

**Supplemental COVID-19 Operating Plan
for the District and County Court at Law Court and
the Linden Municipal Court
Cass County, Texas**

Pursuant to the Texas Supreme Court's 29th Emergency Order and the Guidance of the Office Court Administration December 17 and 31, 2020, the following supplemental in-person hearing plan is submitted:

1. All previously imposed health and safety measures outlined in the May 22, 2020 Cass County operating plan will continue in force. All judges will require all persons in court proceedings to use face coverings (per GA-29 and the Texas Supreme Court's Emergency Orders) and social distancing measures, subject to the court's discretion to permit testifying witnesses to testify without face coverings.
2. At the discretion of the presiding judge, all court proceedings may be conducted via Zoom, or other telecommunications platform, in conformance with the Emergency Orders of the Texas Supreme Court.
3. Pursuant to the updated guidance from the Office of Court Administration, the following objective criteria will be considered by the presiding judges prior to conducting in-person hearings:
 - a. The technological capacity of the parties, the attorneys, witnesses or other proceeding participants. Should the presiding judge find that technological limitations make conducting a remote hearing unreasonable, the presiding judge may hold an in-person hearing, as necessitated by the specific technological limitations and also considering the fairness to all participants, following all operating plan health and safety protocols.
 - b. The need for in-person attendance related to criminal proceedings. Should the presiding judge find that a criminal defendant's attendance is necessary because of a plea or sentencing with the possibility of the defendant being taken into custody or ordered onto probation (necessitating the meeting with probation personnel) or when a crime victim requests the opportunity to make an in-person victim allocution statement under 46.03, Sec. 1(b), Texas Code of Criminal Procedure, the presiding judge may proceed with in-person hearings for those cases. Likewise, arraignment hearings for defendants on bond may be conducted in person to insure an appearance before the court, requests for appointment of counsel, or presentment of scheduling orders or further orders to appear. At the discretion of the judge, in-person hearings may also be conducted based upon security considerations.
 - c. Criminal proceeding may also be conducted in person if the hearing is for a specialty court such as a drug court or mental health court and the party's physical presence with the specialty court team is necessary.
 - d. The need for in-person civil or criminal contempt hearings related to allegations of contempt where the hearing may result in the confinement of the alleged contemtor, the presiding may conduct an in-person hearing.

e. Whether the volume of exhibits or evidence intended to be introduced or the evidence is of such a nature, for example significant audio-visual evidence or critical physical evidence, that would make a remote hearing impracticable.

f. The presiding judge may also conduct in-person hearings at the discretion of the presiding judge, if the judge makes other objective findings in addition to or different from those outlined above in paragraph 3 (a) though (e), on the record that would require an in-person proceeding and after the judge has provided all parties an opportunity to make objections in writing or remotely to conducting the in-person hearing.

I have conferred with all judges of courts with courtrooms in the court building regarding this Operating Plan as well as communicated with Justice of the Peace judges with courtrooms in different locations. I have also consulted with the Local Health Authority as to local pandemic conditions and he has advised local conditions are conducive to in-person proceedings under the precautions and protocols contained in the previously submitted in-person operating plan and had no recommendations for additional safety procedures. I have also consulted with the Presiding Judge of the 10th Judicial Region regarding this plan.

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Bill Miller, 5th Judicial District of Texas
Cass County Administrative District Judge