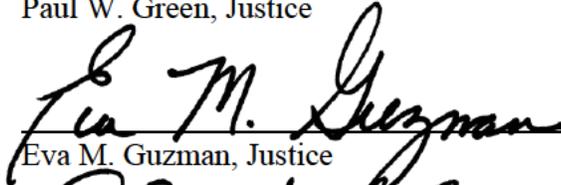
Dated: March 17, 2020



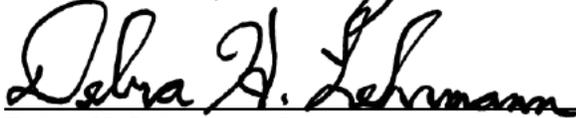
Nathan L. Hecht, Chief Justice



Paul W. Green, Justice



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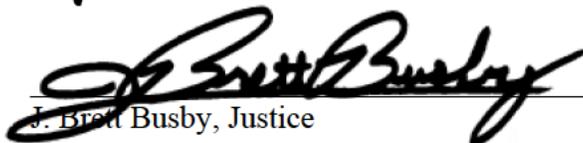
Jeffrey S. Boyd, Justice



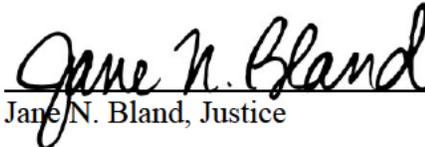
John F. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice