Jury Proceeding Addendum to COVID-19 Operating Plan for the Webb County Judiciary

Effective on and after October 1, 2020

ESTHER DEGOLLADO
CLERK OF THE DIST. COURTS
& COUNTY COURTS AT LAW
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WEBB COUNTY, TEXAS
BY
DEPUTY

Recognizing the need to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of **Webb County, Texas** will implement, in addition to the procedures and protocols in the previously submitted COVID-19 Operating Plan, the following protective measures for jury proceedings:

General

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person jury proceedings according to the guidance issued by the Office of Court Administration.
2. The justice courts will not conduct an in-person jury proceeding until the Supreme Court permits such proceedings.
3. Judges of the district courts and county courts at law will conduct in-person jury proceedings in accordance with the previously approved Operating Plan and this addendum only after this jury proceeding addendum is submitted and accepted by the Regional Presiding Judge. Notwithstanding, civil trials may be held by zoom or other video conferencing method at each judges' discretion.
4. Not more than five days before an approved in-person jury proceeding is scheduled to occur, the local administrative district judge or designee will consult with the local public health authority to verify that local health conditions and plan precautions are appropriate for the jury proceeding to proceed.
5. Except for criminal cases where confinement in jail or prison is a potential punishment, judges may conduct remote jury proceedings if the court follows the requirements of the hearings on objections or motions section below and ensures that all potential and selected petit jurors have access to technology to participate remotely. Judges may conduct remote jury proceedings in a criminal case where confinement in jail or prison is a potential punishment only with appropriate waivers and consent obtained on the record from the defendant and the prosecutor.

Jury Proceeding Approval Process

Judges wishing to conduct a jury proceeding will follow Webb County's Covid Operating Plan and the procedure detailed below in order to obtain approval from the local administrative district judge and Regional Presiding Judge to proceed with jury trials:

Pre-Trial and Other Matters

1. A judge who obtains approval for an in-person jury proceeding will schedule no more than two cases for that jury trial setting, unless pre-approval for larger dockets is obtained from the Regional Presiding Judge.
2. Judges should attempt to alert parties who will not be proceeding prior to the day of trial to reduce attendance at the court facility.
3. To the extent possible, pretrial matters will be resolved outside the presence of the jury at least 7 days prior to trial to the start of the trial.
4. Parties who are scheduled for a jury proceeding are encouraged to make any objections or motions related to proceedings at least 7 days prior to the trial setting.
5. Each judge with an approved in-person jury proceeding will require the parties to communicate with the court if any participant in the jury proceeding, including attorneys, parties, attorney support staff, or witnesses, has tested positive for COVID-19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19.
6. The attorneys should inquire into and notify the court of any witness or party that is a member of the COVID vulnerable population as per the CDC guidelines.
7. If the approved in-person jury proceeding involves an incarcerated participant, the judge will require the sheriff to report any positive COVID-19 test of the incarcerated participant within the previous 30 days prior to any portion of the jury proceeding, any current symptoms of COVID-19, or any recent known exposure to COVID-19.
8. Counsel tables will be situated in such a way that proper social distancing is observed.
9. Counsel will be limited to certain areas of the courtroom so that social distancing rules are not violated. The permissible area will be clearly marked in the courtroom. Social distancing rules shall be followed during any bench conferences.
10. All participants, lawyers and courthouse employees shall wear face coverings at all times during trial.

Summoning Jurors

1. The clerk must include with in-person juror summonses information regarding precautions that have been taken to protect the health and safety of prospective jurors (www.webbcountytx.gov/DistrictClerk) and COVID questionnaires (see Attachment A) that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
2. Judges will consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons. Excuses or requests to reschedule

from in-person prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone vulnerable to COVID-19 will be liberally granted.

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4. Jurors will receive additional communications regarding health and safety plans and expectations via the Juror text and email messages. The COVID-19 Operating Plan for the Webb County Judiciary and Jury Proceeding Addendum are available at http://www.webbcountytx.gov/DistrictClerk/.

Jury Selection

1. Options for Jury Selection:
   Option 1: Webb County Central Jury Room
   Option 2: UISD Student Activity Center (SAC)
   Option 3: Laredo College Martinez Auditorium
2. Jurors will be met outside the entrances to the building by a bailiff. The Bailiff will take the temperature of every juror entering the courthouse.
3. Courthouse security will be given information about the particular court proceeding with jury selection so that they can help direct jurors.
4. Social distancing and facial masks shall be complied with at all times. To exercise peremptory strikes and conduct other pretrial matters, the judge and the attorneys will exit the courtroom and the venire will remain inside the courtroom.
5. Restroom and Other Breaks: There is limited bathroom occupancy. Jurors must remain in the courtroom unless they are using the restrooms in limited numbers or allowed to temporarily leave the courtroom by the appropriate bailiff.
6. Bailiffs will enforce social distancing during all breaks.

The Trial

1. Once jurors are qualified and selected in the auditoriums given as options above, the trials will be conducted in the individual courtrooms and jurors shall be seated in the gallery with 6 feet between them. Each courtroom should submit their own diagram to the LAJ for approval at least 5 days prior to trial.
2. Opening statements, presentation of evidence, closing arguments, and deliberations will be held in the regular courtroom or alternate location at each judges' discretion.
3. If microphones are used, disposable microphone covers must be used and disposed of after each use. All microphones must be thoroughly cleaned before each use.
4. Court participants who may need to lower their face mask to speak or for a short period of time will be required to wear a face shield. When speaking, judges will

permit a court participant to lower his or her mask so long as a face shield is worn, and the person speaking is immobile.

5. Witnesses will be seated in the jury box or other location designated by each Judge, taking into consideration six feet of distance. Witnesses may remove face masks only during testimony and use a face shield provided by the Court. Witness seating will be cleaned and sanitized prior and after to any use.
6. Gloves will be used to handle all exhibits and papers shared during the trial. Counsel will use the camera projection system to present admitted exhibits. When necessary, gloves will be provided to jurors for viewing and handling exhibits.
7. Judges 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.
8. When physical or paper exhibits/evidence is required, judges will reduce the exchange of that exhibit/evidence to the number of persons necessary and will limit passing the exhibit/evidence to the individual members of the jury.
9. Testimony by video conferencing is encouraged.
10. The jury shall conduct its deliberations in the courtroom.
11. All entrances to the courtroom will be secured during deliberation.
12. Additional bailiffs will be available to assist the court both inside and outside of the courtroom as required by the judge to assist with cleaning and other safety measures.
13. Time limits are designed to limit the amount of time jurors are kept in the same room for jury selection. The court will be mindful of the time being used for all procedures.
14. All participants must abide by social distancing requirements and wear face coverings.
15. Bailiffs will assist with witnesses and will monitor anyone entering or leaving the courtroom.
16. Individual Meals, snacks, hand sanitizers, water, and coffee shall be provided to jurors in the courtroom.
17. Given the size of courtrooms and the need to comply with health and safety requirements, only trial participants can be seated in the courtroom. However, public access to all proceedings will be provided via live stream on the YouTube court channel. Along with the live feed, a limited number of seats may be available in the courtroom and an additional courtroom may be available for spectators. Face covering and social distancing requirements will be enforced at all times.
18. The courtroom will be disinfected and cleaned at the end of each day and when possible during breaks.

Scheduling

To the extent possible, judges shall prioritize any live trials in the following manner:

1. Criminal Cases in which the defendant (including juveniles) is detained (factors to consider include length of detention, possibility of release, circumstances of the case and whether experts are being called) and matters in which the court may lose jurisdiction;
2. Family law cases involving violence or children;
3. Criminal Cases in which the defendant is not in detention (priority to higher class offenses and age of case);
4. Civil cases including probate and family law matters not involving violence or children.

Arrangement of Courts

The following attached drawings from each of the auditoriums and courtrooms detail how each of the courtrooms or facilities will be arranged during the jury proceeding.[4]

I have attempted to confer with all judges with courtrooms in the Webb County Justice Center regarding the Jury Proceeding Addendum to the Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 9/30/2020

Monica Z. Notzon, 111th District Court Judge
Local Administrative District Judge

[4] Include where the judge, parties/counsel, jurors, witnesses, court reporter, and bailiff will be arranged in each courtroom or facility during each phase of the trial.

ATTACHMENT "A"

JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE

Dear Prospective Juror:

As part of the court's ongoing measures to protect against the spread of the COVID-19 disease, we ask that you complete the following before reporting for Jury Service on _____, 2020. Bring this completed questionnaire with you or email it to _____@_____ BEFORE (insert date of jury service, 2020):

1. **SYMPTOMS NOW OR BETWEEN (insert date that is 14 days before date of jury service), 2020 AND (insert date of jury selection proceeding), 2020:** check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD

_____ Fever (above 100.0) _____ Change in taste or smell _____ Cough _____ Nausea or Vomiting

_____ Headache _____ Shortness of Breath/Difficulty Breathing _____ Diarrhea _____ Chills

_____ Muscle pain or body aches _____ Sore throat _____ Fatigue _____ Congestion or Runny Nose

_____ I certify that NONE of the symptoms above have been experienced by me or a member of my household between (insert date that is 14 days before date of jury service) and (insert date of jury selection, 2020).

IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE DISTRICT CLERK'S OFFICE at (___) ___-____ BEFORE REPORTING ON _____, 2020.

2. **CONTACT HISTORY** - check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD:

_____I or a member of my household has been diagnosed with COVID-19 within the past 4 months;

_____I or a member of my household has been in close contact with someone exposed to or infected with COVID-19 in the last 14 days;

_____ I or a member of my household are currently on a watch list or self-quarantining because of possible COVID-19 exposure;

_____ NONE of the above apply.

IF ANY OF THE ABOVE APPLY, CALL THE DISTRICT CLERK'S OFFICE at (___) ___-____ BEFORE REPORTING ON _____, 2020.

3. **COVID-19 RELATED EXCUSE OR POSTPONEMENT** - Individuals who are 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, are considered to be vulnerable populations and may request to postpone or be excused from jury service at this time. If you wish to be excused or request that your jury service be postponed, check the box below.

□ ***I certify that I meet the above-described conditions and I am requesting to be excused from jury service or desire to have my service date postponed because of those conditions.***

IF YOU ARE REQUESTING TO BE EXCUSED OR YOUR SERVICE DATE BE POSTPONED DUE TO A COVID-19 RELATED REASON, CALL THE DISTRICT CLERK'S OFFICE at (___) ___-____ BEFORE REPORTING ON _____, 2020.

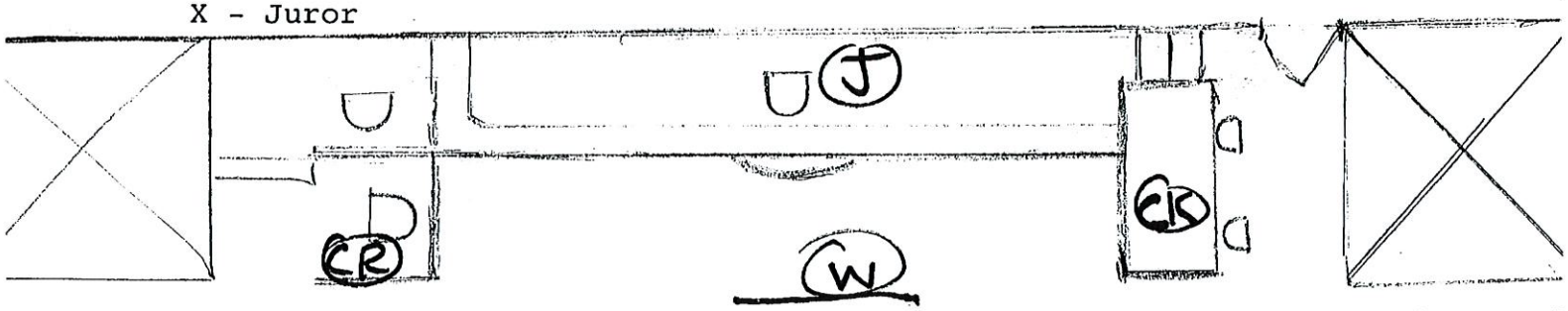
4. **FACE COVERINGS:**

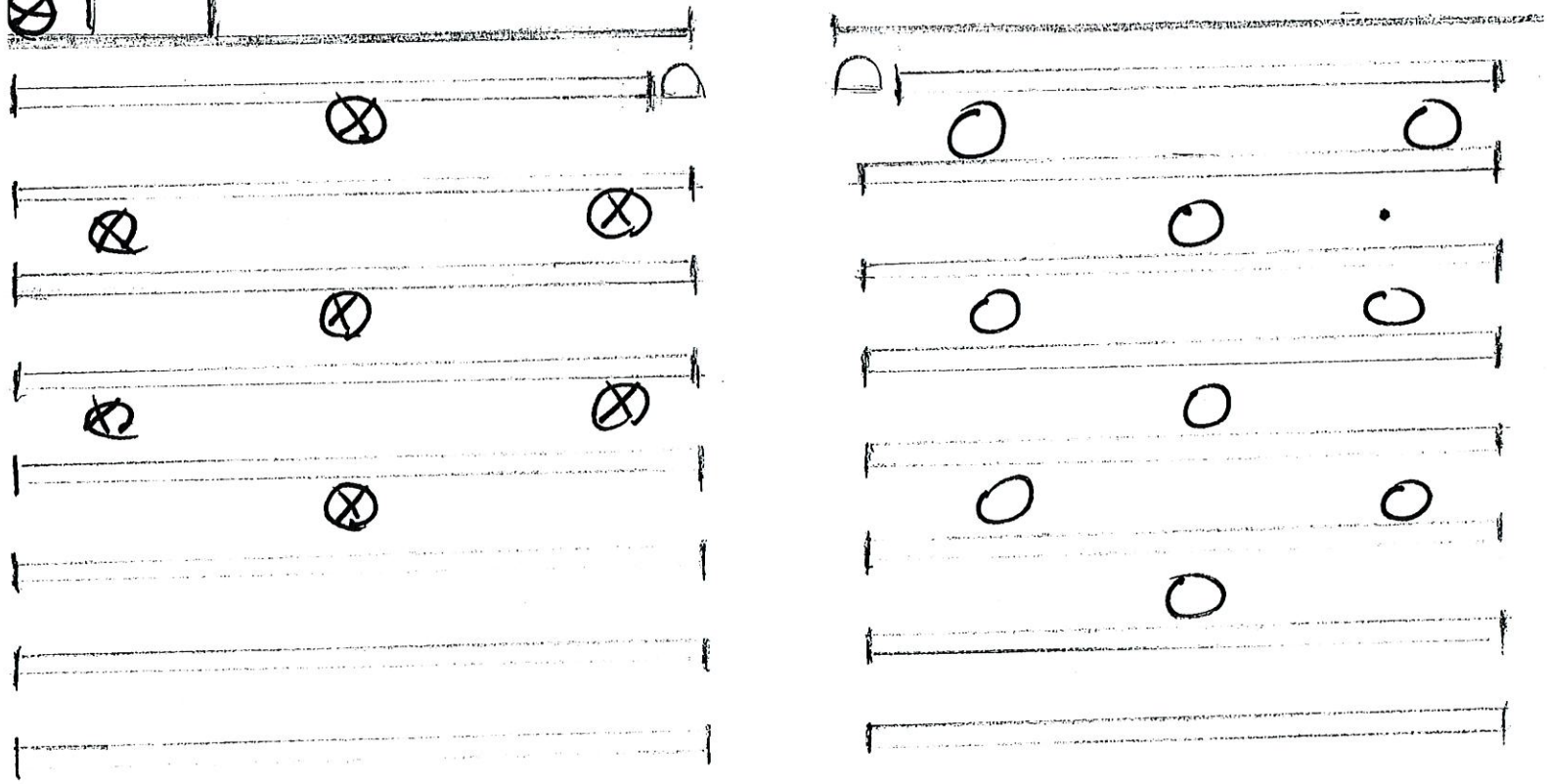
Prospective jurors are required to wear a face covering while they are in the courthouse. Individuals are encouraged to bring a cloth face covering with them. If an individual does not have a cloth face covering, a disposable face mask will be provided.

I certify the above is true and correct: _____ _____

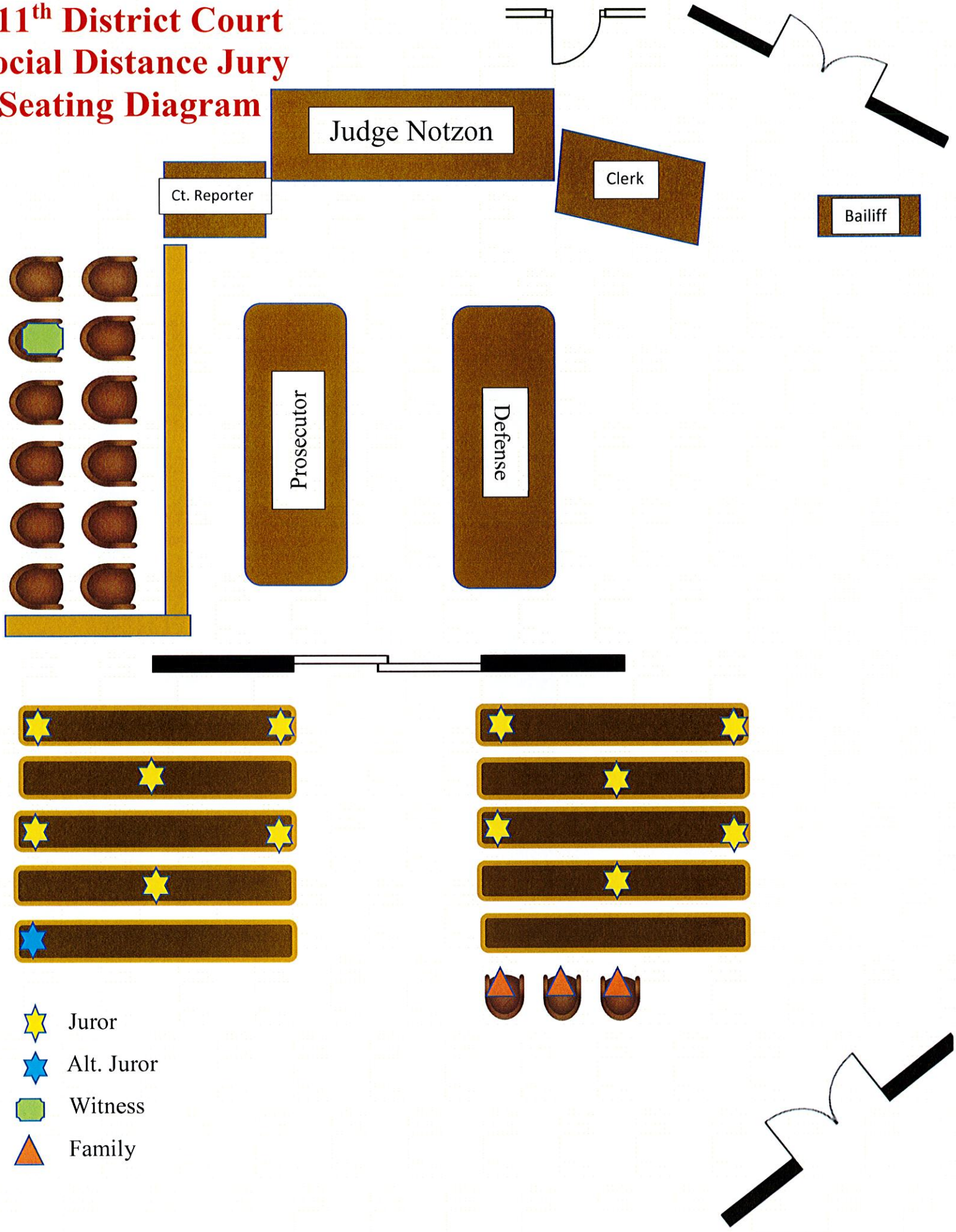
Signature Printed Name

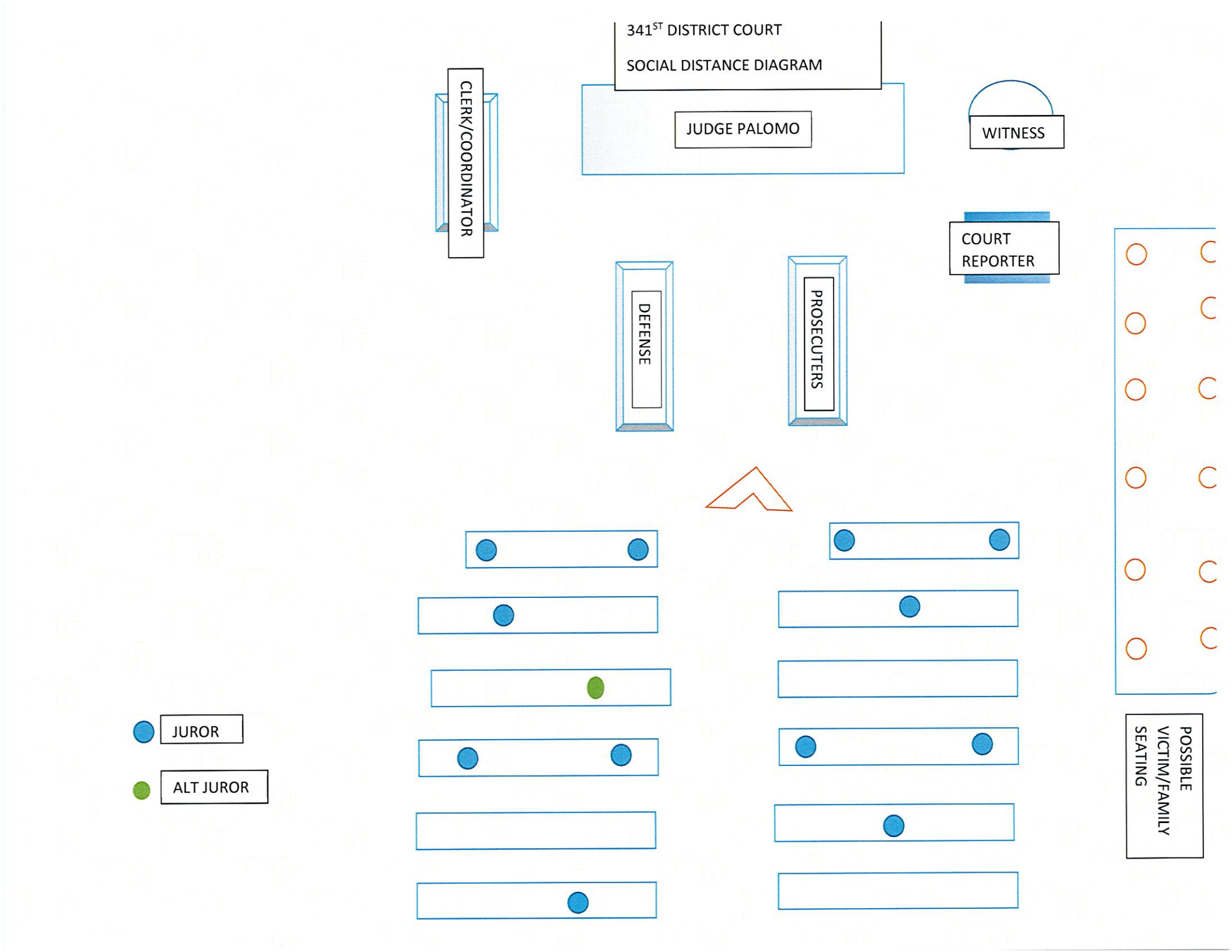
J - Judge
CR- Court Reporter
W- Witness
Ck-Clerk
P-Prosecution
D-Defense
B-Bailiff
CD - Coordinator
X - Juror

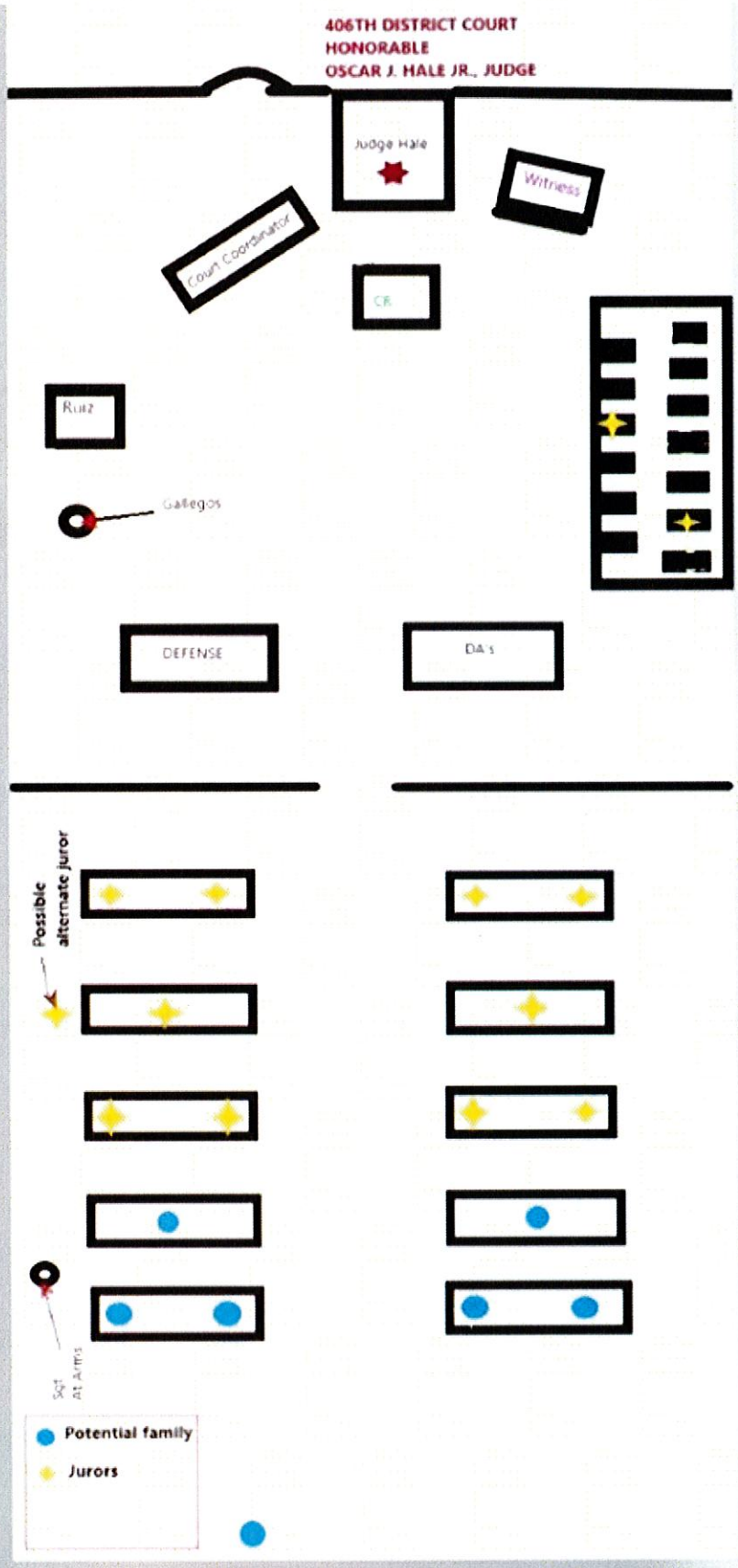


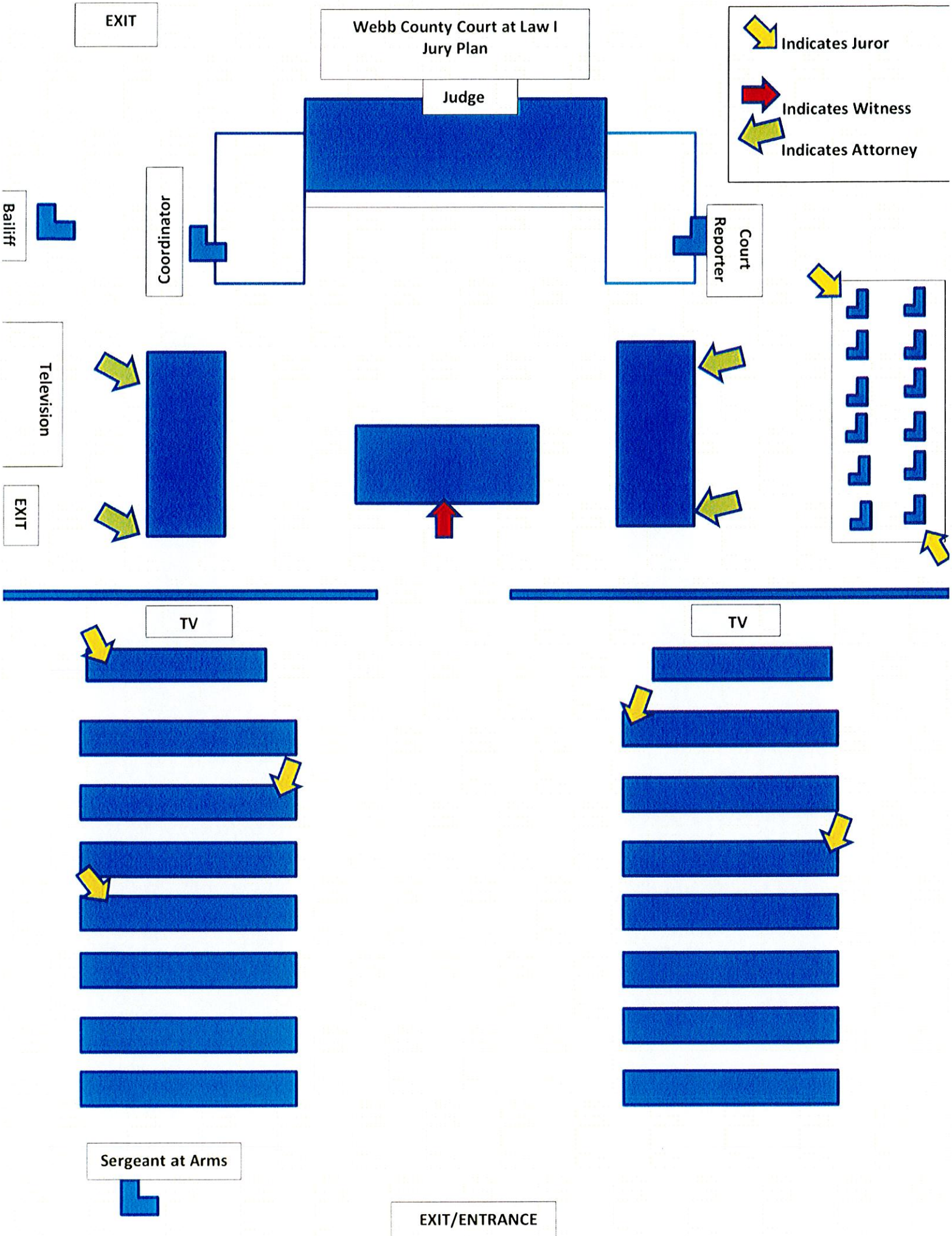


111th District Court
Social Distance Jury
Seating Diagram

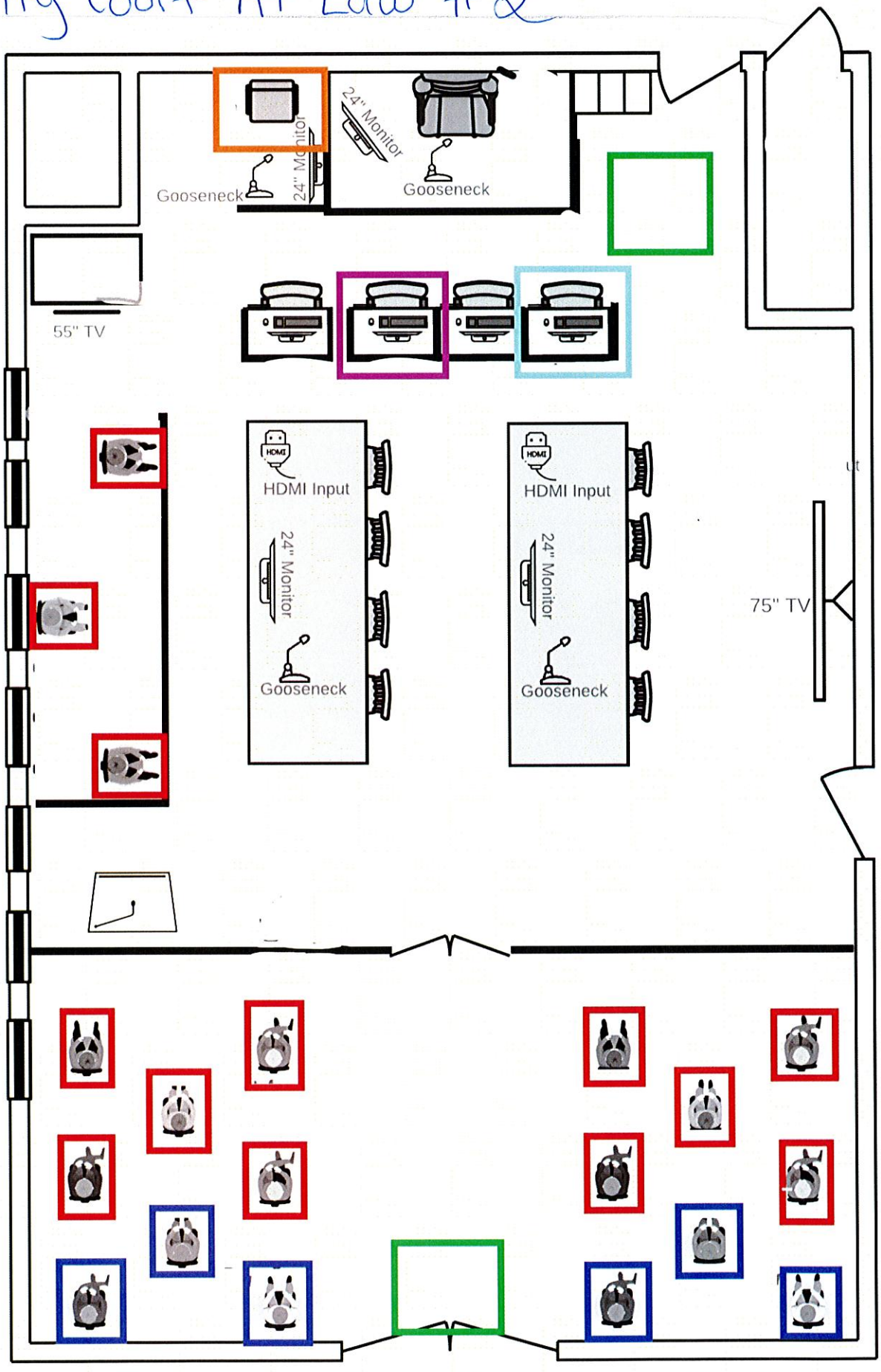



341ST DISTRICT COURT
SOCIAL DISTANCE DIAGRAM
JUDGE PALOMO
WITNESS
CLERK/COORDINATOR
COURT REPORTER
DEFENSE
PROSECUTERS
POSSIBLE VICTIM/FAMILY SEATING
JUROR
ALT JUROR


406TH DISTRICT COURT
HONORABLE
OSCAR J. HALE JR., JUDGE
Judge Hale
Witness
Court Coordinator
CR
Ruiz
Gallegos
DEFENSE
DA's
Possible alternate juror
Sgt At Arms
Potential family
Jurors

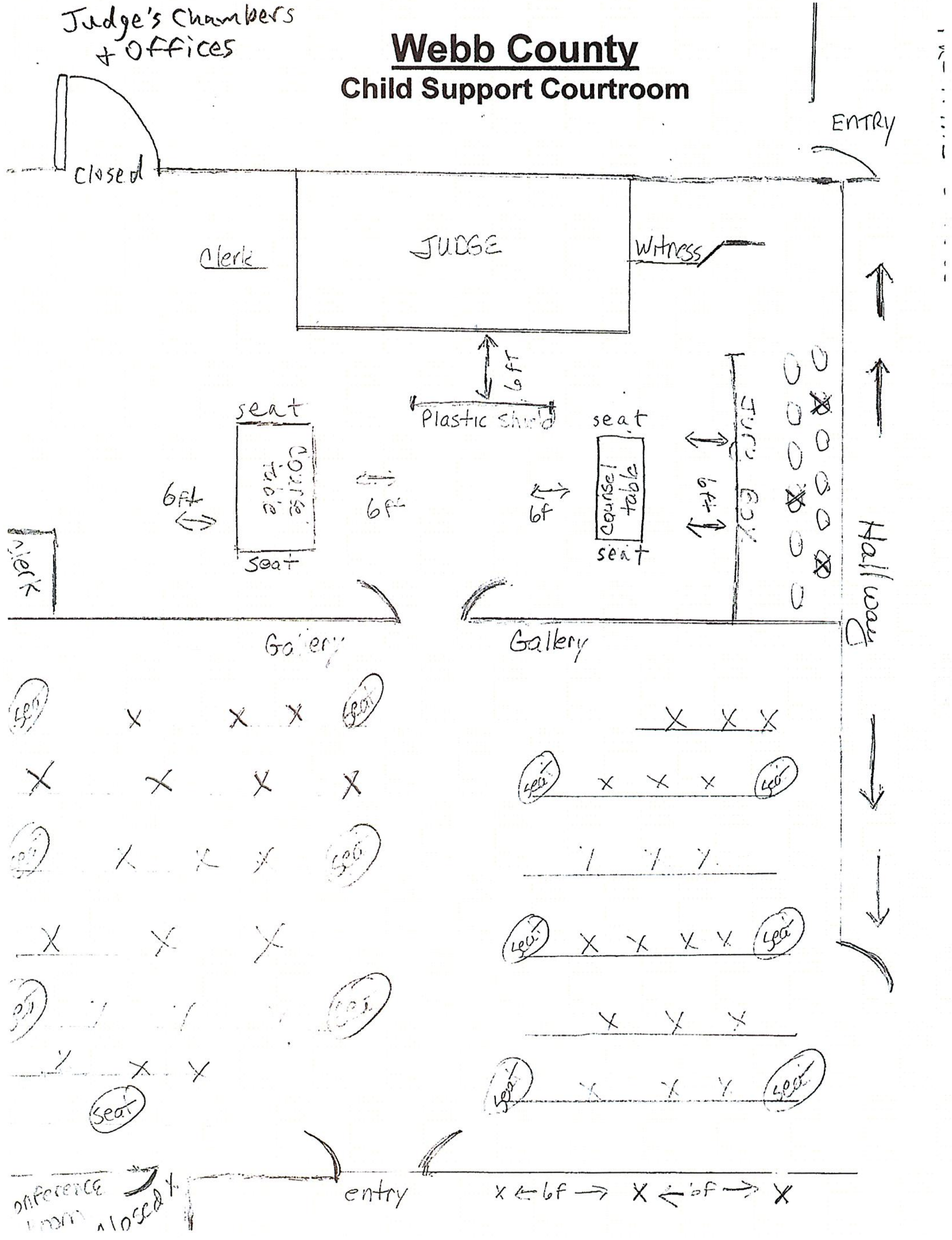

EXIT
Webb County Court at Law I
Jury Plan
Judge
Indicates Juror
Indicates Witness
Indicates Attorney
Bailiff
Coordinator
Court Reporter
Television
EXIT
TV
TV
Sergeant at Arms
EXIT/ENTRANCE

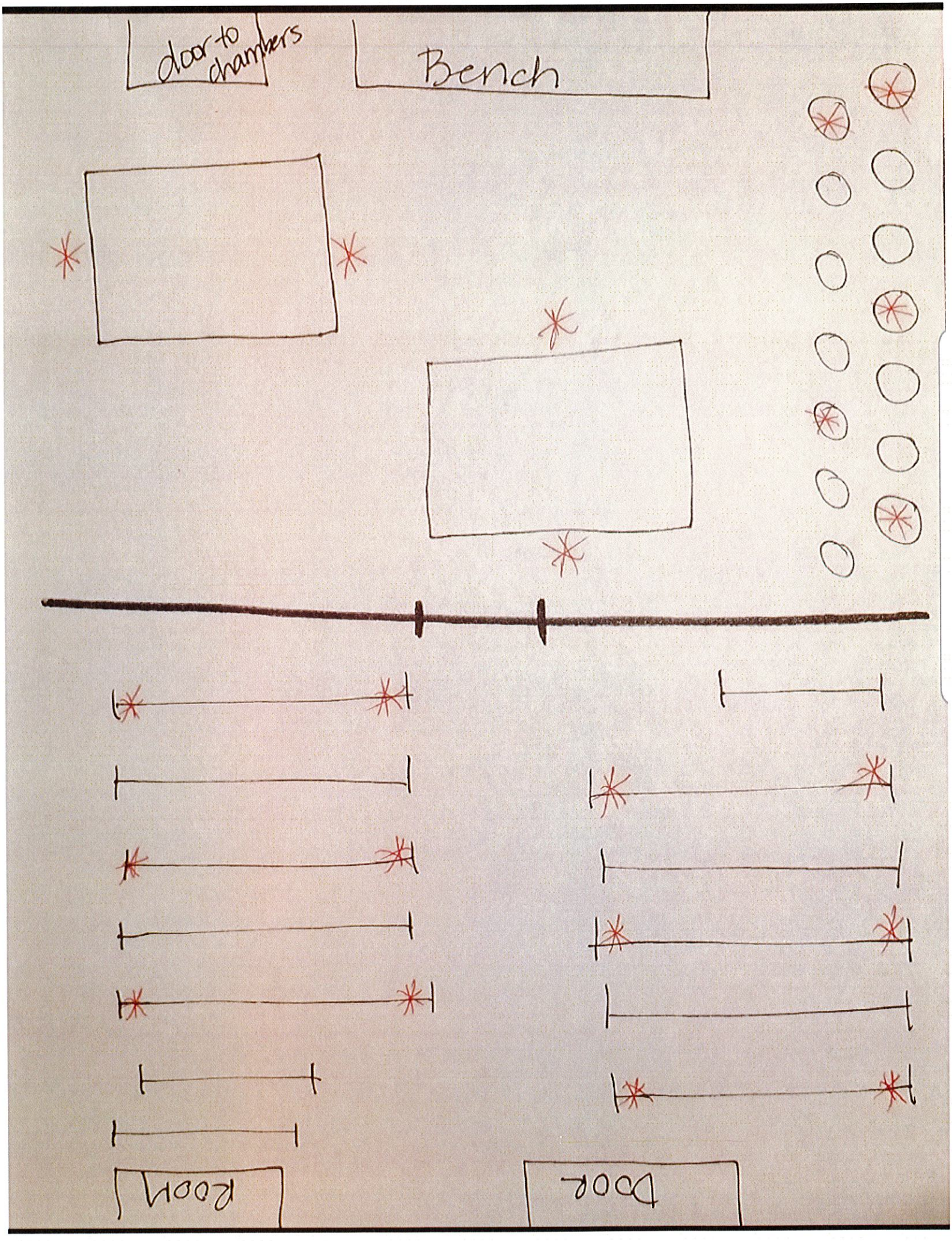
County Court At Law #2

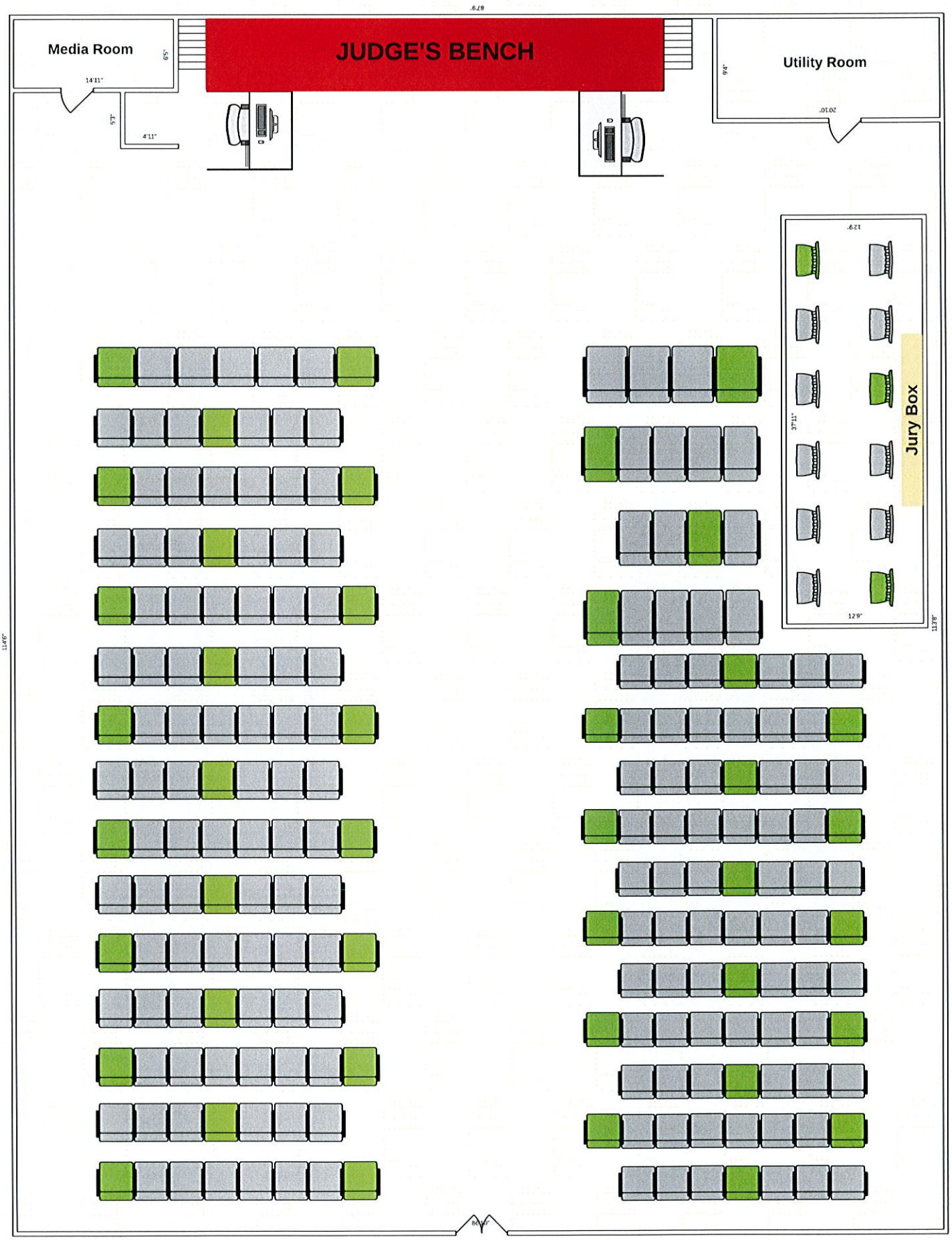


Juror / Public / Court Reporter / Clerk
Witness / Sherriff Deputies

Webb County
Child Support Courtroom

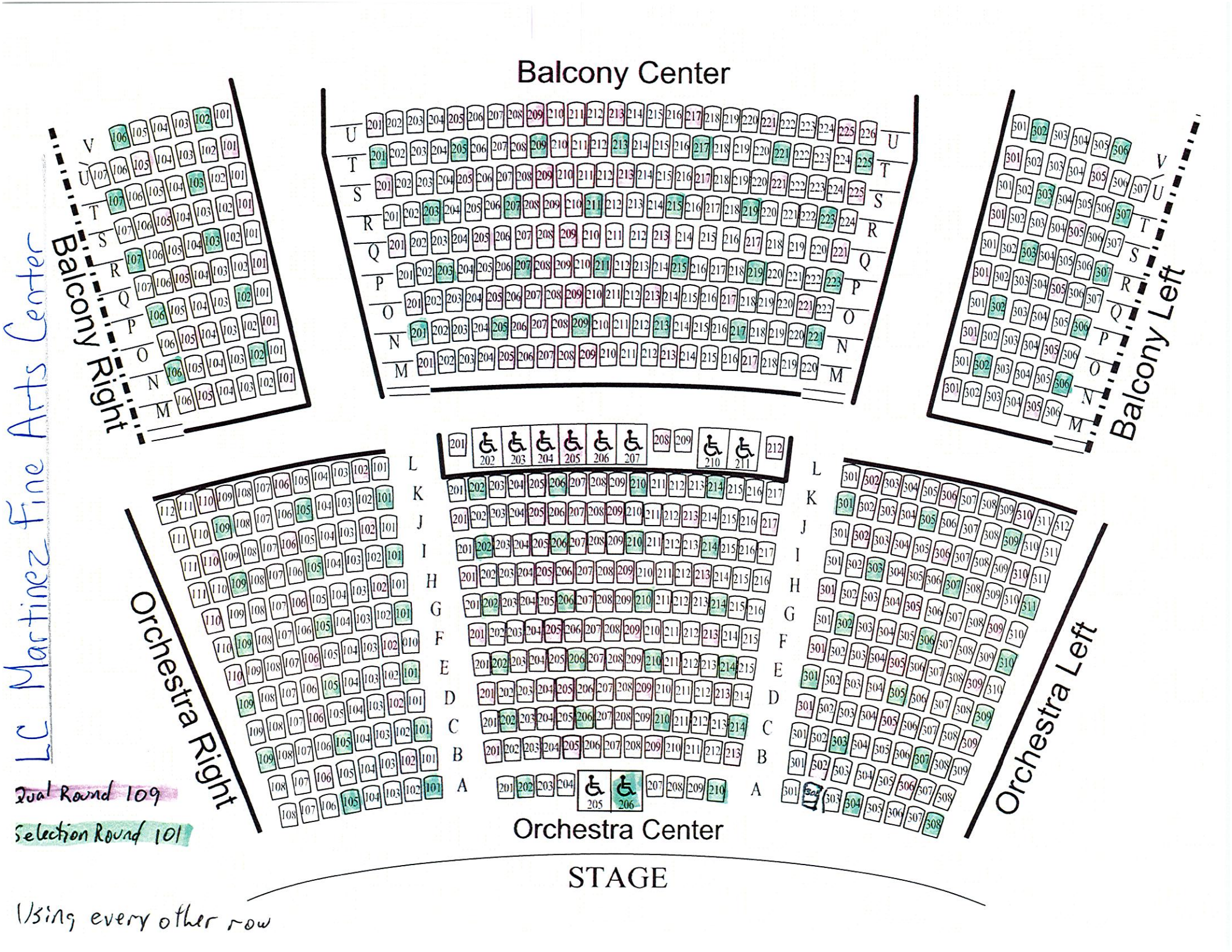



door to chambers
Bench
floor
door



Webb County - District Clerk's
Central Jury Room

UNITED I.S.D. SAC AUDITORIUM - 5208 Santa Claudia Ln. Laredo, Tx. 78


LC Martinez Fine Arts Center
Balcony Center
Balcony Right
Balcony Left
Orchestra Right
Orchestra Center
Orchestra Left
STAGE
Dual Round 109
Selection Round 101
Using every other row