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COURTS PRESS RELEASE #3 Re: COVID 19 – FOR IMMEDIATE RELEASE

[March 23, 2020] 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*.

The following release provides updates subsequent to Governor Abbott’s 03.19.2020 Executive Order and the State Office of Court Administration’s “Updated COVID – 19 Guidance #3” disseminated to the courts on 03.19.2020. Attached to this release also are six Emergency Orders from the Supreme Court.

The Lubbock County District and County Courts-at-Law (Courts) appreciate the work our local media has done getting information to our community. Today’s release is a detailed release covering all that has happened through Tuesday, identifying the changes made in response to the County, City, State and National directives and orders.

In hopes of providing a history as well as clarity and detail to decisions made and the effective date and expiration date of the order or directive, please find newly created tables below. Any expired or superseded order or directive will be “grayed” out.

Judge/Courts	Court Cancellations	Effective Date	Expiration Date
All District, County Courts-at-Law and Justice Courts	[NEW] All jury trials through May 1, 2020.	03.13.2020	05.01.2020
Judge Jordan (IV-D/Child Support)	All child support cases.	03.13.2020	03.31.2020
Judge K. Darnell (Child Protection Court/South Plains Foster Care Court)	Final hearings in March have been rescheduled.	03.18.2020	03.31.2020
Judge Tesch (Child Protection Court/South Plains Foster Care Court)	Finals hearings 03.27.2020 have been rescheduled.	03.18.2020	03.31.2020

Judge/Court	Court Schedule Change	Essential	Effective Date	Expiration Date
All District & County Courts-at-Law	The courts consider any hearing involving an in-custody party or defendant essential.		03.13.2020	
	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.		03.13.2020	04.03.2020
	[NEW] Dockets for ANY hearing type will be limited to groups of 10 persons or less. Each judge and court coordinator will prioritize essential hearings before other hearings. Judges, court personnel, attorneys, parties, and security will be included in the 10-person count. Hearings held remotely are not under the 10-person cap.		03.19.2020	04.03.2020 ¹
	[NEW] Unless approved by the presiding judge of each court, and in consultation with the attorneys and parties to the specific case, only non-essential in-person proceedings will be cancelled.		03.19.2020	05.01.2020 ²
	Plea Negotiation Conferences (PNCs), Status Conferences, and other court docket events not requiring the defendant's appearance should be completed by telephonic or videoconference communication. These are non-essential hearings.	No	03.13.2020	05.01.2020
	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.	No	03.13.2020	04.03.2020

¹ Pursuant to Governor Abbott's Executive Order issued 03.19.2020

² State Office of Court Administration "**recommends** that [you] continue to delay **in-person proceedings of any size until at least May 1**. However, with the introduction of the new remote proceedings capabilities...some of these non-essential proceedings, except for jury trials, can be conducted remotely."

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

Event Type	Court Schedule Change	Essential	Effective Date	Expiration Date
15.17s	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. The 15.17s hearings are considered essential.	YES	03.13.2020	N/A
Guilty Pleas	Guilty pleas for in-custody defendants will occur as scheduled.	YES	03.13.2020	N/A
	On bond guilty pleas scheduled through April 3 rd 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 3 rd .	No	03.13.2020	04.03.2020
Writs and Bond Reductions	Bond reduction and writ hearings are considered essential and will occur through normal scheduling and processes.	YES	03.18.2020	N/A

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

Event Type	Court Schedule Change	Essential	Effective Date	Expiration Date
Injunctions	Temporary injunctions are considered essential and will occur through normal scheduling and processes.	YES	03.13.2020	N/A

Family Law

Event Type	Court Schedule Change	Essential	Effective Date	Expiration Date
CPS Removal Hearings, Temporary Restraining Orders, and Family Violence Protective Orders	CPS removal hearings, temporary restraining orders or injunctions, and family violence protective orders are considered essential and will occur through normal scheduling and processes.	YES	03.13.2020	N/A

Possession Orders	Pursuant to Supreme Court Misc. Docket No 20-9043 Order, <i>“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.”</i>		03.17.2020	N/A
Child Abuse and Neglect Cases	[NEW] Pursuant to Supreme Court Misc. Docket No 20-9044 Order, the Order clarifies Supreme Court Misc. Docket No 20-9042 Order and its application <i>“to all proceedings under Subtitle E, Title 5, of the Family Code, and specifically, to the deadlines in Section 263.401, which may or must be modified or suspended, as clearly stated in the Order, to avoid the risks of disaster and still protect the interests of all involved in these difficult circumstances.”</i>		03.19.2020	N/A
Prove-Ups	[NEW] Unless approved by the presiding judge of each court, and in consultation with the attorneys and parties to the specific case, only non-essential in-person proceedings will be cancelled. Upon agreement from the presiding judge and parties, these proceedings may occur through videoconferencing.	No	3.13.2020	N/A
	[NEW] Prove-ups will be done by affidavit— defaults and agreed divorces may be done via affidavit of testimony which must be filed with the proposed decree.	No	03.23.2020	N/A

Juvenile Matters				
Event Type	Court Schedule Change	Essential	Effective Date	Expiration Date
Detention Hearings	Juvenile detention hearings are considered essential and will occur as scheduled.	YES	03.13.2020	N/A
Pleas and Other Hearings	[In-Detention] Juvenile pleas and other hearings are only being scheduled for juveniles in-detention.	YES	03.13.2020	N/A
Pleas and Other Hearings	[Not In-Detention] Juvenile pleas and other hearings are <u>not</u> being scheduled for juveniles <u>not</u> in-detention.	No	03.13.2020	N/A

Mental Health				
Event Type	Court Schedule Change	Essential	Effective Date	Expiration Date
Certain Mental Health Proceedings	[NEW] Pursuant to Health and Safety Code §573.011, an adult may file a written application for the emergency detention of another person. Health and Safety Code §573.012 states that a judge or magistrate shall examine the application and may interview the applicant. Accordingly, the District Courts and County Courts-at-Law will continue to be available at any time to review written applications for emergency detentions. Applications are available at the Office of Court Administration, 904 Broadway, Suite 325, Lubbock, Texas.	YES	03.23.2020	N/A

Specialty Courts – Adult Drug, DWI Court, and Freedom (Re-Entry) Court				
Event Type	Court Schedule Change	Essential	Effective Date	Expiration Date
Requirements	Unless otherwise listed below, all specialty court requirements remain unchanged.	No	03.13.2020	N/A
Staffings	Team staffings may be attended through videoconferencing or in-person. In-person meetings will not exceed 10 people.	No	03.13.2020	04.06.2020
Court Sessions	Only Phase 1 and non-compliant Phase 2, 3 and 4 participants will be required to appear at scheduled court sessions.	No	03.13.2020	04.06.2020
New Participants	No new participants will be screened, staffed or accepted into program.	No	03.13.2020	04.06.2020
Counseling	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.	No	03.13.2020	04.06.2020
	Group sessions and peer group support meetings are suspended. Online meetings are encouraged. For more information on online meetings, please contact CSCD.	No	03.13.2020	04.06.2020

Telephonic & Videoconference Information	
Date	Description

03.18.2020	<p>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.</p> <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> ○ In order to confirm the identities of the parties participating in videoconference, parties to the case will be required to participate via video. • 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 all participants (witnesses, parties, court reporter, etc) participating in the remote hearing. • Attorneys may download Zoom plugins, clients, apps, etc., from the app store or here: https://zoom.us/download#client_4meeting
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Other Information	
Date	Description
03.13.2020	Any attorney or party with cold or flu-like symptoms shall contact the court to determine if their appearance is necessary.
03.13.2020	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.
03.13.2020	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.
03.18.2020	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.
03.23.2020	[NEW] For the week of 03.23.2020 through 04.03.2020, some court employees may be permitted to work remotely as approved by their individual judge or supervisor; therefore, email the individual coordinator for questions or issues. Court staff are accessible during this time. If an individual cannot get in contact with any of the courts listed herein, please contact Lubbock County's Office of Court Administration, oca@co.lubbock.tx.us or at 806.775.1355.

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 or further comments, please contact Dean Stanzione, Director of Court Administration, at oca@lubbockcounty.gov 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.

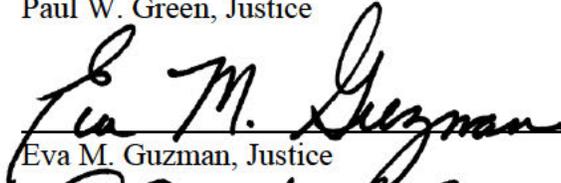
Dated: March 13, 2020



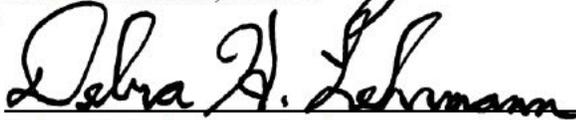
Nathan L. Hecht, Chief Justice



Paul W. Green, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



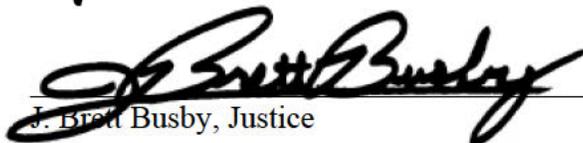
Jeffrey S. Boyd, Justice



John F. Devine, Justice



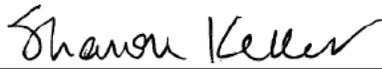
James D. Blacklock, Justice

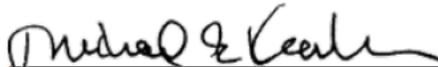


J. Brett Busby, Justice

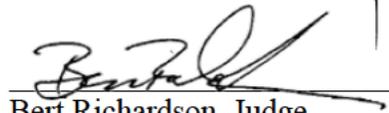


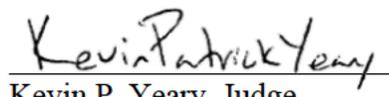
Jane N. Bland, Justice

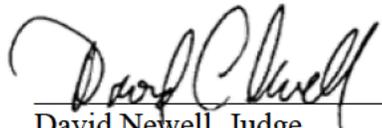

Sharon Keller, Presiding Judge

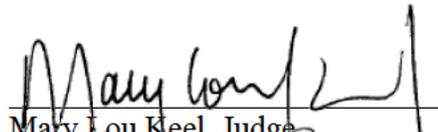

Michael Keasler, Judge

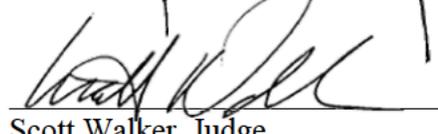

Barbara P. Hervey, Judge

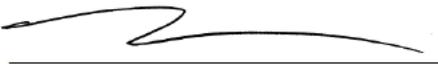

Bert Richardson, Judge


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.

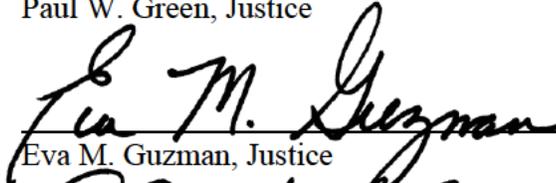
Dated: March 17, 2020



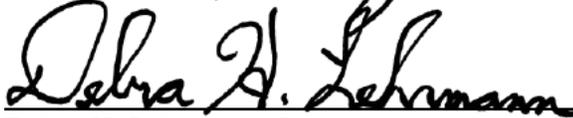
Nathan L. Hecht, Chief Justice



Paul W. Green, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



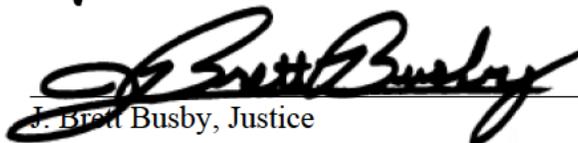
Jeffrey S. Boyd, Justice



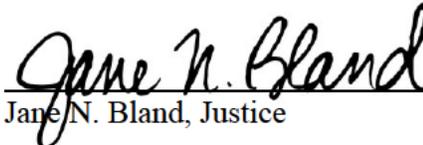
John F. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9044

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 20-008

THIRD 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. With respect to the First Emergency Order Regarding the COVID-19 State of Disaster issued March 13, 2020:
 - a. Paragraph 2(d) is amended as follows: Conduct proceedings away from the court's usual location with reasonable notice and access to the participants and the public;
 - b. Only to clarify, Paragraph 2(a) of the Order applies to all proceedings under Subtitle E, Title 5, of the Family Code, and specifically, to the deadlines in Section 263.401, which may or must be modified or suspended, as clearly stated in the Order, to avoid the risks of disaster and still protect the interests of all involved in these difficult circumstances.
3. Courts must not conduct non-essential proceedings in person contrary to local, state, or national directives, whichever is most restrictive, regarding maximum group size.

4. This Order 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.

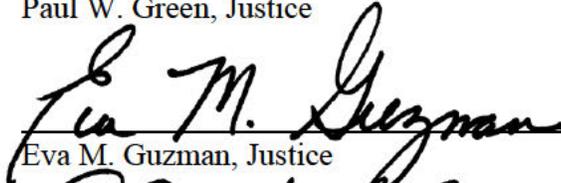
Dated: March 19, 2020



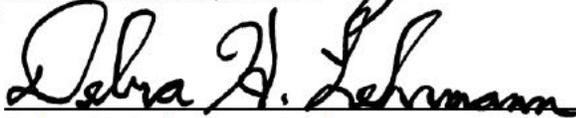
Nathan L. Hecht, Chief Justice



Paul W. Green, Justice



Eva M. Guzman, Justice



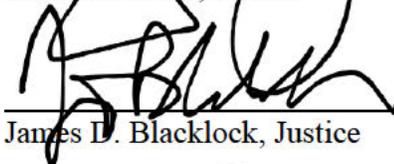
Debra H. Lehrmann, Justice



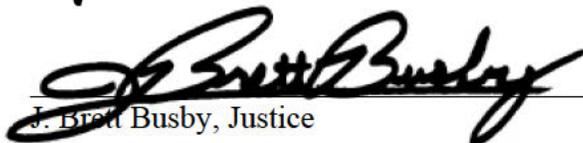
Jeffrey S. Boyd, Justice



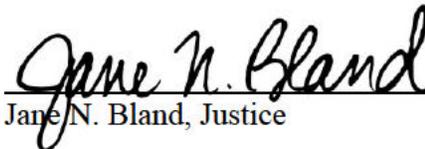
John F. Devine, Justice



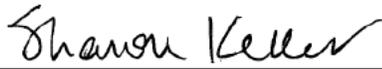
James D. Blacklock, Justice

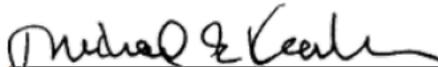


J. Brett Busby, Justice

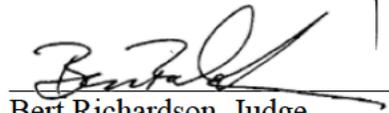


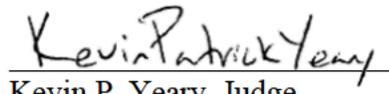
Jane N. Bland, Justice

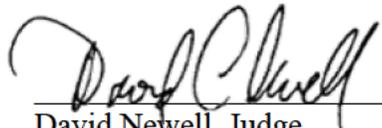

Sharon Keller, Presiding Judge

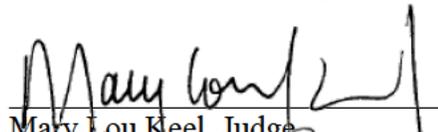

Michael Keasler, Judge

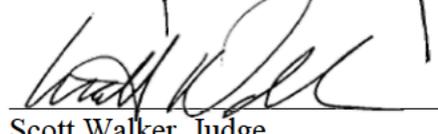

Barbara P. Hervey, Judge

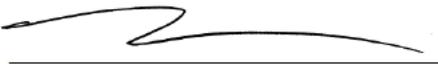

Bert Richardson, Judge


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. 20-9045

FOURTH 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 supplements and does not replace or amend the First, Second, or Third Emergency Orders Regarding the COVID-19 State of Disaster.

3. In any action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of the Texas Rules of Civil Procedure:

a. No trial, hearing, or other proceeding may be conducted, and all deadlines are tolled, until after April 19, 2020;

b. A writ of possession may issue, but the posting of the written warning required by § 24.0061(d)(1) of the Property Code and the execution of the writ of possession may not occur until after April 26, 2020, and the deadlines in Rules 510.8(d)(1)-(d)(2) are tolled while this Order remains in effect; and

c. New filings may be accepted, but the time period in Rule 510.4(a)(10) is suspended, and issuance and service of citation may not occur until after April 19, 2020.

4. A case covered by Paragraph 3 may nevertheless proceed if, but only if:

a. The plaintiff files a “Sworn Complaint for Forcible Detainer for Threat to Person or For Cause”;

b. The court determines that the facts and grounds for eviction stated in the Complaint, under oath with personal knowledge, taken as true, show that the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (ii) criminal activity; and

c. The court signs an order stating procedures for the case to proceed.

5. This Order is effective immediately and expires April 19, 2020, unless extended by the Chief Justice of the Supreme Court.

6. 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.

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

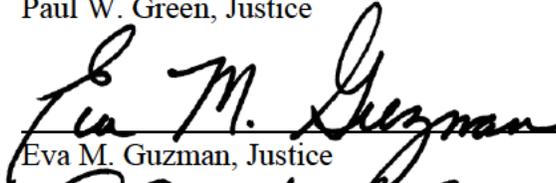
Dated: March 19, 2020



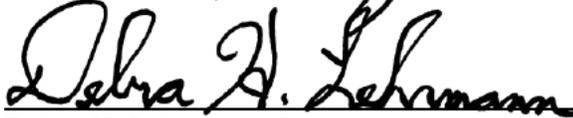
Nathan L. Hecht, Chief Justice



Paul W. Green, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



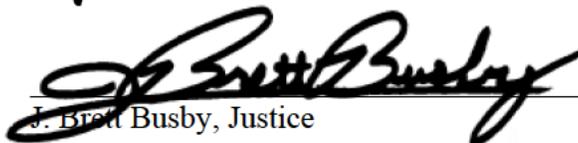
Jeffrey S. Boyd, Justice



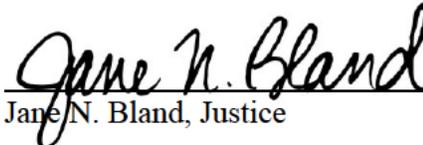
John F. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9046

FIFTH 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.
2. This Order supplements and does not replace or amend prior Emergency Orders Regarding the COVID-19 State of Disaster.
3. All deadlines, whether prescribed by statute, rule, or order, related to attorney professional disciplinary and disability proceedings are tolled while this Order remains in effect.
4. The order is retroactive to 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.

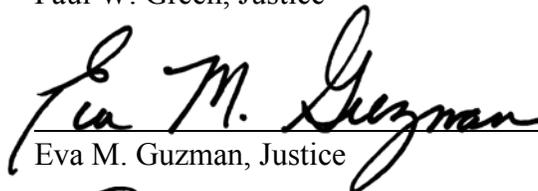
Dated: March 20, 2020



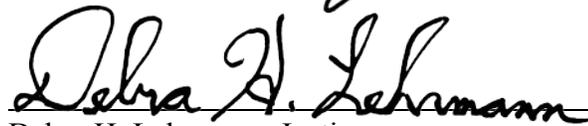
Nathan L. Hecht, Chief Justice



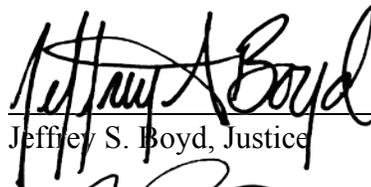
Paul W. Green, Justice



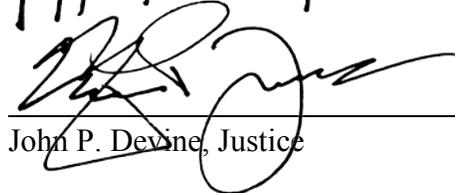
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



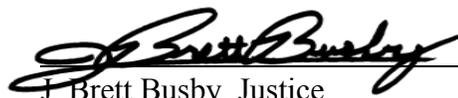
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9047

SIXTH 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.
2. This Order supplements and does not replace or amend prior Emergency Orders Regarding the COVID-19 State of Disaster.
3. The Court's Order issued February 7, 2005, in Misc. Dkt. No. 05-9012, effectively allowed electronic voting in elections of the State Bar of Texas. Since then, voting in those elections has been both by electronic means and by paper ballot.
4. Because of uncertainty regarding the feasibility of handling paper ballots during the COVID-19 pandemic, the 2020 elections for presidents-elect and directors of the State Bar of Texas and the Texas Young Lawyers Association must be conducted online only, by electronic vote, and not by paper ballot. The voting period is extended to May 29, 2020, at 5:00pm.
5. The order expires at the conclusion of the 2020 elections of the State Bar of Texas and the Texas Young Lawyers Association unless extended by the Chief Justice of the Supreme Court.
6. 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.

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

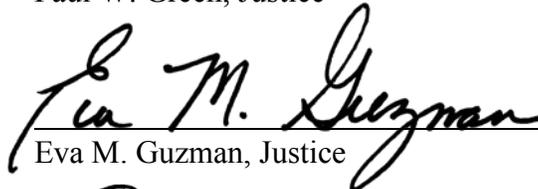
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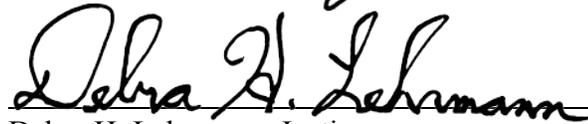
Nathan L. Hecht, Chief Justice



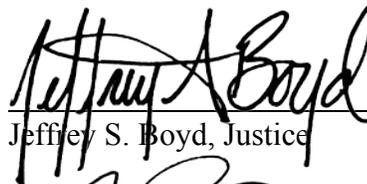
Paul W. Green, Justice



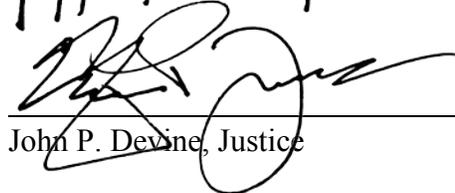
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



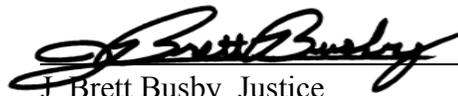
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice