

Jury Proceeding Addendum to COVID-19 Operating Plan for the Galveston 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 Galveston 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:

The judges will contact the Local Administrative District Judge, (LADJ), to get permission to hold an in-person jury trial in accordance with this Plan. Once approved by the LADJ, the judge Regional Presiding Judge, (RPJ), to let her know which cases may go to trial. The RPJ must give approval to hold the trial. If a visiting judge will be sitting, that visiting judge must get approval from the RPJ. The visiting judge will need to be able to explain

the protocol for holding an in-person jury trial under the COVID-19 County Operation Plan and this Addendum.

2. 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 Local Administrative District Judge, (LADJ), will contact officials with the Galveston County Health Department by telephone and/or email not more than five (5) days before the jury proceeding in question to discuss issues and concerns which are specific to Galveston County at that time. If the Galveston County Health Department has any recommendations that call for precautions and protocols over and above the Galveston County COVID-19 Operating Plan and this Addendum the LADJ will communicate such recommendations with all necessary parties, (the judges, the District Clerk, Justice Center Security, Facilities, etc.), in a timely fashion.

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)¹. Jurors will receive reminder notifications via text and/or email prior to their appearance for jury duty. The reminder notifications will confirm and support the language set forth in the summons which instructs prospective jurors not to appear at the Justice Center for jury duty if they have tested positive for COVID-19, have any symptoms that are related to COVID-19, have had prolonged and direct exposure to someone who is positive to COVID-19, is over 65 years of age, and/or has an underlying medical condition that increases their 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:²
 - a. Jury Qualification: All jury qualification will take place in the Jury Assembly Room.
 - b. Voir Dire: Voir dire proceedings for the County Courts at Law and the Probate Court will take place in a courtroom which is large enough to accommodate all jurors and court participants while adhering to social distancing guidelines. Voir dire proceedings for all of the Judicial District Courts will be conducted in the Jury Assembly Room. The Jury Assembly Room at the Galveston County Justice Center will seat seventy-two (72) socially distanced jurors.
 - c. Trial: All trial proceedings will take place in the courtroom of the Judge presiding over the proceedings.
 - d. Jury Deliberation: Jury deliberation for the County Courts at Law and the Probate Court will take place in the jury deliberation rooms of those courts. Jury deliberations for the Judicial District Courts will take place in the courtrooms in question with all other court participants removed to ensure privacy.
2. Security protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for the proceeding.

¹ Include as Attachment A the information that the court will include with summonses.

² 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.

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.
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 details how each of the courtrooms will be arranged during the jury proceeding:³

³ 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.

Three (3) jurors for the County Courts at Law and Probate Court will be seated in the jury box and three (3) will be seated in front of the jury box. Three (3) jurors for the Judicial District Courts will be seated in the jury box, three (3) will be seated in front of the jury box, and six (6) will be seated in a portion of the gallery which will allow for the jurors to be seated while observing social distancing protocols. Witnesses for both courts will be seated in the witness box. Counsel tables will be moved as needed to ensure that counsel and parties are able to communicate while adhering to all social distancing protocols. The court reporter and the bailiff will be positioned in a manner that allows them to perform the tasks associated with their duties at each phase of the trial proceedings.

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

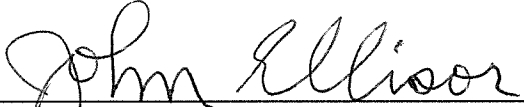
1. Courts that provide food to jurors or other participants during a jury proceeding will ensure individual food portions, such as individually boxed meals, are provided.

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: September 30, 2020


Local Administrative District Judge



JOHN D. KINARD
GALVESTON COUNTY DISTRICT CLERK
600 59TH STREET, SUITE 4001
P.O. BOX 17250
GALVESTON, TEXAS 77551
(409) 766-2319 FAX (409) 765-3202

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OFFICIAL JURY SUMMONS

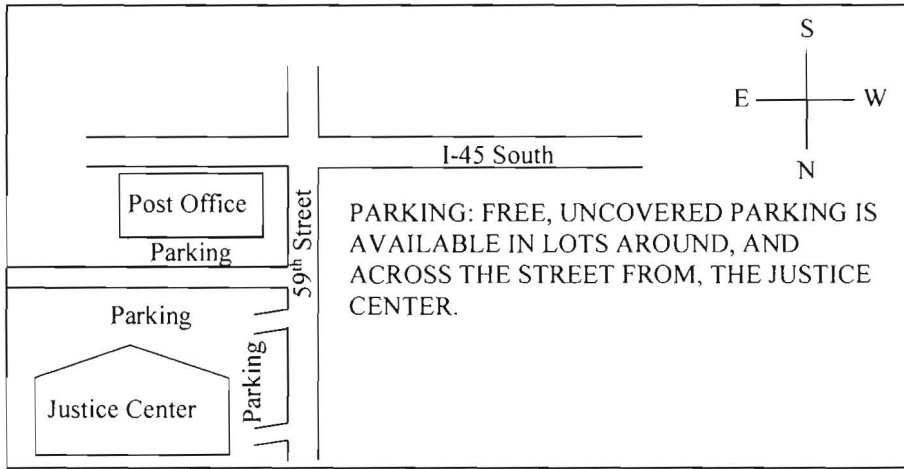
YOU ARE REQUIRED TO BRING THIS SUMMONS WITH YOU WHEN YOU REPORT

JUROR NUMBER:

ELECTRONIC SIGNATURE:

Failure to Answer Summons and Provision of False Information: A person who fails to comply with this summons, or who knowingly provides false information in a request for an exemption or to be excused from jury service, is subject to a contempt action punishable by a fine of not less than \$100 nor more than \$1,000 (Government Code, Section 62.0141). Additionally, a person shall be fined not less than \$100 nor more than \$500 if the person: (1) fails to attend court in obedience to this summons without reasonable excuse, or (2) files a false claim of exemption from jury service. (Government Code, Section 62.111, see also Code of Criminal Procedure, Article 35.01).

OFFICIAL JURY SUMMONS



OFFICIAL JURY SUMMONS

PARKING: FREE, UNCOVERED PARKING IS AVAILABLE IN LOTS AROUND, AND ACROSS THE STREET FROM, THE JUSTICE CENTER.

SPECIAL COVID-19 PROCEDURES

YOUR TEMPERATURE WILL BE MEASURED UPON ENTERING THE BUILDING. IF YOUR TEMPERATURE IS EQUAL TO OR HIGHER THAN 99.6°F OR IF YOU HAVE A COUGH, SHORTNESS OF BREATH OR HAVE BEEN IN DIRECT CONTACT WITH SOMEONE WHO IS CONFIRMED TO HAVE COVID-19, YOU WILL NOT BE PERMITTED TO ENTER. THE COURTS WILL ENSURE SOCIAL DISTANCING TO THE GREATEST EXTENT POSSIBLE, BUT YOU ARE ENCOURAGED TO BRING A MASK OR CLOTH FACE COVERING WITH YOU.

IF YOU KNOW YOU HAVE A FEVER OR ARE OTHERWISE SHOWING SYMPTOMS OF COVID-19, OR HAVE HAD DIRECT CONTACT WITH SOMEONE WHO IS CONFIRMED TO HAVE COVID-19, CALL THE DISTRICT CLERK'S OFFICE AT (409) 766-2319 TO SPEAK TO A JURY CLERK. DO NOT COME TO THE JUSTICE CENTER.

IF YOU ARE AGE 65 OR OLDER OR HAVE SERIOUS UNDERLYING HEALTH CONDITIONS WHICH MIGHT MAKE YOU MORE VULNERABLE TO COVID-19, PLEASE CALL (409)766-2319 TO SPEAK TO A JURY CLERK. DO NOT COME TO THE JUSTICE CENTER.

RIGHT TO REEMPLOYMENT: AN EMPLOYER MAY NOT DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE OR COERCE ANY PERMANENT EMPLOYEE BECAUSE THE EMPLOYEE SERVES AS A JUROR (CIVIL PRACTICE AND REMEDIES CODE, SECTION 122.001).

LENGTH OF SERVICE: JURY SERVICE USUALLY LASTS ONE WEEK BEGINNING ON MONDAY MORNING AND ENDING FRIDAY, HOWEVER SOME TRIALS MAY REQUIRE LONGER SERVICE

DISABILITIES: PERSONS WITH DISABILITIES WHO NEED SPECIAL ARRANGEMENTS TO PARTICIPATE IN JURY DUTY SHOULD CALL THE DISTRICT CLERK'S OFFICE AT (409) 766-2319

SECURITY: WHEN YOU ENTER THE BUILDING, YOU WILL BE REQUIRED TO GO THROUGH A MAGNETOMETER. ALL BRIEFCASES, PURSES AND PACKAGES WILL BE X-RAYED BY SECURITY. KNIVES, FIREARMS, CAMERAS, CHEMICAL SPRAYS, METAL BELTS, SCISSORS, WORK TOOLS, VIDEO AND AUDIO RECORDERS ARE PROHIBITED IN THE COURTHOUSE DUE TO SECURITY REGULATIONS. YOU MAY BE ASKED TO RETURN PROHIBITED ITEMS TO YOUR VEHICLE