



TASK FORCE ON JUDICIAL EMERGENCY PREPAREDNESS

AGENDA

APRIL 20, 2016

1:00 PM

**Tom C. Clark, Bldg.
1st Floor Conference Room
205 West 14th Street
Austin, TX**

- I. Welcome and introductions – *Justice Bob Pemberton*
- II. Review of the TFJEP’s Charge – *Justice Jeff Boyd and Justice Bob Pemberton*
- III. Discussion of the 2008 Interim Plan, its development, and its implementation – *Hon. Denise Davis and Judge Olen Underwood*
- IV. Presentation on judicial emergency preparedness efforts nationally – *Scott Griffith*
- V. Discussion of next steps – *Justice Bob Pemberton*
- VI. Adjourn

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 16-9038

ORDER CREATING TASK FORCE FOR JUDICIAL EMERGENCY PREPAREDNESS

Following hurricanes that had highlighted the need, this Court through Misc. Docket No. 07-9194, dated November 19, 2007, created the Task Force to Ensure Judicial Readiness in Times of Emergency. The Court charged the Task Force with developing a coordinated plan to ensure that the Texas judiciary could continue to perform its essential functions even if disruptive disasters or emergencies occurred. In July of 2008, the Task Force produced the Interim Plan to Ensure Judicial Readiness in Times of Emergency (Interim Plan), which has since been implemented in many counties throughout this State.

The Court thanks the previous members of the Task Force for their dedication, service, and contributions to the Interim Plan and its implementation.

With the intervening passage of time and the continued evolution of both technologies and threats, the Court finds that the time has come to revisit the issue of coordinated planning for judicial operations amid disruptive events, so as to continue to ensure that the Texas judiciary can perform essential court functions in all circumstances with as little interruption as possible. Disruptive events like hurricanes, tornados, wildfires, terrorist events, technical failures, and public health crises could threaten the operation of our justice system, and Texas courts must remain open to its citizens even in those times.

To these ends, the Supreme Court supersedes its November 19, 2007 Order in Misc. Docket No. 07-9194 and creates the Task Force for Judicial Emergency Preparedness.

I. Membership

Hon. Ross Bush of Midland
Ms. Denise Davis of Austin
Hon. Brian Holman of Lewisville
Mr. Mike Izquierdo of El Paso

Hon. Becky Kerbow of Lewisville
Hon. Missy Medary of Corpus Christi
Hon. Paul Pape of Bastrop
Hon. Bob Pemberton of Austin

Hon. Bob Pemberton of Austin will chair the Task Force. Denise Davis of Austin is designated Vice-Chair. Justice Jeffrey S. Boyd will serve as the Court's liaison.

The following individuals will serve as liaisons to the Task Force:

Chief W. Nim Kidd of Austin, Texas Division of Emergency Management
David Gruber of Austin, Texas Department of State Health Services
Brad Powell of Austin, State Bar of Texas
Maureen Clement, State Office of Risk Management

The Office of Court Administration shall provide staffing support for the Task Force.

II. Charge

The newly-formed Task Force shall:

- review the status of the Interim Plan's implementation across this State, any benefits or burdens of such implementation to the affected governmental entities, and any experience with the Interim Plan's actual activation or use to date;
- evaluate, in light of current threats, technologies, and needs, the adequacy of the Interim Plan as an ongoing means of ensuring that the Texas judiciary can continue performing its essential functions amid disruptive events;
- compare the Interim Plan to any coordinated plans devised to date for the federal judiciary or those of Texas's sister states to ensure continuity of their respective operations amid disruptive events;
- advise the Court whether modifications to the Interim Plan, or some other means altogether, are warranted to ensure that the Texas judiciary can perform its essential functions amid disruptive events with as little interruption as possible;
- issue a report to the Court by December 30, 2016 summarizing the results of the foregoing review and conveying the Task Force's recommendations for any changes, further study, or other action related to this Charge.

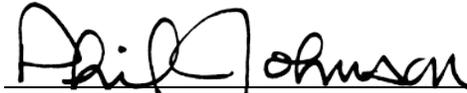
SIGNED this 22nd day of March, 2016.



Nathan L. Hecht, Chief Justice



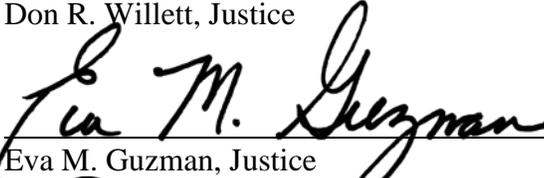
Paul W. Green, Justice



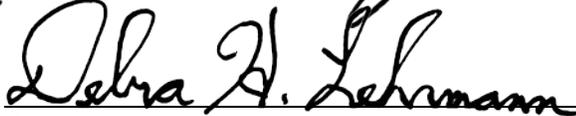
Phil Johnson, Justice



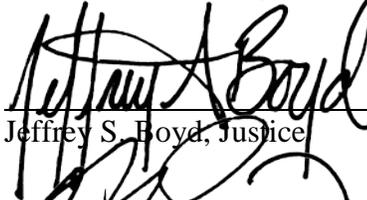
Don R. Willett, Justice



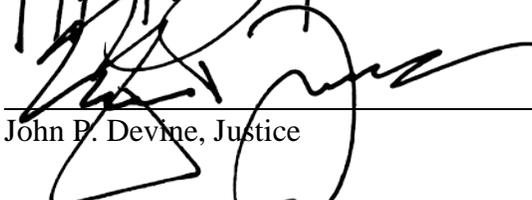
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 07-9194

ORDER CREATING TASK FORCE TO ENSURE JUDICIAL READINESS IN TIMES OF EMERGENCY

Hurricanes Katrina and Rita have heightened the need to establish a coordinated plan when disaster strikes. Just as hurricanes pose challenges for our coastal region, terrorist events, technical failures, or a health crisis could similarly threaten the operation of our justice system in other parts of the state.

The Judiciary must have the capability to perform essential functions without interruption under all circumstances. Vulnerable children rely on the courts for protection and care. The incarcerated must be supervised and our courts must have the means to adjudicate criminal cases even when a disaster compromises the social order. Landlords may need to take possession of properties for repair or demolition. Disputes may arise about insurance coverage or property damage. In short, Texas courts must remain open to its citizens in times of crisis.

A recent survey conducted by the Office of Court Administration reveals that most of our courts do not have a disaster response plan. Therefore, the Supreme Court hereby creates a Task Force to Ensure Judicial Readiness in Times of Emergency.

I. Membership

Mr. Clay Cossey of Houston
Ms. Denise Davis of Austin
Ms. Elene Harger of Sweetwater
J. A. "Andy" Harwell of Waco

Hon. Adele Hedges of Houston
Ms. Elaine Jefferson of Houston
Hon. F.B. "Bob" McGregor of Hillsboro
Hon. Kelly G. Moore of Brownfield

Hon. Lana Myers of Dallas
Hon. Kathleen H. Olivares of El Paso
Hon. Michael P. Peden
Hon. Mario Ramirez of Edinburg

Mr. David Slayton of Lubbock
Hon. Olen Underwood of Conroe
Hon. Sue Walker of Fort Worth
Hon. Jimmy White of Mt. Pleasant

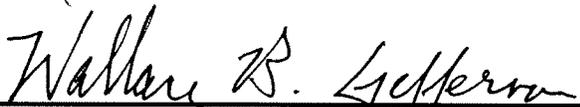
Ms. Davis will chair the Task Force. Justice Don Willett will serve as the Court's liaison.

II. Charge

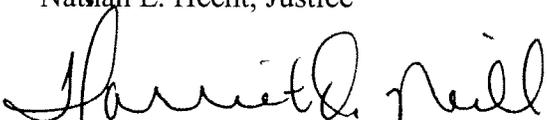
Appointing this Task Force is an important first step to designing and implementing a full service emergency management program that helps courts at every level prevent, prepare for, and respond to a broad array of disruptions. To this end, the Task Force shall:

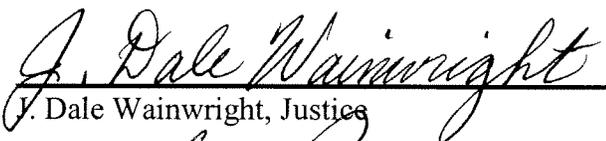
- identify existing gaps in court security, continuity of operations and other preparedness and response policies, procedures, and programs within the Texas judiciary;
- develop an interim plan to fill immediately identifiable gaps;
- design emergency management program elements, oversee the program, and facilitate outreach to internal and external stakeholders;
- develop templates of response plans for adoption by individual courts—including continuity of operations plans which should include an annex for a pandemic; evacuation and critical incident plans including but not limited to shelter-in-place, bomb threats, mail handling procedures, acts of violence plans; and IT disaster recovery plans; and
- identify resources and procedures needed to ensure that response plans adopted are consistent with regional and statewide procedures, to test plans and procedures, train staff and emergency response teams, conduct or participate in disaster simulated exercises, and update and modify existing plans and procedures.

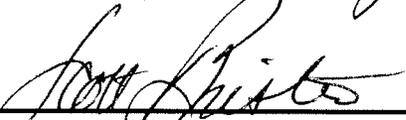
SO ORDERED, in Chambers, this 19th day of November, 2007.


Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice


Harriet O'Neill, Justice


J. Dale Wainwright, Justice


Scott Brister, Justice

David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice

INTERIM PLAN

To Ensure

JUDICIAL READINESS

In Times of Emergency

**A REPORT FROM THE COMMITTEE TO DEVELOP AN
INTERIM PLAN**

**TASK FORCE TO ENSURE JUDICIAL READINESS IN TIMES
OF EMERGENCY**

1.0 Executive Summary

On November 19, 2007 the Supreme Court of Texas in Misc. Docket No. 07-91 94 issued its “Order Creating Task Force to Ensure Judicial Readiness In Times of Emergency.” The Task Force has the responsibility of recommending to the Supreme Court of Texas a Judicial Continuity of Operations Plan (JCOOP) for all courts in Texas.

1.1 Introduction

Disruptive events early in this millennium have alerted Texans to the need for the executive, legislative and judicial branches of government to establish coordinated, state-wide Continuity of Operations Plans (COOPs) to ensure that, even during times of disaster, state government can provide uninterrupted essential services to its citizens. Texas judges must be able to continue to provide essential juridical services during emergency situations, whether the crisis arises from natural disasters, terrorism, technical breakdowns, civil unrest, pandemic or other catastrophes. As highly visible symbols of government under the rule of law, judges have a duty to provide a stabilizing influence during periods of disorder and to help return society to a semblance of normality. This duty includes resuming normal governmental operations as quickly as possible.

This document is an interim plan; if a county wishes to make provisions for additional sites to conduct court within the county and does not need assistance from its neighbors, it is encouraged to do so. This interim plan is designed to assist local judicial officials to continue essential operations during emergencies until the Legislature passes future legislation addressing these issues and/or individual counties create their own COOPs.

1.2 Purpose

The goal of the JCOOP is to ensure that essential juridical services are available to those who seek access to the court when a courthouse is unavailable or inoperable. Adjunct court services provided by executive branch personnel, including court clerks, court reporters, security personnel, etc. should be the subject of their respective COOPs.

1.3 Definitions

CJ - The Chief Justice of the Supreme Court of Texas.

CJA - The Chief Justice of any intermediate Appellate Court.

COOP - The Continuity of Operations Plan is a plan for the executive, legislative and judicial branches of Texas state government to provide coordinated, state-wide essential services to its citizens in the event of an emergency.

Disruption of court operations – The ceasing of normal court business because of a large scale emergency.

Emergency – A disaster or unforeseen event that precludes a court from conducting business.

Essential court personnel – The minimum amount of staff needed for justice administration in the event of disaster or emergency.

JCOOP – The Judicial Continuity of Operations Plan is the plan for the state judicial branch of Texas government to provide essential court services to its citizens in the event of an emergency.

LAJ – The Local Administrative Judge as defined in section 74.091 of the Texas Government Code.

M.O.U. – Memorandum of Understanding between the Supreme Court of Texas and any county supporting the continuity of court operations of another county in the event of an emergency. (Appendix B - Form MOU attached)

Necessary court proceedings – Judicial proceedings, which may require court action or issuance of an order, and must take place within a specific time period to ensure due process of law for all citizens.

PJ – The Presiding Judge of an Administrative Region as described in Chapter 74 of the Texas Government Code.

Supreme Court – Shall mean the Supreme Court of Texas.

1.4 Applicability and Scope

This JCOOP, while voluntary in nature, applies to all members of the state judiciary – from trial to appellate courts. When a county LAJ or CJA determines that a disruptive event has occurred that will interfere with essential judicial services, the JCOOP shall be implemented immediately. At the CJA or the LAJ’s discretion, the MOU shall be activated to ensure that essential court operations in a designated county can continue with minimal delay and interruption. During the period of disruption, the CJ of the Supreme Court of Texas and/or the PJ of the affected Administrative Region has the discretion to implement such MOUs as necessary to provide essential services to the citizens of the State of Texas.

1.5 How to Use this Plan

This JCOOP is organized so as to provide notice to judges and officers of the court who wish to provide essential judicial services during periods of disruption. The Supreme Court and specific counties will implement the appropriate MOUs.

2.0 JCOOP Implementation

To implement this JCOOP, judicial officers within an affected county who wish to provide essential judicial services during a period of disruption shall give such notice in writing. Once the CJ of the Texas Supreme Court or the PJ of the affected region receives such notice, the CJ or the PJ shall make a written designation that the assistance of a specific county is required to ensure the continued operation of the essential business of judges of a designated county.

Such written notice shall be by internet website and activated emergency e-mail addresses for the judges of the designated courts. Designation shall be made in accordance with the MOUs with the several specific counties. Once the MOU is implemented, the judges of the designated county shall conduct their essential operations in the specific county in accordance with the terms of the MOU. (See Appendix A for Communication Plan recommendations)

3.0 Planning Assumptions

Regardless of the cause of the disruption, this JCOOP is designed to ensure that essential juridical services will be available to the citizens of the State of Texas as soon as possible.

3.1 JCOOP Plan Phases

Phase I: This JCOOP shall be executed by activation of one or more MOUs in accordance with the discretionary decision of the elected local judges, the Chief Justice of the Supreme Court of Texas, the Chief Justice of any intermediate Appellate Court, and/or the Presiding Judge of an Administrative Region.

Phase II: Once activated, subsequent alternate sites for essential operations may be required and activated at the discretion of the elected local judges, the CJ, CJA, and/or the PJ of an affected region.

Phase III: Recovery and reconstitution of juridical services by the judge/judges of the designated county/counties shall proceed rapidly in accordance with recovery plans of the appropriate adjunct services which assist the judges in performance of juridical services.

4.0 JCOOP Elements

4.1 Alert and Notification

Court officers shall receive notice by appropriate postings on the designated county's website. Notice should be sent to three e-mail addresses maintained for the subject judge/judges (e.g. hotmail, gmail, SBC, EarthLink, etc.) To avoid notification default because a service provider fails, judges should maintain three e-mail addresses. During periods of disruption, the subject judge may personally survey e-mail communications from parties seeking essential juridical services, or designate an adjunct service provider to maintain communication surveillance and report the needs of affected court officers to the judge.

4.2 Essential Juridical Functions

Upon receiving a request of a court officer for access to juridical services, the subject judge shall address the necessary essential juridical functions. The subject judge shall provide the requested resources in the priority established at the judge's discretion or in the order in which the judge is notified of the request for juridical services.

4.3 Order of Succession

Each judge shall respond to the instructions of the Supreme Court of Texas or the Presiding Judge of an Administrative Region. Such instructions may modify the order of succession as needed to provide essential juridical services. The Supreme Court or the PJ of the affected region shall give appropriate notice to the subject officer of the court seeking essential juridical functions.

4.4 Delegations of Authority

Unless delegated to another entity or judge, all administrative authority shall remain with the Supreme Court or the PJ of the affected region.

4.5 Alternate Sites

As deemed necessary by the implementing authority and/or the local elected judge, alternate court sites shall be identified in accordance with the terms of MOUs.

4.6 Communications

Communications with a judge shall be maintained through the e-mail addresses published on the subject county website.

4.7 Devolution

Whenever requested, each judge's essential juridical services shall devolve as directed to the Supreme Court of Texas or the Presiding Judge of an Administrative Region.

4.8 Recovery/Reconstitution

Transition from designation status to pre-disruptive event status shall be in accordance with the MOU. The implementing entity shall direct resumption of normal services as it deems appropriate.

5.0 Specific Procedure

5.1 Delineations

Within the framework of the plan, the necessity arises for specific instructions to be carried out in the event of an emergency. To simplify the process, emergency events have been categorized into with warning and without warning.

5.2 Immediate Actions

This plan is designed to provide guidance in times of emergency; however, certain preparations must be made before an emergency exists. To fully maximize the potential of this interim plan parties should:

- 5.2.1 Review COOP for county and instruct staff to follow.

- 5.2.2 If no County COOP exists, provide leadership in creating COOP for County; or
- 5.2.3 Create JCOOP for court.
- 5.2.4 Discuss with staff regarding an offsite meeting place and obtain at least two contact numbers for each member of staff.
- 5.2.5 Get contact numbers for I.T. people to obtain access to court docket information.
- 5.2.6 Review MOU and determine best specific county if possible.
- 5.2.7 Become familiar with and bookmark the informational websites for Presiding Judge of the Administrative Region and the Supreme Court of Texas. (e.g. Obtain contact information for the PJ, including Blackberry numbers, etc.).
- 5.2.8 Provide PJ and Supreme Court with your contact numbers and websites.
- 5.2.9 Make sure that all judges in county have contact information for all other judges and essential staff. (e.g. telephone and e-mail).
- 5.2.10 Have contact numbers and alternate e-mails for all personnel both in designated county and several specific counties.
- 5.2.11 Review communication plan recommendations in Appendix A.

5.3 Procedure - Loss of Courthouse Without Warning

- 5.3.1 Notify the Supreme Court and/or the PJ of the loss of courthouse facilities.
 - 5.3.1.1 Notification may be via personal contact, telephone, cell phone, pager, e-mail, radio and TV broadcasts, court emergency information line (e.g. 1-800-number) or any combination thereof.
- 5.3.2 Contact staff by any means listed above. (N.B. It is essential to have these numbers on and off site.)
- 5.3.3 Locate docket for the day and the week.
 - 5.3.3.1. Review docket for essential hearings. (Essential hearings are defined at the local judge's discretion.)
- 5.3.4 Contact the LAJ, who, in turn, contacts the PJ with a Memorandum of Understanding (MOU) request.
 - 5.3.4.1 In the event the judge is unable to contact LAJ, the judge should contact the PJ directly.
 - 5.3.4.2 The judge should request activation of the MOU.

- 5.3.5 The judge should instruct staff to provide the parties notice of the time and place essential hearings will be held. In the event staff cannot be located, the judge may rely on the terms of the MOU to have the staff provided by the specific county to give notice to the parties, as well as canceling the remaining docket.
- 5.3.6 If possible, locate the clerk and request the essential files. If clerk cannot be reached, or file cannot be located, acknowledge the court can work from attorney's files and accept any new filings on behalf of the clerk in a previously opened file. Any new files must be opened by the clerk of specific county.
- 5.3.7 Determine if a Visiting Judge is needed for hearing. Judges may:
- (1) Hear their own cases.
 - (2) Request a Visiting Judge to hear cases. (N.B. An elected statutory county court judge cannot be assigned to hear an out of county case.)
 - (3) Request the Elected Judge from the specific county to hear cases. (i.e. exchange of bench)
 - (4) Determine if one Judge of designated county will hear all essential proceedings. (N.B. It is recommended one judge hear **all** essential cases.)
- 5.3.8 Review dockets as far out as expected recovery time. Provide necessary notice to insure due process and to disrupt cooperating county as little as possible.
- 5.4 **Procedure - Loss of Courthouse With Warning**
- 5.4.1 Notify the Supreme Court of Texas and/or the PJ of the anticipated loss of courthouse facilities.
- 5.4.3 Contact the LAJ about an MOU, determining which specific county the designated county is to use as an alternate site for court operations. If unable to contact LAJ, contact the PJ with request to activate the MOU. If unable to contact the PJ, contact the Supreme Court to request activation of the MOU.
- 5.4.4 The judge reviews the docket and cancels hearings except for essential hearings.
- 5.4.5 The judge contacts the specific county, confirms location of borrowed space as well as contact numbers for borrowed location.
- 5.4.6 Provide the parties with notice of new location and time by the most effective means available. (i.e. telephone, e-mail, hardcopy (mail) etc.)
- 5.4.7 Contact the clerk for files related to essential cases on docket. Notify where and when hearing is to be held. (N.B. The judge can accept filings in event of emergency.)

- 5.4.8 Determine if clerk will go to the specified county. Instruct coordinator and court reporter relative to hearing. (N.B. The form MOU **does** provide that the specified county will provide essential staff in addition to location and facilities.)
- 5.4.9 Determine if a Visiting Judge is needed for hearing. Judges may:
- (1) Hear their own cases.
 - (2) Request a Visiting Judge to hear cases. (N.B. An elected statutory county court judge cannot be assigned to hear an out of county case.)
 - (3) Request the Elected Judge from the specified county to hear essential proceedings (exchange of bench).
 - (4) Determine if one Judge of designated county will hear all essential cases.
Note: It is recommended one judge hear **all** essential cases.
- 5.4.10 Review dockets as far out as expected recovery time. Provide notice to ensure due process and to disrupt specified county operations as little as possible.

APPENDIX A

Communication Plan Recommendations

Recommendation: Our recommendation is the use of a mobile smartphone:

| <u>Type</u> | <u>PROs</u> | <u>CONs</u> |
|------------------------------|--|--|
| iOS (iPhones) | <ul style="list-style-type: none"> • Significant market share • Intuitive touch screen • Can be connected to a WiFi network • In addition to voice and text features, many additional applications to assist in recovery efforts | <ul style="list-style-type: none"> • Requires cell phone data network to operate voice calls and texts. |
| Android (HTC, Samsung, etc.) | <ul style="list-style-type: none"> • Significant market share • Intuitive touch screen • Can be connected to a WiFi network • In addition to voice and text features, many additional applications to assist in recovery efforts | <ul style="list-style-type: none"> • Requires cell phone data network to operate voice calls and texts. |
| Blackberry | <ul style="list-style-type: none"> • Full keyboard | <ul style="list-style-type: none"> • Requires cell phone data network to operate voice calls and texts. • Market share is in decline |

Reason for Mobile Smartphone: During the last few major incidents that have affected the Texas Gulf Coast, there have been valuable lessons learned regarding communication and the ability to effectively disseminate critical information to key management personnel. Traditional “land line” voice communication is often not available or is overutilized and not reliable during a disaster, therefore a need exists for a secondary and possibly a tertiary method of communication.

One of the more reliable methods is the use of mobile smartphones. These devices allow the user many different communication options with one device such as voice, e-mail, and text messaging. Using smartphones can maintain communications in several different ways:

1. You can send and receive e-mails using the corporate messaging system.
2. You can send standard text messages using the cellular service provider, possibly with an additional charge by the cellular service provider per text message sent and received.
3. You can place voice calls.

Encryption: Most smartphones have the ability to encrypt the device’s file system to prevent users from gaining access to locally stored data in the event of theft or loss. You have the ability to manage the device’s email access individually as well. You can load software updates to the devices, manage settings, and even completely wipe the file system clean in the event of theft or loss.

Need for IT Professional: To implement high security, you will need an IT professional with the ability to oversee and manage mobile devices.

When an IT Professional is not available: If you do not have the resources to manage an enterprise-wide solution, each individual can manage their own device. Most mobile devices come with software that can be used in conjunction with a PC to change the device's settings or even send emails.

Text message alternative: In the event that corporate e-mail systems are unavailable, you can still maintain communication between users using text messaging provided by your cellular service provider. Keep in mind that the cellular service provider sometimes charges per text message sent and received.

Availability: The ability to use voice calls, emails and text messages using your cellular provider could possibly be limited in the event of disaster. When a large percentage of users try to connect to their cellular service at the same time, the cellular service can be overwhelmed and a large number of subscribers will be unable to communicate using voice, data or text messaging.

Appendix B

**MEMORANDUM OF UNDERSTANDING
BETWEEN
_____ COUNTY AND THE SUPREME COURT OF TEXAS
FOR
SUPPORT OF CONTINUITY OF COURT OPERATIONS
IN THE EVENT OF AN EMERGENCY**

This memorandum of understanding (MOU) is between _____ County and the Supreme Court of Texas.

I. PURPOSE AND SCOPE OF MOU

The purpose of this MOU is to define the assistance and cooperation that _____ County will provide to a county that is designated by the Supreme Court, the presiding judge of the _____ Administrative Judicial Region, the Chief Justice of any Appellate Court or a Local Administrative Judge (“designated county”) as requiring _____ County’s assistance in order to continue the operation of the courts of the designated county.

The Supreme Court’s intent in executing this MOU is to provide a framework for the continuity of court operations in any Texas county that has experienced a disaster or unforeseen event that precludes a court from conducting business. This MOU is not limited to assistance to first tier or second tier coastal counties as defined by Sec. 2210.003, Texas Insurance Code.

All counties agreeing to provide assistance under this agreement shall be entitled to receive assistance as described herein from all participating counties

II. PROCEDURE AND ASSISTANCE

In the event that the Supreme Court or the presiding judge of the _____ Administrative Judicial Region designate in writing that the assistance of _____ County is required to ensure the continued operation of the courts in a designated county, or assistance is requested by any Local Administrative Judge _____ County agrees to provide the following to enable the Appellate, District, Statutory, and Constitutional County Courts of designated county to continue court operations:

- A. adequate facilities for court sessions;
- B. adequate office space for judges and essential administrative staff, including essential county and district clerk staff; and
- C. adequate telecommunication and information management tools necessary for the judges and essential administrative staff to conduct court business.

_____ County agrees to provide assistance within 24 hours of notice of a designated county requiring its assistance. _____ County agrees to provide assistance under this MOU without any further contractual requirements for a period of up to seven working days. If it is anticipated that assistance will be required beyond seven working days, _____ County and designated county will negotiate an interlocal agreement for the additional support.

III. REIMBURSEMENT OF COSTS

Designated county will be responsible for reimbursing _____ County for reasonable costs associated with the assistance provided. Costs will be limited to extraordinary expenses for County, such as supplies, equipment, personnel costs above normal salaries and benefits, security, and utilities.

IV. TERM

This contract is to begin upon the date of execution and shall terminate on _____, or until rescinded in writing, upon 15 days written notice, by either party.

Supreme Court of Texas

_____ **County**

Wallace B. Jefferson
Chief Justice

By: _____
Name:
Title: _____

Date: _____

Date: _____

Appendix C

SAMPLE PUBLIC ANNOUNCEMENT

TO: All Interested Parties

FROM: Judge _____ (Name and Court Number)

DATE: _____

SUBJECT: Public Access to Court Information and Operations

Please use the following resources to obtain information during this emergency:

Supreme Court Information:

Website: www.supreme.courts.state.tx.us

Clerk's Office: 512-463-1312

Regional Presiding Judge:

Name: _____

Court Number (if applicable): _____

Website and/or General Phone Number: _____

Local Administrative Judge:

Name: _____

Court Number: _____

Website and/or General Phone Number: _____

County Clerk:

Name: _____

Address: _____

Website and/or General Phone Number: _____

District Clerk:

Name: _____

Address: _____

Website and/or General Phone Number: _____

List of Counties with Executed MOU
Between the County and the Supreme Court of Texas
For Support of Continuity of Court Operations in the Event of an Emergency
As of 07/25/13

- | | | | |
|----------------|---------------|------------------|-------------------|
| 1. Anderson | 40. Gray | 79. Marion | 118. Swisher |
| 2. Andrews | 41. Gregg | 80. Martin | 119. Tarrant |
| 3. Angelina | 42. Grimes | 81. Mason | 120. Taylor |
| 4. Armstrong | 43. Guadalupe | 82. Matagorda | 121. Terry |
| 5. Atascosa | 44. Hale | 83. McMullen | 122. Throckmorton |
| 6. Austin | 45. Hall | 84. Medina | 123. Titus |
| 7. Bell | 46. Hardeman | 85. Midland | 124. Tom Green |
| 8. Borden | 47. Hardin | 86. Mills | 125. Trinity |
| 9. Bosque | 48. Hartley | 87. Montague | 126. Tyler |
| 10. Brazoria | 49. Haskell | 88. Nacogdoches | 127. Upshur |
| 11. Brazos | 50. Hays | 89. Navarro | 128. Upton |
| 12. Brewster | 51. Hill | 90. Newton | 129. Val Verde |
| 13. Burleson | 52. Hockley | 91. Nueces | 130. Van Zandt |
| 14. Calhoun | 53. Houston | 92. Oldham | 131. Waller |
| 15. Camp | 54. Howard | 93. Palo Pinto | 132. Ward |
| 16. Chambers | 55. Hudspeth | 94. Panola | 133. Wichita |
| 17. Cherokee | 56. Irion | 95. Parmer | 134. Wilbarger |
| 18. Clay | 57. Jackson | 96. Polk | 135. Williamson |
| 19. Cochran | 58. Jasper | 97. Presidio | 136. Winkler |
| 20. Collin | 59. Jefferson | 98. Rains | 137. Wise |
| 21. Colorado | 60. Jim Hogg | 99. Reagan | 138. Yoakum |
| 22. Comal | 61. Johnson | 100. Real | 139. Young |
| 23. Crosby | 62. Jones | 101. Red River | |
| 24. Dallam | 63. Karnes | 102. Refugio | |
| 25. Deaf Smith | 64. Kent | 103. Roberts | |
| 26. Delta | 65. Kerr | 104. Rockwall | |
| 27. Denton | 66. Kimble | 105. Runnels | |
| 28. Dickens | 67. Lamar | 106. Rusk | |
| 29. Donley | 68. Lamb | 107. Sabine | |
| 30. Ector | 69. Lavaca | 108. San Jacinto | |
| 31. Ellis | 70. Lee | 109. Schleicher | |
| 32. Fayette | 71. Leon | 110. Shackelford | |
| 33. Floyd | 72. Limestone | 111. Shelby | |
| 34. Freestone | 73. Lipscomb | 112. Sherman | |
| 35. Frio | 74. Live Oak | 113. Smith | |
| 36. Gaines | 75. Llano | 114. Somervell | |
| 37. Glasscock | 76. Lubbock | 115. Sterling | |
| 38. Goliad | 77. Lynn | 116. Stonewall | |
| 39. Gonzales | 78. Madison | 117. Sutton | |

FINAL REPORT

FROM THE COMMITTEE TO DEVELOP AN INTERIM PLAN

**THE TASK FORCE TO ENSURE JUDICIAL READINESS IN TIMES
OF EMERGENCY**

OVERVIEW

On November 20, 2007, the Supreme Court of Texas issued an advisory forming the Task Force on Judicial Readiness in Times of Emergency. The Committee to Develop an Interim Plan was formed within that Task Force with the following charges:

1. Study the Supreme Court order creating the Task Force and, consistent with the order, develop and recommend an interim plan in order to ensure that essential court operations can continue in the event of an emergency;
2. Study existing statutes, rules, and other legal authorities to ensure that basic due process rights are protected in the event of an emergency; and
3. Submit final recommendations to the Task Force by May, 2008.

The members designated to the Committee to Develop an Interim Plan include the following:

Hon. Olen Underwood, Chair

Clay Cossey

Denise Davis, Ex Officio

Hon. Bob McGregor

Hon. Kelly Moore

Hon. Kathleen Olivares

Hon. Michael Peden

Hon. Sue Walker

In accordance with these charges, the Committee Chair, Olen Underwood, presented the Interim Plan to the Supreme Court on June 23, 2008. A copy of the approved Interim Plan is attached to this final report, labeled Exhibit A.

LESSONS FROM DOLLY AND IKE

On July 23, 2008, Category 2 Hurricane Dolly struck the South Texas coast. With the help of Presiding Judge Manuel Bañales of the Fifth Administrative Judicial Region in Corpus Christi, the local judiciary along the Lower Texas Coast was made aware of the recent developments in emergency preparedness in the courts effectuated by this Task Force.

On August 4, 2008, a letter was sent out from the Chief Justice of the Supreme Court of Texas to the Constitutional County Judges of each county in the State. In this correspondence, a method of counties assisting neighboring counties in the face of disaster or emergency was prescribed. A Memorandum of Understanding was attached to that correspondence wherein the neighboring counties unaffected by the disaster assures court space, personnel and facilities to conduct necessary proceedings for counties in which courts have been closed as a result of the diasaster and are in need of assistance.

On September 10, 2008 in anticipation of Hurricane Ike, Judge Olen Underwood sent an e-mail to the district and statutory county courts in his Administrative Judicial Region entitled “Communication Through the Storm” in which the advisory regarding Blackberry PIN messaging was extolled to those judges as the best way to communicate during and after the hurricane.

On September 13, 2008, Hurricane Ike made landfall along the Upper Texas Coast. 127 courts in coastal, as well as second tier coastal counties were closed Friday, September 12.

After the storm, a survey was sent to 19,702 members of the local bar associations in the areas affected by Hurricane Ike and 6,408 attorneys affected by Hurricane Dolly with the help of the Office of Court Administration and the State Bar of Texas. The overwhelming response was that all necessary proceedings were heard in a timely manner. The survey generally demonstrated the local judiciary's ability to function in exigent circumstances. Respondents to the survey also offered suggestions as to how to integrate communication between the local bar and the local judiciary as to court closings, openings, and contact information. A copy of the results of this survey is included with this final report, labeled Exhibit B.

MEMORANDUM OF UNDERSTANDING

The Memorandum of Understanding (MOU) was designed to accomplish a three fold purpose. First and foremost, the MOU acts as a reminder to local governmental bodies of the absolute need for the judiciary to have a participatory role and place in the creation of Continuity of Operation Plans to protect the general public in times of emergency.

Secondly, the MOU is designed to focus attention on the need for advance planning by the local courts. By offering assistance to neighboring counties in dire straits, the courts of a necessity must be prepared for the eventual acceptance of that offer. In order to protect the people of this great State, our judiciary must be prepared to continue essential operations notwithstanding natural or manmade disasters.

Finally, the MOU exposes areas of need in planning for disaster. In so doing, the judiciary can and must develop a plan for personnel, statutory changes, rules, procedures and funding to accomplish protection of the rights of the people in

times of disaster. This Interim Plan, of which the MOU is an integral part, is ultimately designed to bring the judiciary to the COOP planning table.

As of this final report, 120 counties out of the 254 in Texas have signed a Memorandum of Understanding ensuring essential court space, facilities and personnel to counties in need. A copy of the Memorandum is part of the Interim Plan attached to this final report, labeled Appendix B.

In accordance with the charge to “study the Supreme Court order creating the Task Force, and consistent with the order, develop and recommend an interim plan to ensure that essential court operations can continue in the event of an emergency,” the Committee to Develop an Interim Plan has presented its Interim Plan to Ensure Judicial Readiness, attached to this final report as Exhibit A. In addition, the Committee has worked and is continuing to work with the Legislation/Judicial Procedures Committee to “study existing statutes, rules, and other legal authorities to ensure that basic due process rights are protected in the event of an emergency.” It is this Committee’s assertion that the presented Interim Plan ensures the basic due process rights of the citizens of Texas and the continuity of court operations to serve the public until the template for response plans for addressing natural, man-made, and terrorist threats is finalized.

Olen Underwood, Chair