

OPERATING PLAN WISE COUNTY, TEXAS

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges and other individuals entering court facilities within county buildings that house its courts, the District, County Courts at Law and Justice Courts of Wise County, Texas, are implementing the following operating procedures:

1. The Courts, including special courts serving as CPS and Title IV courts, will use all reasonable efforts to continue to conduct proceedings remotely while these special procedures are in place. All proceedings, both essential and non-essential, will continue to be conducted remotely, if possible, by teleconferencing, videoconferencing or other means unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond a Court's control. In such instances, the Judge of a court will consider conducting hybrid hearings where some persons will appear in person and others will be allowed to participate remotely. Each Judge has the discretion to allow a hearing to be fully in person but shall adhere to all the operating procedures contained herein.
2. Jury trials must not be held in any court until the Texas Supreme Court and Court of Criminal Appeals has authorized jury trials and all guidelines of the Office of Court Administration are in place and will be capable of being followed prior to the commencement of any jury trial.
3. This operating plan will remain in effect until the Office of Court Administration determines that they are no longer required or upon the expiration of the provisions in the Twelfth Emergency Order, as amended or extended, requiring adherence to OCA guidance.
4. Subject to the above measures, Judges are permitted to begin setting non-essential in-person proceedings after June 1, 2020.

Judge and Court Staff Health

1. Judges and their court staff who can perform the essential functions of their job remotely are permitted to do so at the discretion of the Judge of that court.
2. The Judge of each court shall make a good faith effort to monitor the health conditions of their staff. As best as possible, a Judge will ensure that the Judge and court staff do not enter a building or court facility where court is held if they have any signs or symptoms of any illness including any of the symptoms of COVID-19. Each Judge of each court will therefore become familiar with the known signs and symptoms of COVID-19 and will monitor their own health as well as each member of its staff at all times. Each Judge will ensure that all court staff will have their body

temperature taken daily prior to their entry into any public building and that they will not enter any building if their temperature is equal to or greater than 100.0 F or if they have any symptoms that are now known to be associated with the COVID-19 virus.

3. The Judge of a court will make a good faith effort to protect their staff from exposure to the COVID-19 illness while they are in a court facility. To that end, social distancing, as required by the Office of Court Administration, will be followed and barriers will be installed that protect the Judge and staff members from exposure to airborne contamination from persons who may need to approach their work area. Each court will operate so that there is restricted access by the public to their inter-office work areas including barriers that limit the access of the public to court staff work areas. All work areas, including those inside the courtroom, must be arranged so that staff members are separated by protective barriers and minimum social distancing adequate to protect them from airborne or direct contamination.
4. All persons who are in a public location that is under the control of a court judge will be required to wear a face covering, and each Judge will implement a procedure that will ensure compliance with the same. The Judge of the court may limit the use of face masks during proceedings if it is necessary to do so in order for the parties to communicate and be heard by the Court or the Court Reporter. The Courts will follow all other guidelines that may be developed by the Judge and Commissioners Court of Wise County in conducting activities in any county building.

Scheduling

1. In general, in-person proceedings must be scheduled and timed by each Judge so that the number of people entering or in a court facility for any period of time will be reduced as much as possible and will also promote social distancing by attempting to reduce the number of persons who would be in waiting areas, hallways, restrooms or other locations where the public might gather.
2. Wise County Fire Marshal's Office has just completed a courtroom occupancy survey that contains the maximum seating capacity of each courtroom, the seating and other similar information. At the present time, the Judges will limit hearings so that no more than 25 percent of the courtroom is being occupied at any time.
3. The attorneys who will be attending these sessions will be told to limit as much as possible the number of persons that attend these hearings. Persons who are not essential to an issue before a Court should be asked not to attend. In general, the Judges of these courts will limit dockets and hearings held during the time these rules are in effect to a minimum in order to help reduce and limit the occupancy of the County building where their courts and offices exist. In addition, the Court may consider providing public access to court hearings by remote telecast but is not obligated to do so if the public has direct access to the court proceeding.

4. Currently only one building in the County contains more than one courtroom and attendant court facilities. The offices of the County Judge, District Court and County CCL #1 are all contained in the Wise County Courthouse, and the Commissioners Court periodically meets in one of the courtrooms. The Court Coordinators of the District and CCL #1 will be instructed to coordinate each court's schedule so that dockets and hearings likely to have multiple persons in attendance will not be held during the same time period during any day. Dockets should be limited in number and, if possible, spaced so that persons required to attend will not cause the hallways, restrooms and other facilities to become crowded. Scheduling between these courts will also include and take into consideration the scheduling of the CPS Court and Title IV Court that meet in either courtroom. The Court Coordinators will also set hearings and dockets so that they avoid dates in which County Commissioner Court is in session.
5. The offices of CCL #2 and Justice of the Peace of Precinct Four share a courtroom in the Wise County Annex at Bridgeport, Texas. The Court Coordinators of these courts shall coordinate their court schedules to help reduce the occupancy of the Annex building during their court sessions and follow the same general guidelines as to numbers of persons as outlined for the Wise County Courthouse. Each court will limit dockets and hearings held during the time these rules are in effect to a minimum in order to help reduce and limit the occupancy of the Annex building.
6. The office of Justice of the Peace Precinct Two and the courtroom it uses is located within the Wise County Sheriff's Office Complex that includes the county jail. The Judge of this court and its staff are subject to all the rules and regulations of the investigative offices and jail because of its location. The Court will attempt to limit the number of persons required to attend dockets and hearings during the time these rules are in effect and to coordinate with the Wise County Sheriff in order to help reduce and limit the occupancy of the common areas in the jail complex.
7. The office of Justice of the Peace Precinct One is located in the Wise County Annex located in Decatur, Texas, and shares entry, restroom facilities and waiting areas in the building with other county offices. The Court will attempt to limit the number of persons required to attend dockets and hearings during the time these rules are in effect and will coordinate with the other county or state offices to help reduce the occupancy of the common areas in that building as it relates to its court schedule.
8. The office of Justice of the Peace Precinct Three is located in the Wise County Annex in Boyd, Texas, and shares entry, restroom facilities and waiting areas in the building with other county offices. The Court will attempt to limit the number of persons required to attend dockets and hearings during the time these rules are in effect and will coordinate with the other county or state offices to help reduce the occupancy of the common areas in that building as it relates to its court schedule.

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions such as high blood pressure, chronic lung disease, diabetes, obesity and asthma and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are designated to be part of the vulnerable populations associated with the Covid-19 disease.
2. This information will also be posted on court websites and conspicuous locations around the court buildings or facilities. All attorneys scheduled to appear for a court proceeding shall be required to notify the Court if they believe that any person appearing in court is a vulnerable-population individual and make that information known to the Court prior to any hearing. Each Judge will include information on orders setting hearings, dockets 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 building.
3. Vulnerable-population individuals who are scheduled for court and who are identified as being a person in this situation will be immediately brought to the attention of the Judge of the court prior to their appearance. The Judge will attempt to take such steps as may be reasonable and necessary to assist such persons avoid appearing in person at the proceeding. The Judge shall have the authority to allow these individuals to participate or appear in a court proceeding by teleconferencing, video conferencing or any other reasonable means while these rules remain in effect.

Social Distancing

1. All persons who are permitted to enter court facilities will be required to observe and maintain adequate social distancing. Each court shall follow the guidelines and recommendations of the Office of Court Administration concerning social distancing, which is currently 6 feet. If approved by the designated Health Officer of Wise County, a distance of less than 6 feet may be used if there are protective barriers or other safety devices in place that will give adequate protection to personnel and court participants from contamination or disease. The Judge of a court may allow persons who reside in the same household to sit closer than the prescribed distance in the gallery area of a courtroom but is not required to do so.
2. If a Judge has the authority to set social distancing guidelines on the use of restrooms, breakrooms and other common areas outside of the court facility, then that Judge may do so. No Judge shall be obligated or responsible for setting or enforcing social distancing guidelines for any part of a county building that is not subject to their authority or control.

3. As stated above, the Judges will limit all hearings in their courtrooms to no more than 25 percent of its capacity being occupied at any time according to the seating capacity chart prepared by the Wise County Fire Marshal's Office. The capacity may be increased as permitted by the Office of Court Administration and the County Commissioners Court of Wise County.

Gallery

1. The maximum number of persons permitted in the general gallery of a courtroom will be determined and posted prior to the use of the courtroom. Seating that will provide and maintain social distancing will be clearly identified in advance of any hearing. Each court proceeding shall be attended by a bailiff, and the Judge shall direct the Bailiff to limit the number of persons allowed in the courtroom to the seating capacity designated for that courtroom. The Bailiff shall be instructed by the Judge to make sure that all persons will be directed to sit in the seats designated for use in the courtroom so that social distancing is maintained.

Well

1. In each courtroom, the counsel tables, witness stand, judge's bench and the clerk, court reporter, and bailiff seating should be arranged in such a way so that there is social distancing or protective barriers to limit airborne transmission of disease in place that will protect all parties participating within this area from direct contact or airborne transmission of infectious diseases such as COVID-19. A Judge shall not conduct court proceedings in a court facility if there are not sufficient safeguards already in place that will protect all participants against infectious contact or airborne disease during the proceedings.

Hygiene

1. The Judge of a court will ensure that hand sanitizer and dispensers are available near all direct courtroom entrances, and to the extent that a Judge has the authority to do so, they will attempt to have them available for use by the public at the entry and exits of the building.
2. To the extent that a Judge has the authority to do so, they will ensure that tissues are available for public use in courtrooms and other public areas.
3. To the extent that a Judge has the authority to do so, they will have posted readily visible signage reminding individuals of the best hygiene protocols in the area of the court facilities they are assigned.
4. The County Judge of Wise County has indicated that the County will provide hand sanitizers and dispensers as well as tissues available in the buildings and courtrooms.

Screening

1. None of the Judges in Wise County have direct authority or control over the security staff that provides screening and security for persons entering a county building or courtroom in Wise County. This duty and responsibility are under the direct authority of the Wise County Sheriff and, in the case of Justice Courts, the Constable for that Precinct. However, to the extent that a Judge has the authority to do so, they will have all persons entering a court facility in Wise County screened. The screening will include having a person's body temperature taken and asking if they are feeling feverish, have a cough, experiencing shortness of breath or difficulty breathing, or have been in close contact with a person who is confirmed to have COVID-19. Individuals who have a body temperature equal to or greater than 100.0 F degrees or who answer yes to any of the screening questions will be refused admittance to the building or the court facility. It should be noted that currently the Wise County Sheriff's Office security team screens all persons entering into the Wise County Courthouse by taking their temperature by an infrared thermometer and by asking substantially the same questions as are set forth above regardless of whether they are attending court. However, other County buildings that contain court facilities do not always have security staff available to screen persons entering that building. Justice Courts should use the Constable and their reserve deputy constables of their precinct to assist in conducting screening as much as possible. The County Judge of Wise County has indicated that it will attempt to provide additional security staff to help with screening at other court locations if staff can be provided.
2. Each Judge of each court when scheduling hearings should provide advanced notice to the Sheriff's Office security team or Constable's Office of the dates where screening will be necessary for persons who will appear in court so that preparations can be made for same.
3. If a Judge is unable to have persons entering a Court facility screened for COVID-19, then the Judge has the discretion to postpone the hearing until such screening is available.
4. It is the current policy of the Wise County Sheriff's Office to have inmates or detainees from jail and juvenile facilities screened as provided above prior to being transported to a courtroom. Each Judge will confirm that all such persons held in custody have been screened before they are allowed inside a court facility and will not proceed with any hearing until compliance is completed.

Face Coverings

1. All individuals entering a court facility will be required to wear face coverings at all times. The Court shall have the discretion to allow a person to remove a face

covering if during court proceedings its removal is necessary for the person to effectively communicate with the Court, a witness or other person involved in the matter before the Court. The Court shall not allow a person to remove their face covering if it appears that it will create a health hazard of any kind.

2. Face coverings shall be designed to contain airborne diseases from being spread during the period that persons are in the court facility. Persons who refuse to wear a face covering should be excluded from entering a court facility.
3. A Judge is not responsible for face covering policy set by county government or that is outside of the courtroom and other court facilities directly used by the Court to conduct its judicial affairs.

Cleaning

1. The County Judge and Commissioners Court set the policies for keeping and maintaining all buildings used by the Judges of the County, and that includes cleaning and sanitization. None of the Judges of the County have their own cleaning staff or the authority to set policy for how the county cleaning staff is trained, equipped to perform sanitation or provided personal protective equipment. The County Judge has indicated to the undersigned that the County will make every reasonable effort to sanitize court facilities after hearings provided that hearings are scheduled close together as much as possible and that the County is notified in advance for scheduling purposes. In building facilities where custodial services are contracted out and cleaned by independent contractors, most sanitization for those buildings will be performed at night, but the County will provide disinfectant and sanitization supplies that can be used to help comply with CDC guidelines.
2. The County Judge and Commissioners Court set the policies for keeping and maintaining all buildings used by the Judges of the County, and that includes cleaning and sanitization. Some buildings are cleaned by independent contractors and therefore are not county employees. None of the Judges of the County have their own cleaning staff or the authority to set policy for how the county cleaning staff is trained, equipped to perform sanitation or provided personal protective equipment. The County Judge has indicated to the undersigned that the County will make every reasonable effort to sanitize court facilities after hearings provided that hearings are scheduled close together as much as possible and that the County is notified in advance for scheduling purposes. In building facilities where custodial services are contracted out and cleaned by independent contractors, most sanitization for those buildings will be performed at night, but the County will provide disinfectant and sanitization supplies that can be used to help comply with CDC guidelines.

3. Each Judge shall attempt to keep the County Judge or the person or persons in charge of cleaning their building informed of the dates and times that the courtroom will be used for hearings so that staff will be available to perform its tasks.
4. If in the judgment of the Judge the courtroom facilities are not in a proper sanitary condition, then the Judge shall not hold court proceedings in the facility until it has been thoroughly cleaned and sanitized.

Other

These guidelines are to assist the Judges that preside over criminal or civil cases in this county to perform their duties as a Judge and officeholder during the time of emergency conditions taking place in the year 2020 as determined by the Governor of the State of Texas and at the direction of the Texas Office of Court Administration. The undersigned is acting only in his capacity as an elected judicial officer and as the statutory Local Administrative Judge of Wise County.

The undersigned has attempted to confer with all Judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the Wise County Judge, J. D. Clark, and the local health authority, Dr. Jon Walker. Verification is attached to this plan. I will ensure to the best of my ability that the Judges of courts with courtrooms in the county facilities covered by this Operating Plan conduct proceedings consistent with the plan.

Date: May 28, 2020



Brock R. Smith - Local Administrative District Judge
271st District Court - Jack and Wise Counties