

Lubbock County COVID-19 Operating Plan re: All Court Proceedings

On May 4, 2020, COVID-19 guidance¹ from the State Office of Court Administration (State OCA) directed Texas courts to develop an operating plan for all court proceedings. The guidance directs the local administrative district judge (LAJ) in each county to attempt to confer with judges of all courts with courtrooms in county buildings, consult with the County Judge and local health authority, and submit for approval the operating plan to the Regional Presiding Judge (RPJ). **Upon written acknowledgment from the RPJ, that the submitted operating plan meets the critical components required by the State OCA, the courts may then commence in-person proceedings as outlined in this operating plan.**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court personnel, judges, and other individuals entering the buildings housing the courts, the courts of Lubbock County will implement the following protective measures, superseding all previous local policy or measures instituted:

Operating Plan

General Policy

All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.

All judges will use all reasonable efforts to conduct proceedings remotely.

The Local Administrative District Judge and Director of Court Administration for Lubbock County will maintain regular communication with the local health authority and County Judge, and, as necessary, adjust the operating plan.

Following implementation of the operating plan, judges will begin setting non-essential in-person proceedings to occur no sooner than June 1, 2020. If a judge does not fully implement the operating plan, they will not begin setting non-essential in-person proceedings until doing so.

Judge and Court personnel Health

Judges and court personnel who can perform the essential functions of their job remotely will telework when possible and feasible.

Judges or court personnel 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 be permitted to enter the building and should seek medical advice.

Court personnel will monitor and self-report symptoms to their supervisor(s), individual judge, or in accordance with their office's chain of command. Judges and court personnel will not be permitted to enter county buildings who have self-reported symptoms.

Court personnel will report exposure to COVID-19 to their supervisor(s), individual judge, or in accordance with their office's chain of command. Judges and court personnel will not be permitted to enter county

¹ See Guidance to Courts Regarding All Court Proceedings issued 5/4/2020: <https://www.txcourts.net/court-guidance>

building for 5 days following exposure² to COVID-19. If a judge or court personnel is still symptomatic after 5 days, they will not be permitted to enter county buildings.

Court personnel will follow Centers for Disease Control and Prevention (CDC) for returning to work following any isolation or quarantine as a result of exposure to or infection with COVID-19.

Judges and court personnel will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations. If judges or court personnel are working in their offices behind closed doors, or participating by computer only, they may remove face coverings until required to communicate in-person with other employees, attorneys or the public.

Effective May 1, 2020 through June 1, 2020

Non-essential in-person proceedings of any size MUST be delayed until June 1, 2020.

Courts may require all persons to participate remotely, and will use all reasonable efforts to conduct proceedings remotely.

Essential proceedings should occur in-person ONLY if holding the proceeding remotely is NOT possible or practicable.

Examples of essential proceedings include: criminal magistrations, CPS removal and adversary hearings, temporary restraining orders, temporary injunctions, juvenile detention hearings, family violence and other protective orders, and specialty court proceedings.

IF essential proceedings must be held in-person, the court will ensure:

- No more than 10 persons are gathered in the courtroom OR in areas around the courtroom
- Participants wear face coverings; and,
- Participants in the courtroom are separated consistent with social distancing and other precautions

EXCEPTION: essential proceedings may occur in person in excess of the 10-person maximum if the law requires more than 10 persons for the proceedings, such as grand jury deliberations. Participants will be separated consistent with social distancing and will wear face coverings.

Effective on or after June 1, 2020 or until further updated

All proceedings, whether essential or non-essential, should occur remotely unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control. Courts may need to conduct hybrid³ hearings in certain proceedings.

Until further guidance is issued by the State OCA, jury trials must NOT be held.

Scheduling & Courtroom Capacity

² Exposure period of 5 days is based on recommendation from Lubbock County Health Authority. *"I would consider modifying your exclusion criteria when it talks about if you have any contact with a direct COVID exposure. I believe that an acceptable time limit following that exposure should be 5 days. At that time if any symptoms then you are appropriate to deny access."*

³ A hybrid hearing is a proceeding that accommodates all participants, both those who can appear remotely, and those who are unable to appear remotely but appear in-person.

Requirement: discuss how the courts in the building(s) covered by the plan will coordinate scheduling to reduce occupancy in the courthouse to the lowest degree possible.

Judges in counties with multiple judges in a building must coordinate scheduling of any in-person proceedings to reduce the number of people in the courthouse at one time.

Courthouse	Staff ⁴ in Courtroom	Courtroom Capacity ⁵	Adjusted Capacity ⁶
County Court ⁷	5	85	30
Justice of the Peace #1	2	18	10
Justice of the Peace #2	2	18	10
Justice of the Peace #3	3	33	11
Justice of the Peace #4	2	23	12
County Courts-at-Law #1	3	63	21
County Courts-at-Law #2	3	74	22
County Courts-at-Law #3	3	49	22
72 nd District Court	3	125	39
99 th District Court	3	88	25
137 th District Court	4	100	31
140 th District Court	4	85	23
237 th District Court	3	136	34
364 th District Court	4	88	24
Associate Judge – Johnson	3	23	12
Magistrate – McNamara	3	49	29
IV-D/Child Support – Jordan	⁸	49	27
Child Protection Court – Tesch ⁹	5	39	29
Child Protection Court – Darnell ¹⁰	3	49	16
Juvenile Justice Center			
Juvenile Courtroom	4	60	25
Detention Center			
Magistrate Courtroom	3	22	10
Measure 1	Courts will adjust and schedule their dockets to ensure no more than the adjusted capacity of participants, as calculated above, are present in the courtroom at any given time. Courts will be cognizant of the social distancing measures in the halls outside of		

⁴ Number of court personnel, clerk, deputies, bailiffs who are typically in courtroom for court proceedings. This number excludes ADAs and defense attorneys.

⁵ Courtroom Capacity represents the official capacity of each courtroom as previously determined by the Fire Marshall.

⁶ Adjusted Capacity represents the number of all individuals who may be present in the courtroom adhering to a 6 foot social distancing measure. Adjusted capacity will include the number of court personnel and all other individuals in the courtroom – deputies, attorneys, clerks, and parties. Each courtroom was marked for social distance spacing as indicated in the Measures listed in the Social Distancing section of this plan.

⁷ Count Court conducts proceedings in space used for Commissioners Court proceedings.

⁸ Judge Jordan's court is not planning any in-person proceedings until at least the end of August. At this time, the courtroom will be available for use until notified by Judge Jordan.

⁹ 1st Floor Courtroom, Room #127. Courtroom is typically shared between Judge Tesch and Judge K. Darnell.

¹⁰ 1st Floor Courtroom, Room #109.

	the courtrooms when scheduling individual court dockets, understanding the halls are also being utilized by other courts.
Measure 2	Courts may schedule multiple smaller dockets with staggered start times to accommodate the movement of any backlogged cases, so long as each docket does not exceed the adjusted capacity of the courtroom. Courts will also ensure enough time in between staggered dockets for proper courtroom cleaning as identified in the Cleaning section of this plan.

Vulnerable Populations

Requirement: *discuss how the courts will provide notice to vulnerable individuals and those who live with or are caregivers for vulnerable individuals and provide accommodations to reduce the appearance of those individuals at the courthouse.*

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

Measure 1	Each judge will include information on orders setting hearings, docket notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations around the court buildings.
Measure 2	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.

Social Distancing

Requirement: *discuss how the courts will ensure that adequate social distancing of at least 6 feet will be maintained for all individuals not within the same household who may be in a courthouse.*

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.

Special attention should be given to scheduling in buildings with multiple courtrooms, as common areas such as waiting areas, halls and elevators may become crowded in such a way that it is impossible to maintain appropriate social distancing.

Measure 1	County will measure the length of each bench in hallways with courtrooms. County will then apply markings at least 6 feet apart on each bench indicating where individuals in the halls may sit.
Measure 2	County will place signage, in English and Spanish, about the social distancing policy throughout the courthouse. At minimum, signage will be placed outside the doors of each courtroom and various benches inside the courtroom.
Measure 3	County will apply markings in the well of the courtroom indicating where counsel, witness, clerk, court reporter or deputies may sit. The wells of some courtrooms will be

	re-arranged to accommodate social distancing of at least 6 feet apart. Provided courtroom security and safety is not at risk, deputies who do not sit during court proceedings will stand in a location that ensures social distancing.
Measure 4	County will apply markings at least 6 feet apart on each bench in the gallery indicating where court participants may sit. Courtrooms containing multiple rows of benches will have markings staggered, so that court participants are not sitting directly behind or directly in front of another participant.
Measure 5	If there is not adequate space for seating or standing to ensure adequate social distancing, Court personnel will ask parties for their cell phone number and then ask them to return to their vehicles until their case is ready to be heard. Court personnel may also direct parties to other areas of the courthouse where adequate social distancing exists.
Measure 6	County will post signage to only permit two individuals NOT from the same household 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.
Measure 7	County will post signage to only permit two individuals NOT from the same household in restrooms. If more than one individual from the same household is in a restroom, no other individuals will be permitted in the restroom.
Measure 8	County will post signage outside each courtroom indicating the adjusted capacity of the courtroom as defined in the Scheduling section of this plan.

Hygiene

Requirement: *discuss how the courts will ensure that individuals in the courthouse will have access to supplies to maintain high levels of hygiene.*

Courts should consider having hand sanitizer dispensers available at various locations around the courthouse, including at the entry and exits from the building and courtrooms.

Courts should ensure that tissues are available for public use in courtrooms and other public areas.

Measure 1	Court Administration will place hand sanitizer dispensers at the entrance of each courtroom, as well as in each courtroom on the judge's bench, at counsel tables, witness stand, and on the bar. If quantities are limited, dispensers will be placed on the judge's bench and on the bar.
Measure 2	Court Administration will place tissue boxes in each courtroom on the judge's bench, at counsel tables, witness stand, and on the bar. If quantities are limited, tissue boxes will be placed on the judge's bench and on the bar.
Measure 3	Court Administration will inform local bar associations and private defender's office to recommend attorneys bring private hand sanitizer dispensers and tissue travel packs for personal use when at the courthouse.
Measure 4	County will post Department of State Health Service's "Stop the Spread of Germs Flyer" in multiple locations throughout court buildings.

Screening

Requirement: *discuss how the courts will ensure screening of all individuals entering the courthouse or courtroom areas.*

Individuals feeling feverish or with measured temperatures equal to or greater than 100 degrees Fahrenheit, or with new or worsening signs and 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 must not be permitted entry.

Special attention should be given to how inmates from jail facilities who may be transported to a courtroom will be screened, including consideration of a lower threshold temperature of 99.6 degrees Fahrenheit as an indicator of symptoms.

Screeners will be provided appropriate face protection and gloves by county.

Measure 1	Courthouse deputies perform screening at courthouse entry points. Deputies log every individual's temperature using a no-touch infrared thermometer and responses to inquires about signs or symptoms of COVID-19. Individuals exceeding the temperature threshold of 99.6F or showing or reportings signs or symptoms of COVID-19 will not be permitted entrance to the courthouse.
Measure 2	Courthouse deputies performing screening will inquire as to whether an individual attempting to enter the courthouse has had, within the last 5 days ¹¹ of their attempted entry, been directly exposed to COVID-19. If an individual has been exposed, they will not be permitted to enter the courthouse.
Measure 3	If courthouse deputies are unable to perform screening at courthouse entry points, courthouse deputies, bailiffs, or court personnel will perform screening as indicated in Measure 1 at the entrance of each courtroom prior to an individual's entrance to the courtroom.
Measure 4	Sheriff's office staff will perform screening at the detention center prior to transporting inmates to a courtroom. Inmates exceeding 99.6F or showing or reporting signs or symptoms of COVID-19 will not be transported to a courtroom.
Measure 5	Juvenile Justice Center staff will perform screening of juvenile offenders prior to transporting juveniles to a courtroom. Juvenile offenders exceeding 99.6F or showing or reporting signs or symptoms of COVID-19 will not be transported to a courtroom.
Measure 6	Court Administration or County Judge will remind local media of screening policy, requesting release to their viewers or readers. The County Judge previously informed local media of initial screening policy that was implemented at the beginning of the COVID-19 pandemic.
Measure 7	County will place policy on official website.

Face Coverings

Requirement: discuss how the courts will ensure face coverings over the nose and mouth are worn.

Cloth face coverings, at a minimum, should be required of individuals while in the courthouse.

¹¹ Exposure period of 5 days is based on recommendation from Lubbock County Health Authority. *“I would consider modifying your exclusion criteria when it talks about if you have any contact with a direct COVID exposure. I believe that an acceptable time limit following that exposure should be 5 days. At that time is any symptoms then you are appropriate to deny access.”*

Should an individual be in the courthouse for lengthy periods of time, non-medical grade face masks should be considered.

Measure 1	Court Administration will inform local bar associations and private defender's office to recommend attorneys bring personal face coverings when coming to courthouse for any business.
Measure 2	Court Administration will inform local bar associations and private defender's office to recommend attorneys inform clients to bring personal face coverings when coming to courthouse for any business.
Measure 3	Court Administration will inform local media of face covering policy, requesting release to their viewers or readers.
Measure 4	County will place policy on official website.
Measure 5	If an individual arrives without a face covering, county will provide a face covering if supply is available.
Measure 6	County will not require face coverings for young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.

Cleaning

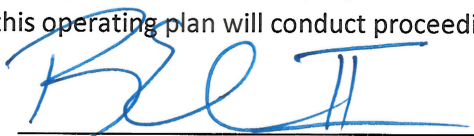
Requirement: discuss how the courts will ensure frequent and appropriate cleaning of surfaces in and around courtrooms and common areas.

Sanitizing should be routinely and more regularly performed, including when a transition in participants occurs within a courtroom (i.e. between hearings).

Measure 1	Facilities Maintenance staff to clean used courtrooms, elevators and restrooms twice daily.
Measure 2	Court personnel (judge, coordinator, court reporter, clerk, etc.) in the courtroom throughout the day will frequently clean their individual workspace with an antibacterial cleaner.
Measure 3	If court personnel notices space that should be clean between hearings, court personnel will clean the space using gloves and antibacterial cleaner.
Measure 4	If necessary, the Facilities Maintenance staff will train court personnel on proper cleaning techniques.

Local Administrative District Judge Acknowledgment

Either directly, through my Director of Court Administration or through the County Judge, I attempted to confer with all judges of the courts with courtrooms in county buildings in Lubbock County regarding this operating plan. In developing the operating plan, the local health authority and County Judge were also consulted. I, along with assistance from the Director of Court Administration and County Judge, will ensure judges of courts with courtrooms in county buildings in Lubbock County covered by this operating plan will conduct proceedings consistent with the operating plan.



William R. Eichman II
Local Administrative Judge