

Fourth Revised COVID-19 Operating Plan for the Williamson County Justice Center

On, July 19, 2021, the Texas Supreme Court, issued the Fortieth Emergency Order Regarding the COVID-19 State of Disaster (Misc. Docket No. 21-9079). This order encourages “the local administrative district judge...to adopt ...***minimum standard health protocols*** for court participants and the public attending court proceedings that will be employed in the courtroom and in public areas of the court building.”

Texas Attorney General has issued an opinion that states, “**judges possess broad inherent authority to control orderly proceedings in their courtrooms, and pursuant to that authority, they can require individuals in the courtroom to wear facial coverings**” and “**may require any person entering the courthouse in which they preside to wear a facial covering while in the courthouse.**” Tex. Att’y Gen. Op. No. KP-0322 (2020) at 5.

This Fourth Revised COVID-19 Operating Plan for the Williamson County Justice Center (“Fourth Revised Operating Plan”) is issued in recognition of need to ensure access to a fair and effective justice system while protecting the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts. This is the adopted minimum standard health protocols for the Williamson County Justice Center as permitted by the Supreme Court’s Fortieth Emergency Order (see Order at pg. 3).

1. Definitions

a) Courts

As used within this document, “Court” and “Courts” means the Williamson County District Courts and County Courts at Law.

2. Operational Phase

Outside of normal periods of operation, the Justice Center functions under an Operational Phasing plan that articulates the priorities for Justice Center Operations, and which are informed by the status of COVID in our community. These phases have changed throughout the course of the pandemic, and we are now entering into Phase 6, as outlined below.

Phase 6: August 1, 2021 – until further order of the court: Continued virtual, scheduled in-person and hybrid hearings, jury trials; specific precautionary measures taken in response to the health district’s COVID staging.

3. Guiding Principles

- a) All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals.
- b) Judges may conduct in-person proceedings and may offer virtual and hybrid settings (using videoconference technology) at the discretion of the Court, and based on individual circumstances.

- c) In developing this plan, the Local Administrative District Judge has consulted with the Local Health Authority of Williamson County and solicited feedback from all District Court and County Court at Law Judges.
- d) The Courts will continue to review this plan along with the recommendations of the Local Health Authority of Williamson County.

4. Minimum Health Protocols for Williamson County Justice Center

Cleaning

Court building cleaning staff will clean the common areas of the court building daily and, if needed, upon request, paying special attention to high touch-point surfaces including push bars, doorknobs, and chairs.

Symptom Monitoring and Reporting

- a) Individuals are responsible for self-monitoring and should not enter the Justice Center if they are symptomatic for COVID-19. This information will be publicized on the Justice Center Operations Webpage and on signage at the door of the Justice Center.
- b) Court staff will self-report symptoms to their supervisor, or individual judge. Staff with a positive COVID Test or COVID symptoms should not enter the Justice Center until fourteen (14) days after the positive test/symptom onset and 24 hours fever-free without medication. *Reportable symptoms: having measured temperature 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.*
- c) Every participant in any proceeding will be required to alert the court if the participant has, or knows of another participant who has: (i) tested positive for COVID-19 within the previous fourteen (14) days (ii) has had COVID-19 or flu-like symptoms, or a fever, chills, repeated shaking with chills, cough, shortness of breath or difficulty breathing, muscle pain, headache, sore throat, loss of taste or smell, diarrhea within the previous 10 days; or (iii) been in close contact with a person who is confirmed to have COVID-19 within the previous 14 days.
- d) When inmates must be transported from the jail to the court building, Sheriff's Office staff will screen the inmates for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building. Additionally, the Local Administrative District Judge, in consultation with the judges of courts hearing criminal matters, the Sheriff, and the Local Health Authority may require face coverings on all persons brought to court from the jail.

Protective Measures

- a) The Courts have been advised by the Local Health Authority that vaccination is most effective mechanism to mitigate against spread of COVID and severity of infection. Based on that advice, we urge justice system stakeholders to consult with their medical provider to determine whether they should receive the COVID-19 immunization.

- b) Individuals who have not received the COVID vaccine should wear face coverings in the Justice Center. Depending on the WCCHD COVID Gating Stage, use of face coverings may be required in the public areas of the Justice Center. Use of face coverings may be required of inmates transported from the Williamson County Jail, depending on the state of COVID spread in that facility.

5. Operational Phase 6

The Courts have entered into Operational Phase 6, which incorporates the Local Health Authority’s Gating Stage related to the transmission of COVID in our community. The protective measures listed below are tied to the Gating Stage to balance the need of the community to continue to access an efficient and effective justice system with our obligation to reasonably assure the health and safety of system participants.

Health District Gating Stage¹	Green <i>Minimal Community Spread</i>	Yellow <i>Moderate Community Spread</i>	Orange <i>High Community Spread</i>	Red <i>Uncontrolled Community Spread</i>
Face Coverings	Requested of unvaccinated individuals; individual courts have discretion to require in their courtroom.	Requested of unvaccinated individuals; individual courts have discretion to require in their courtroom.	Requested of unvaccinated individuals; individual courts have discretion to require in their courtroom.	Required in shared areas of the building (i.e. hallways, elevators, etc.); individual courts have discretion to require in their courtroom.
Social Distancing	Unvaccinated individuals are asked to observe social distancing.	Unvaccinated individuals are asked to observe social distancing.	Required throughout the building.	Required throughout building.
Courtroom Capacity	Not required	Not required	Limited to allow for social distancing.	Limited to allow for social distancing.
In Person Proceedings (including Jury Trials)	No limitation	No limitation	No limitation, subject to capacity requirements to allow for social distancing.	No limitation, subject to capacity requirements to allow for social distancing.

Courtroom Use and Capacity

Courtroom capacity may be limited, and public seating may be restricted/assigned (i.e., jury seated in gallery) to allow for social distancing.

¹ See WCCHD COVID-19 Phased Gating Stages, <https://www.wcchd.org/Phased%20Gating%200521.pdf> (last accessed 7/22/2021)

Each court will use their own courtroom to conduct proceedings. The IV-D Courtroom, the Auxiliary Courtroom, and the Jury Impaneling Room are designated for Jury Deliberation Space, jury selection, or special proceedings, and will be scheduled by the Director of District Court Administration.

When required pursuant to the chart above to allow for social distancing, capacity limitations will be placed on each courtroom. The table below lists the capacity of each courtroom, including court staff, bailiffs, inmates, parties, and the public.

Courtroom	Occupancy	25% Capacity (6 feet social distancing)
CCL 1	115	29
CCL 2	128	32
CCL 3	128	32
CCL 4	128	32
IV-D Courtroom	127	32
Jury Impaneling	332	83
Auxiliary Courtroom	50	12
26th	127	32
277th	296	74
368th	128	32
395th	129	32
425th	113	28

Jury Trials

Jury Trials will be conducted in compliance with the Jury Trial Plan, at Attachment A.

Special Proceedings

Hearings involving more than two parties, such that social distancing in the well of a courtroom is not possible, may be set in the Jury Impaneling Room. These should be scheduled through the Director of District Court Administration.

Notifications

The Director of District Court Administration will notify Justice Center Stakeholders and ensure that appropriate notice is posted on public websites when the Gating Stage changes, and will summarize the effect of that change on Justice Center operations.

Statement of Compliance

Prior to adoption, I have consulted with all judges of courts with courtrooms in the court building regarding this Revised Operating Plan.

Date: 8/02/2021



Hon. Betsy F. Lambeth
Local Administrative District Judge

Attachment A

Jury Trial Plan

Jury Trial Schedule

Judges have adopted the below Jury Trial Rotation Schedule. It is designed to allow for social distancing. Judges may trade trial weeks as needed for the orderly management of their dockets. This schedule will be revisited in December 2021 to determine whether it remains necessary but is provided through May 2022 for scheduling purposes.

August 2021	September 2021	October 2021	November 2021	December 2021
8/2/21: 277 th 425 th CCL3	9/6/21: Holiday Week (Labor Day)	10/4/21: 368 th CCL1 CCL4	11/1/21 26 th 395 th CCL1	12/6/21: 26 th 395 th CCL2
8/9/21: 368 th CCL1 CCL4	9/13/21: 368 th CCL1 CCL2	10/11/21: No Trials	11/8/21: No Trials (Veterans Day)	12/13/21: 277 th 425 th CCL3
8/16/21 No Trials	9/20/21 26 th 395 th CCL4	10/18/21: 277 th 425 th CCL3	11/15/21: 277 th 425 th CCL3	12/20/21: No Trials (Christmas)
8/23/21: 26 th 395 th CCL2	9/27/21: 277 th 425 th CCL3	10/25/21 368 th CCL4 CCL2	11/22/21: No Trials (Thanksgiving)	12/27/21: No Trials (New Year)
8/30/21: 277 th 425 th CCL3			11/29/21 368 th CCL1 CCL4	

January 2022	February 2022	March 2022	April 2022	May 2022
1/3/22 No Trials (New Year)	2/7/22 368 th CCL1 CCL4	3/7/22 368 th CCL1 CCL4	4/4/22 368 th CCL1 CCL4	5/2/22 368 th CCL1 CCL4
1/10/22 368 th CCL1 CCL4	2/14/22 26 th 395 th CCL2	3/14/22 No Trials (Spring Break Week)	4/11/22 No Trials (Easter Week/ Good Friday Holiday)	5/9/22 26 th 395 th CCL2
1/17/22 No Trials (MLK Holiday)	2/21/22 Holiday Week (Presidents' Day)	3/21/22 26 th 395 th CCL2	4/18/22 26 th 395 th CCL2	5/16/22 No Trials (Tyler User Group)
1/24/22 26 th 395 th CCL2	2/28/22 277 th 425 th CCL3	3/28/22 277 th 425 th CCL3	4/25/22 277 th 425 th CCL3	5/23/22 277 th 425 th CCL3
1/31/22 277 th 425 th CCL3				5/30/22 No Trials (Memorial Day Holiday)

Jury Proceeding Scheduling Process/Summoning Jurors

- a) 5 weeks prior to the jury proceeding, the Court must notify the Director of District Court Administration and the District Clerk of their need for a Jury. This will allow for assignment of a voir dire date and location and jury deliberation room.
- b) Information will be included in the Jury Summons system that informs jurors of the steps taken to protect juror health and safety and the summons will elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
- c) The court will excuse or reschedule prospective jurors who indicate COVID-19 exposure or infection or a particular vulnerability.

Specific Health Precautions Related to Jury Proceedings

- a) All health precautions included in the Operating Plan apply to Jury Proceedings.
- b) Parties, counsel, and trial participants required to self-monitor COVID symptoms and exposure, and to communicate any COVID exposure or symptoms to the Court. Individuals who are not able to participate in a jury proceeding due to display of COVID-symptoms, exposure, or positive test may participate via remote technology, if permissible.
- c) If, during a Jury Proceeding, a participant tests positive for COVID or reports a COVID-19 exposure, the Judge presiding over the trial should consult with the Local Health Authority and notify the Local Administrative District Judge and the Director of District Court Administration to coordinate in-depth facility cleaning.

Jury Selection

- a) Jury Selection for District Court felony cases will take place at the Georgetown Annex 2nd Floor Training Room on the Friday before the trial week.
- b) Jury Selection for District Court civil and family cases will take place at the Williamson County Justice Center in the Jury Impaneling Room on Monday morning.
- c) Jury Selection for County Court at Law cases will take place at the Williamson County Justice Center in the Jury Impaneling Room or in a courtroom on Monday.

Jury Space/Deliberation

To allow for social distancing, Jurors may use the IV-D Courtroom, the Auxiliary Courtroom, and/or the Jury Impaneling Room for breaks and deliberation.