

Jury Proceeding Addendum to COVID-19 Operating Plan for the Gray County, Texas, 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 **Gray County, Texas** will implement, in addition to the procedures and protocols in the previously submitted COVID-19 Operating Plan, dated May 28, 2020, 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 Texas Office of Court Administration.
2. The justice courts will not conduct an in-person jury proceeding until the Supreme Court of Texas permits such proceedings.
3. Judges of the district court, constitutional and statutory county courts, and statutory probate courts will conduct in-person 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 (5) 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 ("LADJ") and the Regional Presiding Judge ("RPJ"):
The trial court judge will submit the proposed jury trial date to the LADJ along with the case style, number of jurors to be summoned, and estimated length of the trial.

The LADJ will discuss the case information with or email it to the RPJ and request approval for conducting the proposed jury trial.

2. The LADJ will, not more than five (5) days before the jury proceeding, consult with the local public health authority (“LPHA”) to verify that the local health conditions and plan precautions are appropriate for the jury proceeding to proceed with the following procedure:
Contact the LPHA by telephone, determine the status of health conditions, appropriate or inappropriate, and document for the case file the determination.

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 proceeding at least fourteen (14) 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 fourteen (14) days prior to the jury proceeding or as soon as practicable if the objection or motion is made or filed within fourteen (14) days of the trial setting.

Communication Protocols

1. Each judge with an approved in-person jury proceeding will require the parties to communicate with the court in any participant in the jury proceeding, including attorneys, parties, attorney support staff, or witnesses, has tested positive for COVID-19 within the previous thirty (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 thirty (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.

Scheduling

1. A judge who obtains approval for an in-person jury proceeding will schedule no more than ten (10) cases for that jury trial setting, unless pre-approved for larger dockets is obtained from the Regional Presiding Judge.
2. To reduce attendance at the court facility, judges will attempt to alert parties who will not be proceeding prior to the day of trial.

Summoning Jurors

1. The District Clerk or County Clerk, as the case may be, that is, the jury clerk, must include with in-person juror summons information regarding precautions that have been taken to protect the health and safety of prospective jurors (see COVID-19 Jury Trial Precautions – Attachment “A”) and COVID-19 questionnaires (see Jury Service COVID-19 Pre-

Screening – Attachment “B”) 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 and are large enough to permit adequate social/physical distancing, to accommodate jurors and the parties to safely conduct a jury trial, and will be used for in-person jury proceedings:
 - a. Jury Qualification: M. K. Brown Memorial Auditorium and Civic Center, 1100 W. Coronado Drive, Pampa, Texas (“M. K. Brown”);
 - b. Voir Dire/Jury Selection: M. K. Brown;
 - c. Trial: M. K. Brown or 3d Floor District Courtroom and 2d Floor County Courtroom, Gray County Courthouse, 205 N. Russell, Pampa, Texas (“District Courtroom/County Courtroom”). Each of those courtrooms/facilities is large enough to assure appropriate social/physical distancing;
 - d. Jury Deliberation: M. K. Brown or District Courtroom/County Courtroom.
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 (including prospective jurors) 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 or court facility. Any known exposure, symptoms, or COVID-19 positive test results, within the past thirty (30) days, will be reported to the judge presiding over the jury trial prior to transport of the participant to the courtroom or court facility.

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/court building, 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/face covering by the Centers for Disease Control or the Texas Department of State Health Services.

2. All court participants will be required to wear face coverings from jury qualification through the end of trial.
3. When speaking, judges will permit a court participant to lower his or her mask as long as the person speaking is immobile and is wearing a face shield.

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 a juror becomes ineligible to serve for a reason unrelated to that person's exposure to or contraction of COVID-19.

Arrangement of Courtrooms/Remote Facilities

1. The attached diagrams detail how each of the courtrooms or court facilities will be arranged during the jury proceeding:
 1. See attached diagram (Attachments "C" & "D") of the lobby and Heritage Room (for jury qualification, voir dire, jury selection, and trial) at M. K. Brown;
 2. See attached diagram (Attachment "E") of the 3d Floor District Courtroom, Gray County Courthouse, Pampa, Texas
 3. See attached diagram (Attachment "F") of the 2d Floor County Courtroom Gray County Courthouse, Pampa, Texas
2. In each location, potential jurors and jurors will be seated at a minimum of six (6') feet apart. All participants will be instructed to maintain use of their face coverings as set forth above.
 - a. The Judge will be seated at a table or bench with a plexi-glass shield in front of the Judge.
 - b. A representative of the office of the District Clerk or County Clerk, with a plexi-glass shield in front of the Clerk, will be seated next to the Judge at a minimum of six (6') feet.
 - c. The Court Reporter will be seated a minimum of six (6') feet from any other participant, i.e. the Judge, Clerk, attorneys, jurors, with a plexi-glass shield in front of the Court Reporter and around the Court Reporter, if necessary.

3. In each location, tables for the Judge, court staff, counsel, and parties will be arranged so as to be six (6') feet apart minimum distance between each. Attorneys will use a podium and microphone to conduct voir dire. Jurors may lower their mask to speak but the juror's face shield will remain in place.
4. During trial, the Judge will be seated at his/her bench and will have a plexi-glass shield in front of the bench. The Court Reporter will be seated at least six (6') from the Judge with a plexi-glass divider in front of and/or on the sides of, the Court Reporter, as necessary. Jurors will be seated in the well at a minimum of six (6') apart and will maintain the use of their face coverings as will the Judge and Court Reporter. The lawyers will be located at counsel tables maintaining face coverings and six (6') minimum distance apart. The Bailiff will be and remain at least six (6') feet from the witness stand/box, counsel table, bench, court reporter and jury. The witness will be in the first seat of the jury box (or a specially constructed witness box) with a plexi-glass shield in front, using a microphone and in front of a camera to broadcast the witness's image on big screen televisions.
5. Jurors will take breaks in an unused courtroom which will also serve as the deliberation room arranged so that jurors be and remain six (6') apart. Extra time for breaks will be allowed to accommodate jurors and court participants.

Microphone Protection Protocols

1. Judges will limit, to the degree possible, the shared use of microphones during the jury proceedings.
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 evidence 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-19 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 recently been 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 conferred 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.

Dated: November 16, 2020



Local Administrative District Judge
Judge Phil N. Vanderpool
223rd District Court, Gray County, Texas

Attachment "A"

COVID-19 JURY TRIAL PRECAUTIONS JURY TRIAL PUBLIC HEALTH MEASURES

Gray County District Courts and the Gray County Court are resuming jury trials. The Courts are making every effort to ensure that you, as jurors, know the precautions that have been taken to protect you and keep your jury service safe during the COVID-19 pandemic.

Jury qualification, jury selection, and jury voir dire will take place at M. K. Brown Memorial Auditorium and Civic Center at 1100 W. Coronado Drive, Pampa, Texas, to ensure there is sufficient space to meet the social/physical distancing requirements and recommendations of our public health authorities.

Before potential jurors enter M. K. Brown, each of them will be questioned about any exposure to the COVID-19 virus or symptoms of the virus. Upon arrival, potential jurors will have temperature checks, be questioned again about any exposure to the COVID-19 virus or symptoms of the virus, be required to social/physical distance, and have several hand sanitizing stations available to them at all times.

All potential jurors must use a face covering at all times while in M. K. Brown and while in the Gray County Courthouse. If you have a health condition that will prevent you from doing so, please let us know as soon as possible.

We urge all those receiving a summons to respond by following the instructions in your summons to call or go online. Remember, we need you, the jurors to participate so our justice system can continue to do its job and we also need your help to do it safely for all concerned.

After the jury is selected, the trial will take place in one of the Courtrooms in the Gray County Courthouse, 205 N. Russell, Pampa, Texas. The trial judges of Gray County will be utilizing many of the same public health measures in the courtrooms, including face coverings, social/physical distancing, and sanitation practices. Those seated on the jury will be seated separated from each other by at least six (6') feet. Social/physical distancing will be utilized throughout your time serving in the Courts of Gray County.

For your information, Gray County's written plan for jury trial proceedings may be found on the Office of Court Administration's website at www.txcourts.gov or at the 223rd District Court's website at 223rddistrictcourt.org.

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. Please deliver this completed questionnaire to the Gray County District Clerk by regular mail at: Gray County District Clerk, P. O. Box 1139, Pampa, Texas 79066-1139; by Fax to 806.669.8---; by email to juror.223rddistrictcourt@gmail.com; or bring this completed questionnaire to the office of the Gray County District Clerk, Gray County Courthouse, 3rd Floor, Pampa, Texas, BEFORE (insert date of jury selection, 2020):

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, 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 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, PLEASE CALL THE DISTRICT CLERK'S OFFICE at (806) 669-8010 BEFORE REPORTING FOR JURY SERVICE.

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 (806) 669-8010 BEFORE REPORTING.

3. COVID-19 RELATED EXCUSE OR EXTENSION - 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 reschedule or be excused from grand jury service at this time. If you wish to be excused or request that your grand jury service date be rescheduled, 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 rescheduled because of those conditions.

IF YOU ARE REQUESTING TO BE EXCUSED OR YOUR SERVICE DATE BE RESCHEDULED DUE TO A COVID-19 RELATED REASON, CALL THE DISTRICT CLERK'S OFFICE at (806) 669-8010 BEFORE REPORTING.

4. FACE COVERINGS:

Prospective jurors are required to wear a face covering while they are in the courthouse or M. K. Brown Memorial Auditorium and Civic Center, Pampa, Texas, in which court proceedings are being held. 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:

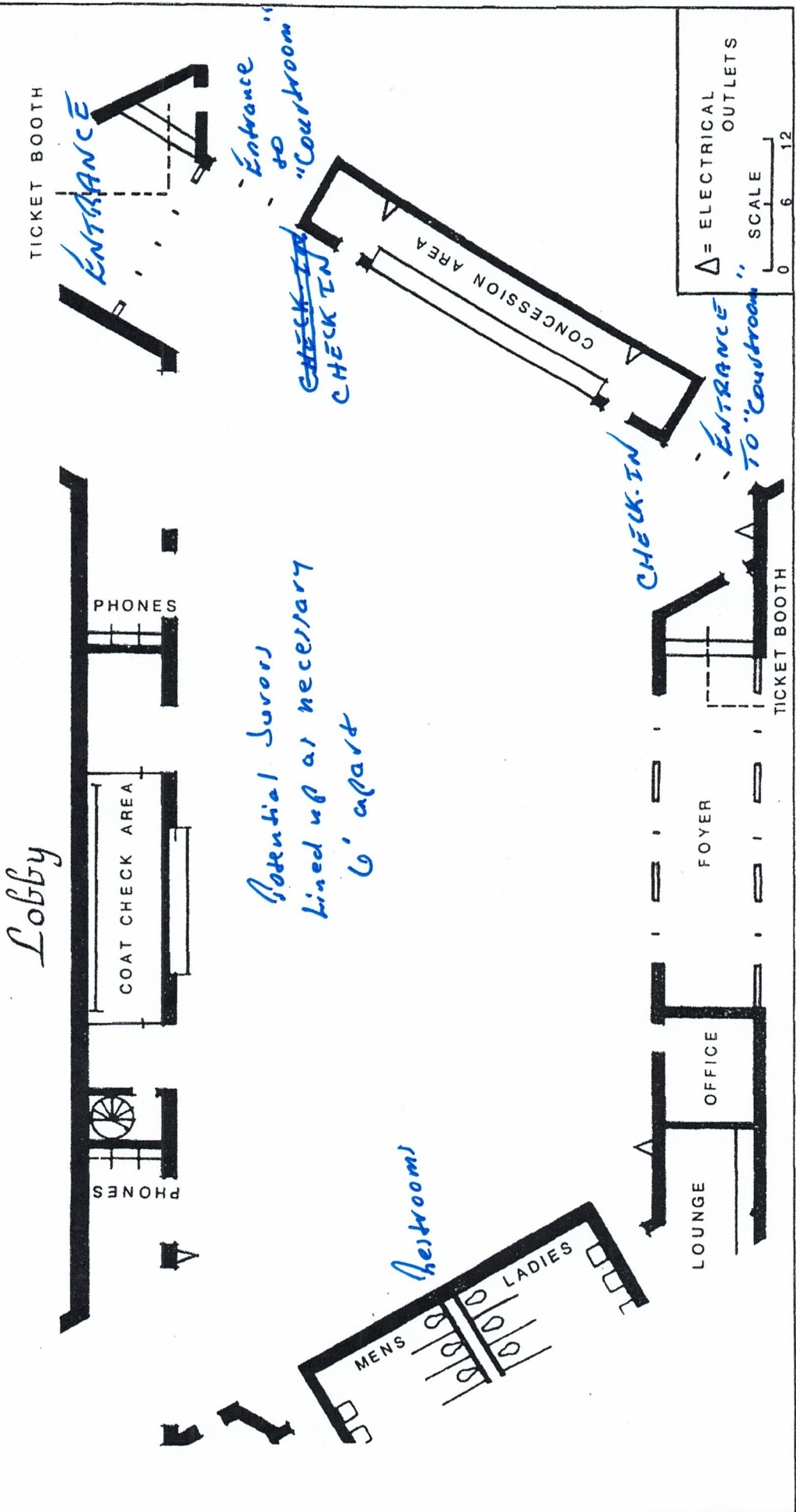
Signature

Printed Name

Attachment "B"
Gray County Jury Addendum to Operating Plan 11/16/2020

M. K. Brown Memorial Auditorium and Civic Center Lobby

MARKINGS
NOT TO SCALE

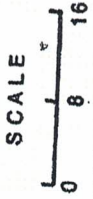


Attachment "C"

Coran County Jury Addendum to Operating Plan 11/16/2020

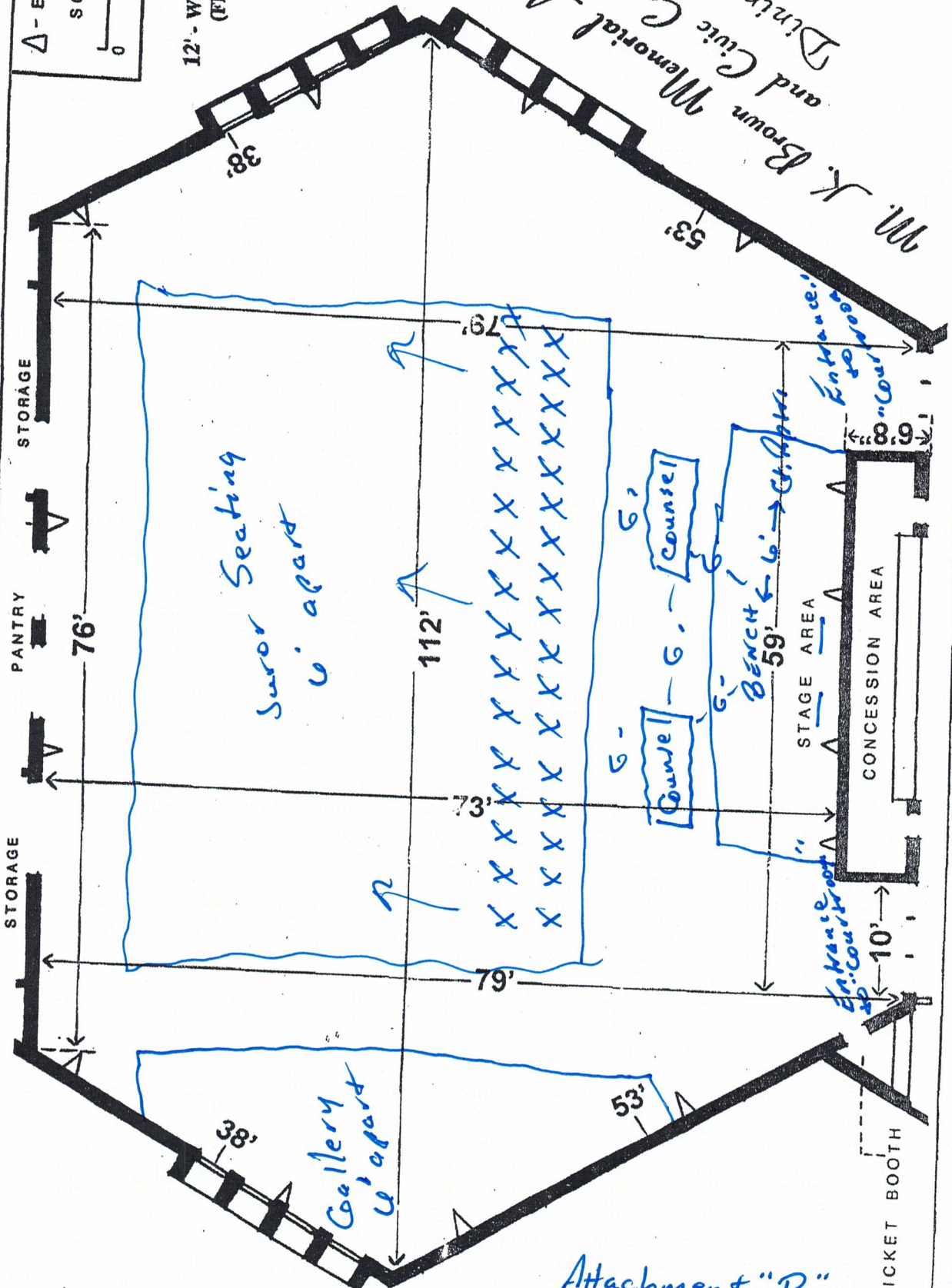
Marking Not to Scale

△ - ELECTRICAL OUTLETS



12' - WALL HEIGHT (FROM FLOOR TO CEILING)

Mr. J. Brown Memorial Auditorium
and Civic Center
Dining & Exhibit Hall



Seating
6' apart

Gallery
6' apart

Counsel

Bench
6' -> 6'

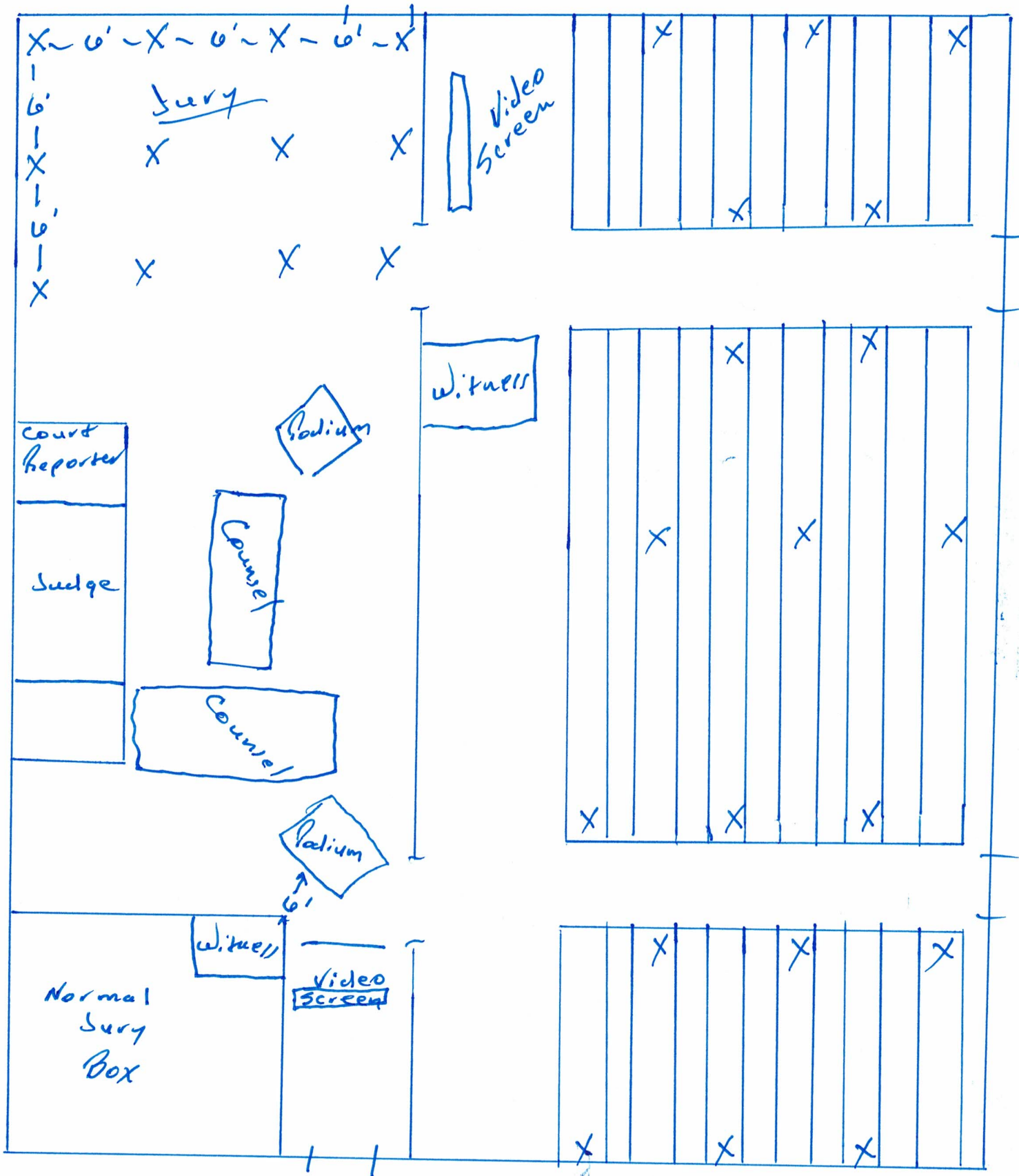
STAGE AREA

CONCESSION AREA

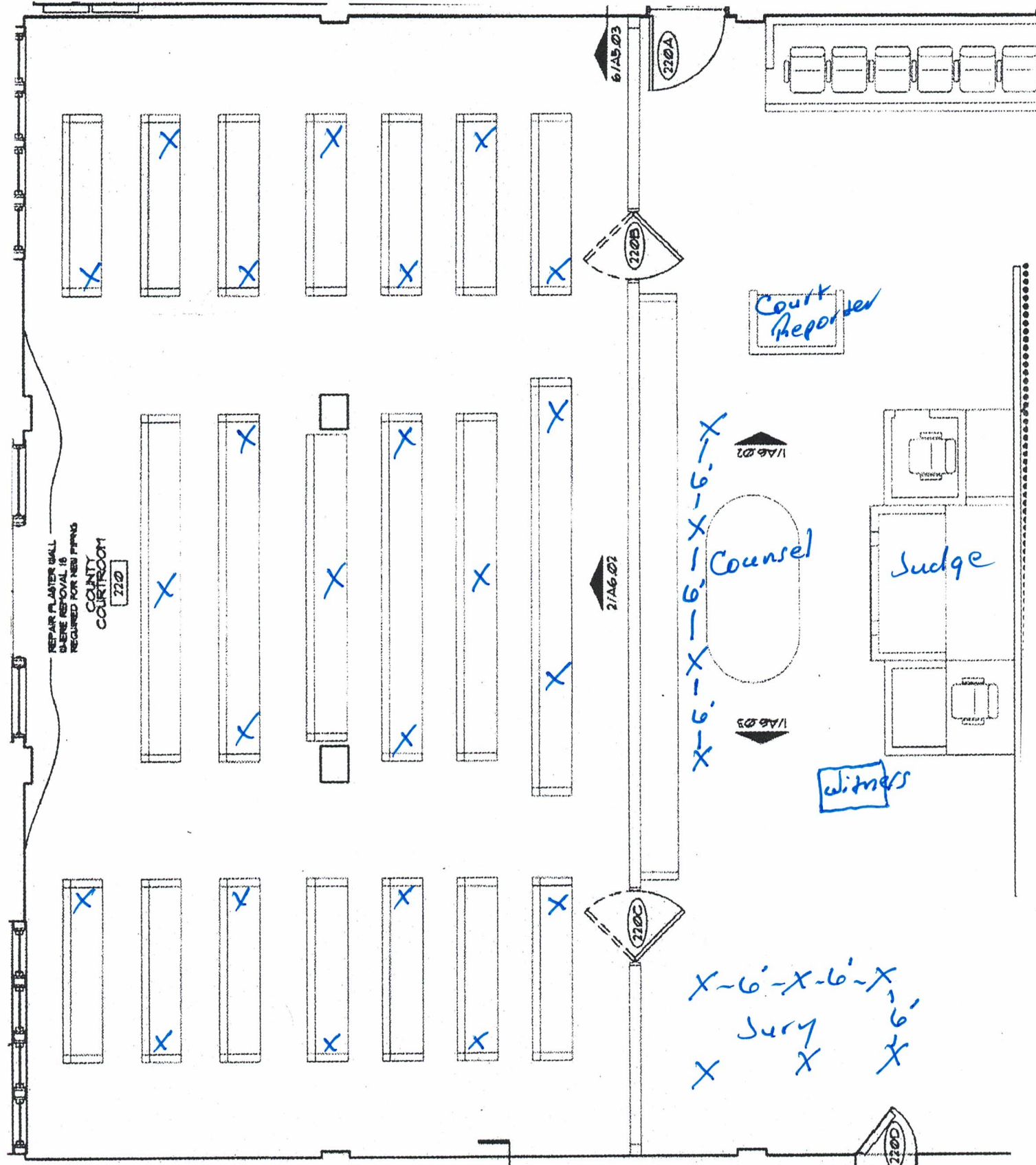
TICKET BOOTH

Attachment "D"

JOP MKB16



3rd floor District Courtroom
(Not to Scale)



2d Floor Gray County Courtroom
 (Not to Scale)

Attachment "F"
 Gray County Jury Addendum to Operating Plan 11/16/2020