

Jury Proceeding Addendum to COVID-19 Operating Plan for the Harris 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 **Harris County** 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 courts will not conduct an in-person jury proceeding until the Supreme Court permits such proceedings.
3. Judges of the district courts, 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 to 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:

In accordance with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals and the guidance of the Office of Court Administration, the judge will confer with the Local Administrative Court and the Regional Presiding Judge and demonstrate that judge's ability to safely conduct an in person jury trial.

Further, the judge will ensure compliance with the "Harris County Courts Procedures for Ordering Jury Panels During the COVID-19 State of Disaster," as well as the "COVID-19 Operating Plan for the Harris County Judiciary."

More specifically, the judge will:

- (A) liberally excuse or reschedule prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone vulnerable to COVID-19;
- (B) comply with the Harris County plan for jury selection at a remote location and for deliberations in an empty, adjacent space, or identify alternative appropriate locations for conducting the various phases of a jury proceeding that enable adequate social distancing;
- (C) ensure that all persons entering the courtroom wear a face covering (mask or shield) at all times unless a specific excuse is heard, considered and granted;
- (D) ensure that social distancing of all court participants and observers is maintained at all times during the jury proceeding, including during the trial and deliberation;
- (E) consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming ineligible to serve;
- (F) arrange the physical courtroom to provide for social distancing; and
- (G) provide for safety protocols for evidence, microphones and seating, with provisions for intermittent cleaning.

2. The local administrative district judge will, at least 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:

Jury assembly and selection at a remote location (currently NRG Arena), and compliance with the "COVID-19 Operating Plan for the Harris County Judiciary", including socially distancing the jurors and participants in the courtroom during trial and deliberations.

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 two cases for that jury trial setting if all available courtrooms are occupied, unless pre-approval for larger dockets is obtained from the Regional

Presiding Judge. If there are available and unoccupied courtrooms, then 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 Attachments A & A-1) and COVID questionnaires (see 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 to permit adequate social distancing and will be used for in-person jury proceedings:
 - A. Jury Qualification: NRG Arena
 - B. Voir Dire: NRG Arena
 - C. Trial: Harris County Civil Courthouse, Harris County Juvenile Justice Center, Harris County Criminal Justice Center and the 1910 Courthouse
 - D. Jury Deliberation: Adjacent courtrooms or other sufficient space within the same building allowing for appropriate social distancing
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 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. A full list of symptoms for COVID-19 can be found on the CDC website at: www.cdc.gov/coronavirus/2019-ncov/index.html

2. Should any court participant or observer answer “yes” to any of the screening questions, that individual will not be allowed to attend the proceedings in person.
3. 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 total number of individuals allowed in the courtroom at one time has been reduced as an additional safety measure. That number has been posted outside each courtroom. That number is currently 25% of the maximum capacity.
2. The following description details how each of the courtrooms or facilities will be arranged during the jury proceeding:

For courts with 12 person juries, jurors will be placed in the gallery instead of the jury box; Plexiglas has been installed for the court, the witness and court staff; attorney tables are repositioned to provide for more than six feet between parties, court staff, witness box and jurors. For courts with six person juries, jurors may be placed in the gallery or in the jury box with the jurors repositioned to allowed for social distancing; Plexiglas has been installed for the court, the witness and court staff; attorney tables are repositioned to provide for more than six feet between parties, court staff, witness box and jurors.

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 or hand sanitizer will be provided for the handling of 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.
2. Courts that provide food to jurors will provide hand sanitizer in rooms where food will be consumed.

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: 10/1/2020

Handwritten signature of Robert K. Schaffer in cursive script.

Local Administrative District Judge



Eleventh Administrative Judicial Region of Texas

Susan Brown

Presiding Judge

Rebecca Brite, Executive Assistant

October 5, 2020

Dear Judge Schaffer,

I have completed a review of your Operating Plan and find it meets all of the conditions required by the Office of Court Administration to begin holding in person jury trials starting October 1, 2020. You may begin holding in person jury trials on October 1st. I would remind you and the other judges in your jurisdiction that per the Supreme Court, Court of Criminal Appeals and OCA guidelines, which are in effect from June 1, 2020 until updated, that all proceedings should continue to be held remotely unless it is not possible or practicable.

Should you need further assistance as you move toward re-opening your courtrooms please do not hesitate to contact me.

Thank you for all that you do for the citizens of our great state.

A handwritten signature in black ink that reads "S. Brown".

Susan Brown

Presiding Judge, 11th Administrative Judicial Region

How to Respond to the Summons

When

You must register with the District Clerk within seven (7) days. Register online, by email, or phone.

How

www.hcdistrictclerk.com

- OR -

Jury@hcdistrictclerk.com

- OR -

(713) 755-6392

What You Need To Do

Before You Go

- Pre-register at www.hcdistrictclerk.com/jury/juror.html
- To expedite your check in at NRG Arena please visit the Harris County District Clerk website to pre-register by entering in your HC number or Texas Driver's license number and your last name
- Review COVID-19 Jury Trial Safety Protocols at www.HarrisCountyJuryService.com

What to Wear

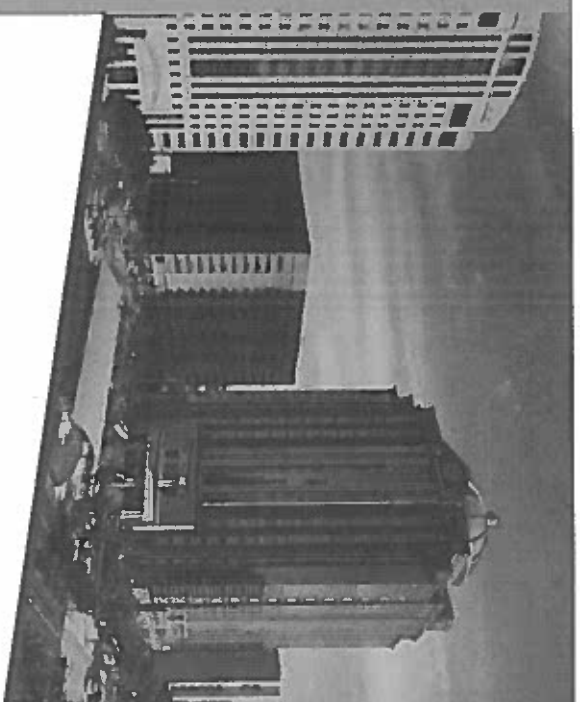
- Dress professionally, but with comfort in mind
- Wear or bring socks, you must remove shoes while going through security
- A light jacket if you tend to get cold

What to Bring

- Face coverings will be required in NRG Arena
- Be sure to bring your completed jury summons with you to jury service
- Reading materials if desired

For more information on jury service, visit the District Clerk's website:

www.hcdistrictclerk.com/Common/Juror/general_info.aspx



Jury Summons and COVID-19 Safety Information Guide

Thank you for answering the
call to jury service.

Exhibit A

COVID-19 Safety Measures

The District Courts of Harris County have worked with Harris County Public Health Officials to put in place safety protocols and procedures for Jury Trials at both NRG Arena and the Downtown Courthouses.

Safety Measures at NRG Arena and Downtown Courthouses

- Staggered arrival times for jurors
- Mandatory temperature checks
- Standard COVID-19 screening questions
- Face coverings required
- Social distancing enforced
- Hand sanitizer readily available
- Footprint markers on the ground to ensure social distancing

FAQ

Why am I receiving a jury summons?

Jury trials are an essential part of our legal system. Harris County is beginning the process of re-starting jury trials. Jurors are selected from a randomized list of residents who are registered to vote in the county or have a Texas driver's license or a Texas ID card.

My jury summons does not have a date, location, or time. How do I know when or where to appear?

Register online, email jury@hcdistrictclerk.com, or call (713) 755-6392 to receive date, location and time for jury service.

Where do I report when I know when my jury service has been scheduled?

Jurors will assemble at NRG Arena to allow for social distancing. Please enter NRG Arena through Gate 5 which is located on the southwest side of the complex, between Fannin and Kirby on the 610 access road at 1770 S. Loop W. Houston TX 77054.

What do I do if I am not feeling well on the day I am supposed to serve as a juror?

If you do not feel well, have any COVID-19 symptoms, or have a fever, contact the Harris County District Clerk's office or the court that you are assigned to for jury service.

For more information on the safety protocols:
www.HarrisCountyJuryService.com

Why Jury Service Is Important

Especially in these challenging times, it is essential for our court system to continue to function to ensure our democracy and the rights and privileges of all Americans. And there is nothing more important to our justice system than an individual's right to a fair trial with a jury of their peers.

The right to a jury trial was fought for by our nation's founders, and guaranteed in the Sixth and Seventh Amendments of the United States Constitution. Without it, the very core on which our great nation stands would be in jeopardy.

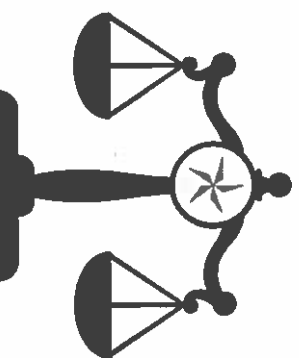
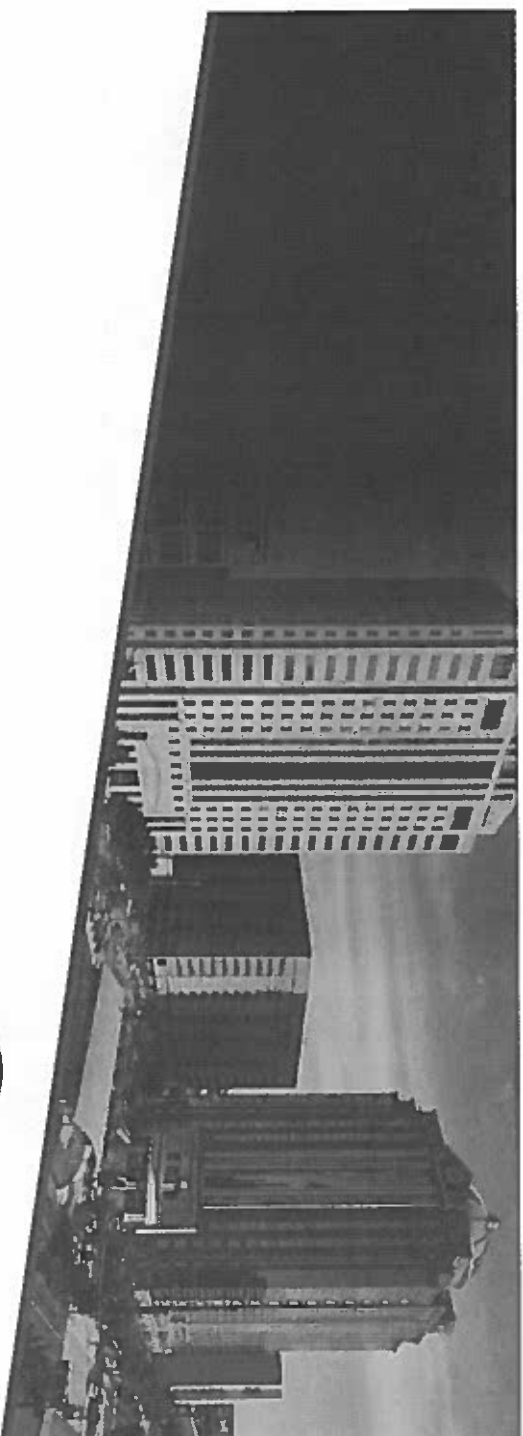
Why Jury Service Must Continue

As a citizen, there is nothing more fundamental to our democracy and no better way to participate in the justice system than by serving as a juror.

In these extraordinary times of COVID-19, the District Courts of Harris County are determined to provide the safest possible environment for everyone who participates in our justice system. We have put in place protocols and procedures approved by Harris County public health officials to protect our juries as you help protect the rights guaranteed to all of us in the Sixth and Seventh Amendments of our United States Constitution. We look forward to welcoming you.

www.HarrisCountyJuryService.com

Exhibit A-1



Justice Requires Jurors

The District Courts of Harris County
Jury Trial Safety Measures
During COVID-19

For More Information On Jury Trial Safety Protocols:
www.HarrisCountyJuryService.com

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COVID-19 Safety Measures

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- Footprint markers on the ground to ensure social distancing

FAQ

Is social distancing required at NRG Arena and the Downtown Courthouses?

Yes, everyone is required to socially distance themselves while in the courthouse, including, but not limited to when waiting in lines.

Are face coverings required at NRG Arena and the Downtown Courthouses?

Yes, face coverings are required in NRG Arena and the Downtown Courthouses.

Will jurors be socially distanced during trial?

Yes, jurors will be seated in a manner that is consistent with the social distancing requirements of maintaining six feet between individuals.

What if on the day I am supposed to serve as a juror I do not feel well?

If you do not feel well, have any COVID-19 symptoms, or have a fever, contact the bailiff or the District Clerk's office.

Will the jurors be socially distanced during deliberation?

Yes, the jury will deliberate in a space that is large enough for the jurors to maintain socially distancing.

For More Information On Jury Trial Safety Protocols:
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Especially in these challenging times, it is essential for our court system to continue to function to ensure our democracy and the rights and privileges of all Americans. And there is nothing more important to our justice system than an individual's right to a fair trial with a jury of their peers. The right to a jury trial was fought for by our nation's founders, and guaranteed in the Sixth and Seventh Amendments of the United States Constitution. Without it, the very core on which our great nation stands would be in jeopardy.

www.HarrisCountyJuryService.com

COVID-19 Screening Questions

1. Have you been diagnosed with or had close contact with anyone who has been diagnosed with COVID-19 within the last 14 days?

If you would like to provide the court with additional information, please do so here.

2. Have you experienced any cold or flu-like symptoms in the last 14 days (including fever, cough, sore throat, respiratory illness, or difficulty breathing)?

If you would like to provide the court with additional information, please do so here.

3. Do you have any underlying medical conditions that put you at higher risk of developing serious health complications from COVID-19?

If you would like to provide the court with additional information, please do so here.

4. Have you been subject to voluntary or involuntary quarantine?

If yes, when did the quarantine begin?

How long was the recommended quarantine?

5. Do you have any other COVID-19 concerns related regarding your jury service?

Exhibit B