

Approved 9/28/20  
S. B. Ables

## **Jury Proceeding Addendum to COVID-19 Operating Plan for the Gillespie County Judiciary**

*Effective on and after October 1, 2020*

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 **Gillespie 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, constitutional and statutory county courts, and statutory probate courts 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.
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**

1. Judges wishing to conduct a jury proceeding will follow the procedure detailed below to obtain approval to proceed with the jury proceeding from the local administrative district judge and Regional Presiding Judge:
2. The Judge of the Court planning to proceed with a jury trial shall consult with the Local Public Health Authority or Infection Control Specialist no more than 5 days before trial. The Judge shall follow all jury trial guidelines contained in the Court Operating Plan, Local Orders and

herein. The local administrative district judge will, not more than five days before the jury proceeding, consult with the local public health authority to verify that the local health conditions and plan precautions are appropriate for the jury proceeding to proceed with the following procedure:

The Trial Judge shall consult and incorporate any reasonable recommendations into the Court's Jury Plan or cancel same as is appropriate.

#### **Hearings on Objections or Motions Related to Proceeding**

1. Parties who are scheduled for a jury proceeding are encouraged to make any objections or motions related to proceedings at least 10 days prior to the trial setting.
2. Any objections or motions related to proceeding with a jury proceeding will be heard by the judge presiding over the case at least seven days prior to the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding.

#### **Communication Protocols**

1. 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.
2. 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.

#### **Scheduling**

1. A judge who obtains approval for an in-person jury proceeding will schedule no more than ten 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.

#### **Summoning Jurors**

1. The jury clerk must include with in-person juror summonses information regarding precautions that have been taken to protect the health and safety of prospective jurors (see

- Attachment A)<sup>1</sup> and COVID questionnaires (see Attachment B)<sup>2</sup> 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.
  3. 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.

#### **Location for Jury Selection, Trial, and Deliberation**

1. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:<sup>3</sup>
  - a. Jury Qualification: Gillespie County Agri-Life Extension Building (38 Business Court, Fredericksburg, Texas)
  - b. Voir Dire: Gillespie County Agri-Life Extension Building
  - c. Trial: Gillespie District and/or County Courtrooms
  - d. Jury Deliberation: Jury Rooms
2. Security protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for the proceeding.

#### **Screening**

1. In addition to the requirements of the previously submitted in-person Operating Plan, all court participants and observers attending an in-person jury proceeding will be screened for elevated temperatures and will be questioned to determine if the individual has recently had symptoms of COVID-19 or been exposed to COVID-19.
2. All participants in a trial who are incarcerated will be screened by the jail/prison prior to transport to the courtroom and any known exposure, symptoms, or COVID-19 positive test results within the past 30 days will be reported to the judge presiding over the jury trial prior to the transport of the participant to the courtroom.

#### **Face Coverings**

1. In addition to the requirements of the previously submitted in-person Operating Plan, all persons entering the common areas of a courthouse, including a courtroom or any other location being used to conduct a jury trial, will be required to wear a face covering at all times unless the person is an individual that is not recommended to wear a mask by the Centers for Disease Control or the Texas Department of State Health Services.

<sup>1</sup> Include as Attachment A the information that the court will include with summonses.

<sup>2</sup> Include as Attachment B the COVID questionnaire that the court will include with summonses.

<sup>3</sup> Court who may need to hold a proceeding outside of the courthouse should review Chapter 292 of the Local Government Code (related to having an auxiliary facility designated as a courthouse) and Government Code Sections 24.033(b) (district courts), 25.0019(b) (statutory county courts), 25.0032(b) (statutory probate courts), 26.009(b) (constitutional county courts), 27.0515 (justice courts), 29.015 (municipal courts), and 30.000123 (municipal courts of record)—relating to designating alternative locations for proceedings.

2. All court participants will be required to wear face coverings from jury qualification through the end of trial.
3. 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.

#### **Social Distancing**

1. Social distancing of all court participants and observers will be maintained at all times during the jury proceeding, including during the trial and deliberation.
2. Special attention will be paid by courts to ensure adequate social distancing and managed exits of individuals during breaks, especially when dismissing large groups of people for a break.

#### **Alternate Jurors**

1. Each judge with an approved in-person jury proceeding will be encouraged to consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming ineligible to serve for a reason unrelated to that person's exposure to or contraction of COVID-19.

#### **Arrangement of Courtroom**

1. The following description or attached drawing details how each of the courtrooms or facilities will be arranged during the jury proceeding:<sup>4</sup>

Juror chairs, counsel tables and witness table will be moved to achieve social distancing.

See attached diagram of the Gillespie County Agri-Life Extension Building

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<sup>4</sup> 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.

### **Microphone Protection Protocols**

1. Judges will limit, to the degree possible, the shared use of microphones during the jury proceeding.
2. If a microphone must be shared, judges will limit the passing of the microphone unless the microphone is cleaned between each user.
3. Disposable microphone covers will be placed on shared microphones and changed between each user.

### **Exhibit/Evidence Management**

1. 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.
2. 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.
3. If an exhibit/evidence is required to be transferred from person-to-person, single use gloves will be provided, worn, and discarded immediately after handling the exhibit/evidence.
4. During jury deliberations, judges will make efforts to provide the jury with access to digital exhibits/evidence that would normally be shared with the jury during deliberation. Where digital exhibits/evidence is not feasible, judges will consider limiting the transfer of the exhibits/evidence from juror-to-juror by spreading the exhibits/evidence on a table for inspection from the table in the jury deliberation room.

### **Witnesses**

1. Judges will inquire whether witnesses to the proceedings have COVID-related issues.
2. To the degree constitutionally permissible or with the consent of the parties, judges will permit witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVID-19, has been recently exposed, or is vulnerable to contracting COVID-19.

### **Food Precautions**

1. Courts that provide food to jurors or other participants during a jury proceeding will ensure individual food portions, such as individually boxed meals, are provided.

### **Cleaning**

1. In addition to the requirements of the previously submitted in-person Operating Plan, frequent cleaning protocols in the courtrooms and facilities will be maintained throughout the jury proceeding as appropriate.
2. Shared spaces such as witness stands, seating in the gallery, and seating during qualification/voir dire will be cleaned during transitions of those spaces.
3. Seats for members of the jury panel and selected jurors will be assigned to reduce potential transmission and the need for more frequent cleaning.

I have attempted to confer with all judges of courts with courtrooms in the court building 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.

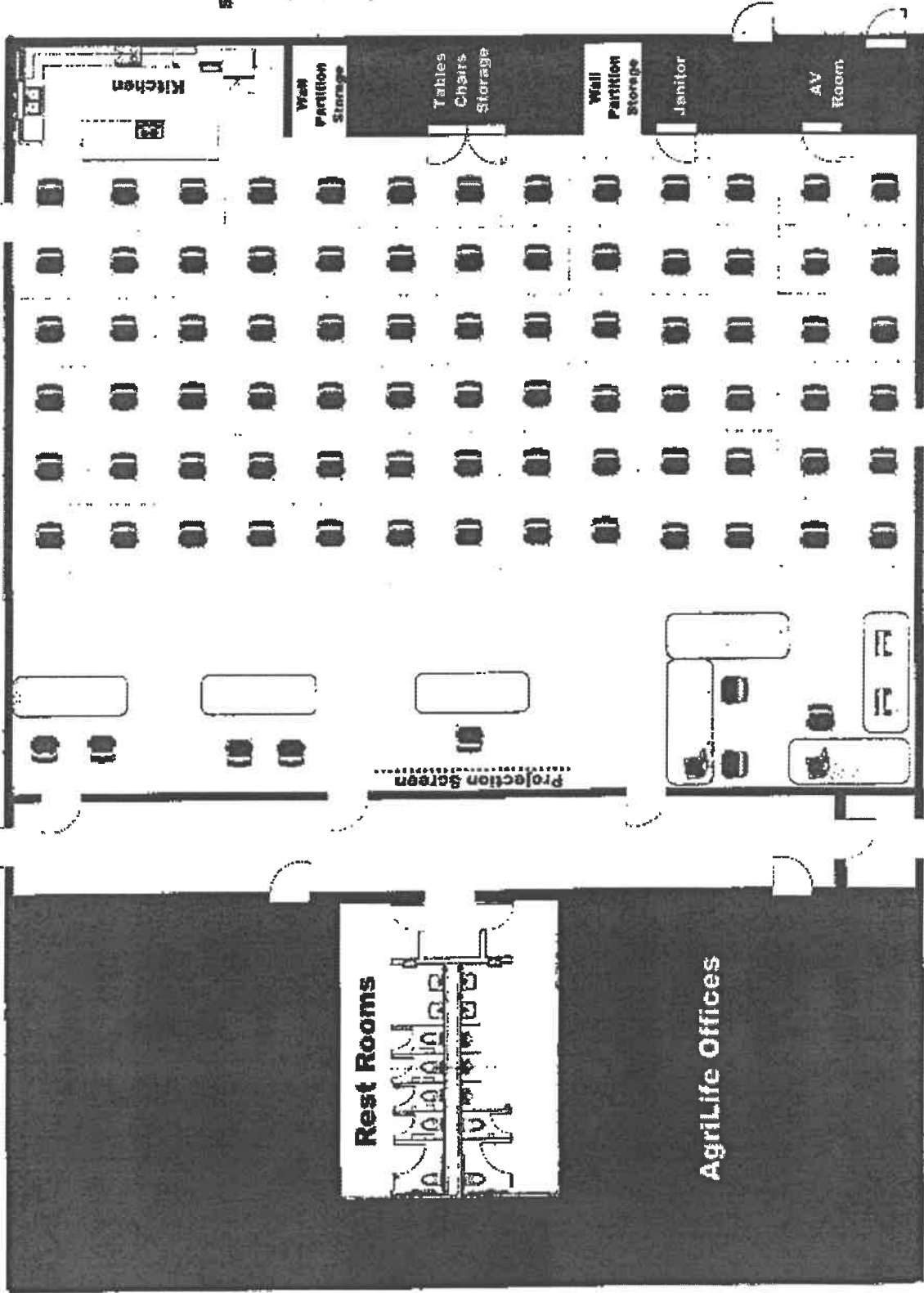
Date: 9/21/2020

  
Local Administrative District Judge

# AgrLife Facility - Jury Selection

Rear Entrance

Emergency Exit



Emergency Exit

Main Entrance



DISTRICT CLERKS

GILLESPIE COUNTY - JAN DAVIS  
830-997-6517  
KEFR COUNTY GAYN KAY LARTZ  
830-792-2281

ALBERT D. PATTILLO III  
DISTRICT JUDGE  
216TH JUDICIAL DISTRICT COURT  
KEFR COUNTY COURTHOUSE  
700 MAIN STREET  
KEFRVILLE, TEXAS 78029

COUNTY ADMINISTRATOR CHRISTINE MCINTYRE  
KEFR COUNTY COURTHOUSE  
700 MAIN STREET  
KEFRVILLE, TEXAS 78029  
830-792-2290

COURT REPORTER JANET WADGELTON  
PO BOX 1087  
HOFFME, TEXAS 78029  
710-627-5153

Dear Attorney:

Your 216<sup>th</sup> Judicial District Court of Gillespie County and the Gillespie County Court at Law requested permission to hold felony & misdemeanor jury trials from the Presiding Judge for the 6<sup>th</sup> Administrative Region. After outlining the plans for conducting the jury trial in light of the current Covid 19 Pandemic, the request was granted. This letter is being sent to each attorney with a jury trial pending on the court's dockets.

Attached to this letter is a copy of the juror summons, the COVID-19 Pre-Screening Questionnaire and a Juror Questionnaire that is being sent to potential jurors. ***DUE TO THE NEED FOR MORE SPACE TO ABIDE BY SOCIAL DISTANCING, THE VOIR DIRE PROCESS WILL BE CONDUCTED AT THE GILLESPIE COUNTY AGRI-LIFE EXTENSION BUILDING LOCATED AT 38 BUSINESS COURT, FREDERICKSBURG, TEXAS. (GCAEB)***

**I WANT TO ASSURE YOU THAT EVERY REASONABLE PRECAUTION WILL BE TAKEN TO ENHANCE THE HEALTH AND SAFETY OF THE JURY, THE PARTIES, THE LAWYERS AND THE COURT STAFF DURING JURY SELECTION AND THE JURY TRIAL TO FOLLOW.** In order to conduct felony & misdemeanor jury trials in the safest manner possible, please be aware of the following requirements that will be implemented:

1. Upon arrival at the Agri-life Extension Building, jurors will socially distance as they line up to enter the facility;
2. Each person, including the lawyers, will have their temperature taken via a hand-held thermometer to ensure that no one with an elevated temperature is admitted into the facility;
3. Upon entering the Agri-life Extension Building and after processing through the security screening, the jurors will be directed by court staff to their assigned seat to achieve social distancing;
4. Face shields will be provided and will be required during the jury selection process and the jury trial;
5. Latex gloves will be available for those who wish to wear them, but gloves are not required;
6. Hand sanitizer (alcohol based) will be available at multiple locations inside the GCAEB and the Court Rooms;



7. Upon selection of the jury, the trial will move from the GCAEB to the Gillespie County Courthouse or to the Justice Center (104 Industrial Loop, Fredericksburg, Texas).
8. For those selected as a member of the jury, spacing will be implemented to achieve distancing between jurors during the trial; and
9. The jury box, jury room and bathrooms will be cleaned each evening when court recesses.

Each attorney will be provided the received and completed juror questionnaires before voir dire. In order to minimize the voir dire process, the questionnaires must be reviewed prior to the voir dire process. Repetitive questions of the prospective jurors will not be permitted. To the greatest extent possible, all exhibits should be electronic to minimize the need for touching and/or congregating around the exhibits.

Jury trials are one of the cornerstones of our democracy, and they involve sacrifice from those citizens called upon to serve. This has always been true, and it is especially true during these unique and trying times. It is my personal conviction that jury service is one of the highest forms of public service that any American can perform. The right to trial by jury has been enshrined within the Sixth and the Seventh Amendment to our U. S. Constitution since 1791, and it was one of the stated principles which brought about our struggle for independence as a nation.

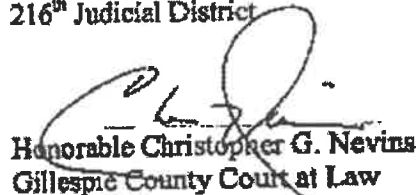
This cornerstone of our democracy cannot take a backseat to Covid-19. It is vital that we work together in order to protect the jurors, litigants, lawyers and court personnel. I want you to know that we are mindful of your concerns during these challenging times. We are committed to your safety and will take every reasonable precaution to maintain your health.

We look forward to seeing you in trial.

Sincerely,



Honorable Albert D. Pattillo, III  
216<sup>th</sup> Judicial District



Honorable Christopher G. Nevins  
Gillespie County Court at Law



DISTRICT CLERKS:

GILLESPIE COUNTY - JAN DAVIS  
830-997-6517  
KEHR COUNTY - DAWN KAY LANTZ  
830-792-2281

ALBERT D. PATTILLO III  
DISTRICT JUDGE  
216TH JUDICIAL DISTRICT COURT  
KEHR COUNTY COURTHOUSE  
700 MAIN STREET  
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COURT ADMINISTRATOR CHRISTINE WEAVER  
KEHR COUNTY COURTHOUSE  
700 MAIN STREET  
KEHRVILLE, TEXAS 76028  
830-792-2280

COURT REPORTER NANCY MIDDLETON  
PO BOX 1186  
BOHNE, TEXAS 76011  
214-827-5163

Dear Prospective Juror:

With this letter is your Summons for Jury Service, a COVID-19 Pre-Screening Questionnaire and a Juror Questionnaire. Please review these documents and feel free to call the District Clerks' office at (830) 997-6517 with any questions you may have.

***IF YOU ARE CLAIMING A LEGAL DISQUALIFICATION AND/OR EXEMPTION PLEASE MARK THE JUROR QUESTIONNAIRE AND RETURN IT TO THE GILLESPIE COUNTY DISTRICT CLERK'S OFFICE OR BY FAX TO (830)992-2613.*** If you are not claiming a legal disqualification or an exemption, please complete all three questionnaires and bring it to the Gillespie County District Clerk's office or fax to (830) 992-2613.

***YOU WILL NOT REPORT TO THE COURTHOUSE. JURY SELECTION HAS CHANGED DUE TO THE NEED FOR MORE SPACE TO ABIDE BY SOCIAL DISTANCING AND WILL BE CONDUCTED AT THE GILLESPIE COUNTY AGRI-LIFE EXTENSION BUILDING (GCAEB) located at 38 Business Court, Fredericksburg, Texas.***

On March 13, 2020, the Texas Supreme Court suspended jury trials across the State until we had a better understanding of the impact of the Coronavirus pandemic on our citizens and the Justice System. When Governor Abbott began issuing orders for reopening the State, your District Court and County Court at Law, in conjunction with our Gillespie County Local Health Authority, our County Judge, the Texas Supreme Court, the Texas Office of Court Administration, and our Presiding Regional Judge, began planning how we would restart jury trials, one of the fundamental rights guaranteed to citizens by both the United States and the Texas Constitutions, during this "COVID-19 era."

**WE WANT TO ASSURE YOU THAT EVERY REASONABLE PRECAUTION WILL BE TAKEN TO ENHANCE THE HEALTH AND SAFETY OF THE JURY, THE PARTIES, THE LAWYERS AND THE COURT STAFF DURING JURY SELECTION AND THE JURY TRIAL TO FOLLOW. PLEASE BE AWARE OF THE FOLLOWING:**

1. Upon arrival at the Gillespie County Agri-Life Extension Building, you will remain in a queue that is socially distanced;
2. Upon arrival, each prospective juror will have their temperature taken via a hand-held thermometer to ensure that no one with an elevated temperature is admitted;
3. Upon entering the GCAEB and after processing through the security screening, you will be directed by court staff to your assigned seat to achieve social distancing;
4. Face shields will be provided and required during the jury selection process and the jury trial;

5. Latex gloves will be available for those who wish to wear them, but gloves are not required;
6. Smartphones, iPads or similar electronic devices should be left outside the GCAEB. You may certainly leave them in your vehicle rather than at home, if you choose, but do not bring them into the GCAEB;
7. Hand sanitizer (alcohol based) will be available to you at multiple locations inside the GCAEB and Courtrooms;
8. For those selected as a member of the jury, spacing will be implemented to achieve distancing between jurors during the trial; and
9. The jury box, jury room and bathrooms will be cleaned each evening when court recesses.


Trials are estimated to last from 1 to 5 days including jury selection. You will be paid a \$6.00 attendance fee for your first day of service and \$40 for each day thereafter that you report for jury duty. The District Clerk will be your point of contact for questions and instructions about jury duty and pay.

Jury trials are one of the cornerstones of our democracy, and they involve sacrifice from those citizens called upon to serve. This has always been true, and it is especially true during these unique and trying times. It is my personal conviction that jury service is one of the highest forms of public service that any American can perform. The right to trial by jury has been enshrined within the Sixth and Seventh Amendment to our U. S. Constitution since 1791, and it was one of the stated principles which brought about our struggle for independence as a nation.

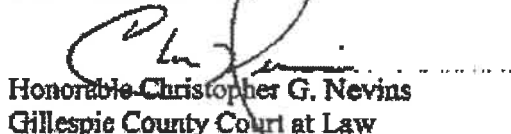
It is vital that you appear and present yourself for jury service as requested if you do not have a legal exemption or disqualification (as is outlined on the juror questionnaire); however, the Court wants you to know that we are mindful of your concerns during these challenging times. We are committed to your safety and will take every reasonable precaution to maintain your health, as well as that of the parties, lawyers and Court staff during this upcoming trial.

We look forward to seeing you.

Sincerely,



Honorable Albert D. Parrillo, III  
216<sup>th</sup> Judicial District



Honorable Christopher G. Nevins  
Gillespie County Court at Law

## 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. Please bring this document with you to jury service:

**1. SYMPTOMS NOW OR IN THE LAST FOURTEEN DAYS:** check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD

Fever (above 100.0)     Change in taste, smell or appetite     Cough

Headache     Shortness of Breath     Diarrhea     Chills or repeated shaking with chills

Muscle pain or body aches     Sore throat

I certify that NONE of the symptoms above have been experienced by me or a member of my household during the fourteen days prior to completing this form.

**IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS AFTER COMPLETING THIS FORM AND BEFORE REPORTING TO JURY DUTY, CALL THE DISTRICT CLERK'S OFFICE at (830) 997-6517 BEFORE REPORTING TO JURY DUTY.**

**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 AFTER COMPLETING THIS FORM AND BEFORE REPORTING TO JURY DUTY, CALL THE DISTRICT CLERK'S OFFICE at (830) 997-6517 BEFORE REPORTING.**

**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 (830) 997-6517 BEFORE REPORTING.**

**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. Each prospective juror will also be provided with a face shield to wear during the jury selection process.

I certify the above is true and correct: \_\_\_\_\_ / \_\_\_\_\_

Signature

Printed Name