

SUPPLEMENTAL COVID-19 OPERATING PLAN FOR
ROCKWALL COUNTY - JURY TRIALS

Recognizing the continuing need to ensure the health and safety of jurors, litigants, attorneys and others, the courts of Rockwall County will implement the protective measures stated herein. This plan is in addition to and in supplementation of the protective measures currently in place under the Rockwall County Operating Plan for COVID-19 signed in May, 2020. In order to safely conduct jury trials, Rockwall County Courts will comply with the Supreme Court's 26th Emergency Order as well as follow the recommendations of the Office of Court Administration as follows:

General

1. Judges of the district courts and statutory county 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.
2. 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.
3. Potential jurors will be screened at the Courthouse door by infrared temperature monitor and general questions regarding COVID-19 and its symptoms.
4. All persons entering the Courthouse will be required to wear masks and maintain appropriate social distancing during all phases of the trial.
5. 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.
6. The justice courts will not conduct an in-person jury proceeding until the Supreme Court permits such proceedings.

Jury Proceeding Approval Process

1. Judges wishing to conduct a jury proceeding will follow the procedure detailed in this plan after obtaining approval to proceed from the local administrative district judge and the Regional Presiding Judge.
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: Either by email, text or telephone call.

Jury Summons

1. Each jury summons will have an attached addendum in the form of a letter from the Courts assuring the jurors that Courthouse facilities will be clean and safe for jury service.
2. The addendum will also provide information about COVID-19 symptoms and give directions on how to be excused from service if the juror's answer to the included question is "yes" on the issue of experiencing symptoms.

Excuses from Service based on COVID-19

1. Jurors who are considered to be "Vulnerable Populations" as previously defined by our original plan, may request to be excused from service by calling or e-mailing the jury coordinator.
2. As stated in the addendum attached to the summons, if a juror or member of their immediate household has actually been diagnosed with COVID-19 within thirty (30) days from the date of the summons, or if the juror or member of their household have been in close contact with someone who has been diagnosed in the past 14 days or the juror has experienced symptoms described in the addendum, the juror may call or e-mail the jury coordinator to be excused.
3. Excuses based on COVID-19 will be liberally granted.

Pre-Trial

1. Not more than five (5) days prior to a jury proceeding the local administrative judge will consult with the local health authority to verify that local conditions are approved for the trial to proceed as stated above.
2. No more than ten (10) cases per docket will be called without permission of the local regional judge and participants will be notified ahead of time if their case will not be reached to avoid unnecessary appearances at the courthouse.

3. The Courts will consider motions filed by counsel pertaining to the trial within seven (7) days of the trial, or as soon as practical, either in person or remotely.

Qualification and Voir Dire

1. In order to assure that groups of jurors are limited in number, we will conduct jury qualification on separate days from the voir dire examination. Qualification and voir dire for the District Courts will be conducted in the Central Jury Room in order to assure social distancing. The Central Jury Room will be cleaned after each session.
2. The Central Jury Room will be seated at no more than approximately 28% capacity in order to assure distancing. Selection of jurors for the District Courts and the County Courts at Law will occur on different days.
3. Jury qualification for the County Courts at Law will also be in the Central Jury Room, although voir dire examinations in the County Courts at Law will be in the courtroom, with proper distancing between the smaller number of jurors on the panel.
4. The County Courts at Law will not begin empaneling jurors until November 1, 2020.

Courtroom/Trial

1. In the courtroom, jurors will be seated in the gallery and properly socially distanced. Seats will be assigned for the duration of the trial.
2. Jurors will have the ability to take breaks as well as deliberate in the courtroom itself, rather than in the smaller jury room, in order to maintain social distancing. During breaks, the courts will remind jurors of their responsibility to socially distance.
3. Gloves will be provided for witnesses who handle exhibits and new microphone covers will be provided after each different witness testifies.
4. Attorneys will be encouraged to use digital evidence whenever possible, and gloves will be used to handle paper exhibits. Exhibits will be displayed to a witness or the jury, electronically when possible, either by the document cam or computer.
5. The witness stand and the Judge's bench, as well as the court reporter station, are currently protected with plexiglass barriers.

6. Participants in trial will wear masks at all times unless wearing face shields or protected by plexiglass. Attorneys and clients at the counsel table will sit apart from each other for proper distancing. The Bailiff has a separate station protected by plexiglass. Observers in the gallery will be distanced and seated in accordance with our original plan.
7. The courts will advise attorneys in writing to screen their witnesses and other participants for COVID-19 symptoms prior to trial. Courts will verify with the Sherriff's Office that participating inmates have been properly screened and are exhibiting no symptoms of COVID-19.
8. Jurors who require food during deliberations will be served individual food portions.

Witnesses

1. Counsel for each side will advise the Court 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 been recently exposed, or is vulnerable to contracting COVID-19.

I have conferred with the judges of the District Courts and County Courts at Law regarding the Jury Proceeding Addendum to the Operating Plan. In developing the plan, I consulted with the local health authority and county judge. 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 this 29 day of Sept, 2020.



Brett Hall, District Judge, 382nd District Court
Local Administrative Judge, Rockwall County