

**RECERTIFICATION**  
**COVID-19 Operating Plan for the Coppell Municipal Court No. 1**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the building housing the courts, the Coppell Municipal Court No. 1 will implement the following protective measures:

**No in-person hearings will be conducted when Dallas County is in the Covid-19 Red Zone Risk Level.**

**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 proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. All judges will continue to use all reasonable efforts to conduct proceedings remotely via eDocket videoconference. Until the Emergency Orders of the Supreme Court of Texas pertaining to in-person proceedings are rescinded, amended or expire, or the Supreme Court otherwise expressly permits, no in-person proceedings in any matter will be held unless the trial judge presiding over a proceeding has used all reasonable efforts to conduct the proceeding remotely. All proceedings will occur remotely unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the judge's control.

**All judges before conducting an in-person hearing shall first determine if an in-person hearing is necessary by following the below procedures:**

1. The judge shall inform each counsel and pro se litigant that the hearing shall be conducted remotely over Zoom. The judge shall provide each counsel and pro se litigant a phone number or email address to inform the judge if they believe any counsel, their clients, a pro se litigant, any witness, an interpreter, or any other Participants (all referred to below as "Participant") cannot participate remotely. The judge or judge's staff shall then determine whether a Participant is unable to participate in the hearing due to any one or more of the following:
  - a. lack of technology which precludes or impedes their ability to participate in the hearing via the Zoom videoconferencing app. Examples of the lack of such technology include:
    - i. lack of access to a computer tablet or other device with internet video capability;
    - ii. lack of access to a cell phone; or
    - iii. lack of access to an internet connection.
  - b. A physical, mental, or other disability that prevents a Participant from being able to effectively operate or utilize the required technology. Examples of such a disability include:
    - i. a physical or mental disability that precludes them from effectively operating the technology necessary to access the Zoom videoconferencing app;
    - ii. a physical disability that precludes them from effectively seeing, hearing, or otherwise participating in a Zoom video hearing;

- iii. the lack of or unavailability of an interpreter who can assist the individual in communicating during a Zoom hearing;
    - iv. incarceration and the incarcerating facility's lack of technological resources or facilities to allow the inmate to participate remotely in the hearing or confer privately with the inmate's legal counsel; or
  - c. A confrontation clause constitutional objection is raised by criminal defense counsel or a pro se litigant, and the judge sustains the objection after conducting a Haggard v. State, 2020 WL 7233672 (Tex. Crim. App. 2020), analysis.
  - d. A proceeding where one participant needs to appear in person due to a need to provide fingerprints, is subject to incarceration, or must meet with multiple departments as a result of the court proceeding, in which case that party may need to appear while the other parties appear remotely.
2. If an individual is unable to participate for one of these reasons, prior to holding an in-person hearing, the judge shall make reasonable efforts to accommodate the individual as set forth in the procedures below.

**When an individual is found to be unable to participate in a Zoom videoconference for one of the reasons stated above, prior to holding an in-person hearing, the judge considering the in-person hearing shall make all reasonable efforts to make accommodations that will allow the individual(s) to participate. The accommodations that the judges shall consider include:**

1. When an individual does not have adequate technological resources on their own to participate in a Zoom videoconferencing hearing, a judge shall:
  - a. determine whether the court has the ability to provide the individual with a laptop or other device which would allow the individual to participate in the hearing from some segregated location within the court facility while following appropriate COVID-19 precautions and protocols;
  - b. determine if such technological resources can be provided to the individual by some other source (e.g., a participating attorney, a party, a family member, friend, public library, or an appropriate agency of the State of Texas); and
  - c. determine whether the individual could participate in a meaningful manner by telephone (audio only).
2. When an individual has physical or mental disabilities that would prevent the individual from operating the technology required, a judge shall:
  - a. determine if the individual has legal counsel, family or friends who can assist in operating the required technology; and
  - b. inquire as to what, if any, accommodations could be made which would allow the individual with a disability to participate.
3. When an individual is incarcerated, a judge shall:
  - a. determine whether the facility has the technological resources or facilities to allow the incarcerated individual to participate in the hearing;
  - b. if the facility does not have the technological resources to allow the inmate to participate in a Zoom videoconference, determine whether the inmate could participate in a meaningful manner by telephone (audio only).
4. When an individual is otherwise unable to participate in a hearing via videoconference or by audio only, a judge shall determine whether the individual can effectively participate in the

proceeding by a sworn statement made out of court as permitted by the Emergency Orders of the Supreme Court of Texas.

5. If no accommodation is available, the judge shall determine if a continuance is warranted, balancing the risk to public health and safety with the need to resolve the particular case.
6. If no accommodation is available and the judge determines a continuance is not warranted, the judge may permit the hearing to occur in-person under the precautions and protocols in this operating plan.

Even if it is determined that a participant is unable to appear remotely, the judge will permit that participant to appear in-person in a courtroom or in segregated location within the courthouse but still use all reasonable efforts to conduct the proceeding remotely and require all other participants to appear remotely in compliance with the Supreme Court's Emergency Orders.

The presiding judge of the municipal court will maintain regular communication with the local health authority and mayor and adjust this operating plan as necessary with conditions in the city.

#### **Judge and Court Staff Health**

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and court staff must take their temperature upon entering the Coppell Justice Center (hereinafter referred to as the "court building") before beginning work and have another staff member confirm their temperature reading.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 (when within the time period prescribed by the county or CDC to quarantine or take precautions) will not be permitted to remain in the court building and should seek medical advice.
4. Judges and court staff will be required to wear a mask or face coverings that must cover the mouth and nose when at the court building (unless in a room alone) and practice social distancing and appropriate hygiene recommendations at all time.
5. Protective Measures:
  - a. Window clerks will continue to work behind protective glass and will work diligently to minimize contact with individuals when conducting all necessary in-person business with individuals.
  - b. Electronic signature pads will be placed outside the plexiglass for individuals needing to sign court documents at the court window.
  - c. Individuals will be asked to use the court provided hand sanitizer before touching the signature pads and upon sitting down outside the court window for service.

- d. All documents an individual wants reviewed by the judge or prosecutor shall be emailed to the court clerk prior to the court setting date or due date. The prosecutor, judge, and court staff shall not accept physical copies of materials but shall review documents presented electronically subject to confidentiality and the law. If a party is not able to present such materials in an electronic format, such materials may be presented to a court clerk to scan for electronic viewing. The clerk scanning the documents shall take efforts to minimize any potential contamination by either wearing gloves and changing them between transactions or using hand sanitizer before and after scanning the documents.
- e. See below sections for further details regarding protective measures being taken to protect the court staff and the public.

### **Scheduling**

1. The following court schedules are established to reduce occupancy in the court building:

#### **Court Window will be open as follows by appointment until further notice:**

**8:00am to 4:00pm** – individuals with matters before the court may appear at the court window during appointment timeframes set by the court.

**4:00pm** – closed to the public for thorough cleaning.

Citizens will continue to be encouraged to take advantage of the options available for processing their cases by mail, telephone, drop box or through the internet to minimize the number of individuals interacting face-to-face with court staff.

#### **Courtroom:**

- a. In-person proceedings in the courtroom will only be allowed if the judge presiding over a proceeding has used all reasonable efforts to conduct the proceeding remotely but has been unsuccessful and has determined, based on the objective criteria outlined above, that litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the judge's control. Such in-person proceedings will be subject to social distancing, screening and hygiene standards as outlined in this Plan. Every effort will be made by the judges to conduct dockets remotely via eDocket videoconference when practicable.
- b. In-person jury trials will not resume until further notice. Remote jury proceedings will be conducted to the extent allowed by the Supreme Court's Emergency Orders for municipal courts and once all proper permissions for such remote procedures have been obtained and after the court has considered on the record all timely filed objections and motions.
- c. Citizens will continue to be encouraged to take advantage of the options available for processing their cases by mail, telephone, drop box or through the internet to minimize the number of individuals interacting face-to-face with court staff.
- d. Liberal reset policies will continue.

### **Vulnerable Populations**

1. 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.

2. The court will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information also will be posted on the court's websites and in conspicuous locations around the court building.
3. Vulnerable populations who are scheduled for court will be accommodated in the following ways:
  - a. Liberal reset policies will continue.
  - b. Special settings and appointments specifically for vulnerable individuals will be scheduled and held as needed.
  - c. Vulnerable individuals will appear before the court remotely via eDocket videoconference when practicable.

### **Social Distancing**

#### *Court Building*

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. Social distance markers have been placed on the floors of the court building lobby and other fixtures are set up to help individuals social distance when entering the court building or approaching the court window.
3. Social distancing in the court building lobby will be supervised by the city marshals with assistance from court staff.
4. In-person proceedings in the courtroom will only be allowed if the judge presiding over a proceeding has used all reasonable efforts to conduct the proceeding remotely but has been unsuccessful and has determined, based on the objective criteria outlined above, that litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the judge's control. Such in-person proceedings will be subject to social distancing, screening and hygiene standards as outlined in this Plan. Every effort will be made by the judges to conduct dockets remotely via eDocket videoconference when practicable. Only individuals with business before the court will be permitted to enter the courtroom unless an additional person is needed for physical assistance or language translation. A parent or guardian of a juvenile shall appear with the juvenile for a matter involving the juvenile. Public access to court proceedings will be provided through livestream.
5. Each restroom in the court building lobby has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
6. Public common areas have been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted as required.

#### *Courtroom Gallery*

7. The maximum number of persons permitted in the gallery of the courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by the city marshals.
8. Public access to court dockets and other proceedings will be provided through livestream.

9. All personal items such as purses, backpacks, bags and jackets not on an individual's person should not be brought into the courtroom but left in the individual's vehicle or with another person outside the courtroom when practicable. This will help the city marshals, who may be required to search such items before entry into the courtroom, limit their contact with individuals and un-sanitized items. If deemed necessary and safe by the city marshals, individuals may bring items in a clear quart size container or bag into the courtroom.
10. Identification, cell phones (in silent mode) and methods of payment are permitted in the courtroom.
11. Persons with business in the courtroom shall check in with the clerk and, at that time, submit any necessary documents not already emailed and scanned into their file for court and prosecutor review. After an individual checks in, the city marshals or other court staff may request that an individual provide a contact number and wait in their vehicle (if available) in the courthouse parking until the individual's case is called if the courtroom is at capacity. The city marshals or other court staff shall call or text the individual to appear in the courtroom as space becomes available. When this is not practicable, an individual will be allowed to remain in the court building lobby, subject to capacity limits, or in the court multipurpose room, subject to social distancing requirements, until their case is called.

#### *Courtroom Well*

12. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space. Plexiglass shields are in place between the prosecutor and the defendant/attorney, the judge and the defendant/attorney and the clerk and the defendant/attorney.

#### **Hygiene**

1. Hand sanitizer dispensers have been placed outside the courtroom and at the public service windows.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand and on the judge's bench.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations of the court building.
4. Defendants shall be asked to use hand sanitizer prior to using the Court's signature pads in the courtroom.

#### **Screening**

1. The Court shall post signs outside the courthouse building advising persons that if they have a fever, cough, shortness of breath, difficulty breathing, or other symptoms or if they have been in close contact within the past two weeks (or within the time period prescribed by the county or CDC to quarantine or take precautions) with a person confirmed to have COVID-19 that they should contact the clerk via telephone to reset their court date or, if applicable, resolve their case using mail, telephone, drop box or through the internet.
2. Before individuals are permitted to enter the courtroom, one of the city marshals will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19 (within the time period prescribed by the county or CDC to quarantine or take precautions).

Individuals who indicate yes to any of these questions will be refused admittance to the courtroom and their case will be rescheduled.

3. Before individuals are permitted to enter the courtroom, one of the city marshals will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature is equal to or greater than 100.0°F will be refused admittance to the courtroom and will be rescheduled for another court date and will be reminded of how to take advantage of the options available for processing their cases by mail, telephone, drop box or through the internet if interested.
4. Staff who are screening individuals entering the court building and courtroom will be provided personal protective equipment, including masks and gloves and head shields if requested.

#### **Face Coverings**

1. All individuals entering the court building will be required to wear a mask or face coverings that must cover the mouth and nose at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.

#### **Cleaning**

1. All touch services will be cleaned and disinfected by the city marshals and court staff and as needed.
2. City marshals will clean the courtroom between every hearing, between morning and afternoon proceedings and at the end of each day the courtroom is used and as needed.
3. City marshals and court staff have been provided cleaning supplies shown to be effective with this COVID-19 coronavirus.
4. City marshals and court staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.
5. Court building cleaning staff will clean common areas of the court building pursuant to usual cleaning routines so that the common areas are cleaned by the cleaning staff at least daily.
- 6.

#### **Other**

Judges and court staff will continue to monitor CDC and Texas DHS recommendations as well as directives and guidance from Dallas and Denton Counties, the Texas Office of Court Administration, and the City of Coppell leadership.

I have conferred or attempted to confer with all judges of the City of Coppell Municipal Court No. 1 regarding this Operating Plan. In developing the plan, I consulted with the local health authority and the mayor, documentation of which is attached to this plan. I will ensure that all judges of the City of Coppell Municipal Court No. 1 covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 1/5/2021

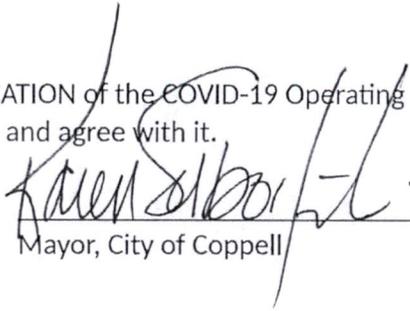


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Presiding Judge of Municipal Court

I certify that I was consulted about the RECERTIFICATION of the COVID-19 Operating Plan for the Coppel Municipal Court No. 1, have read this plan and agree with it.

Date: 1/5/2021

  
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Mayor, City of Coppel