

## **COVID-19 Operating Plan for the Tarrant County Judiciary**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of **Tarrant County** will implement the following protective measures:

### **General**

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and the 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 use all reasonable efforts to conduct proceedings remotely.
3. The local administrative district judge will maintain regular communication with the local health authority and county judge and will adjust this operating plan as necessary with conditions in the county.
4. Judges will begin setting non-essential in-person proceedings no sooner than **June 1, 2020**

### **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. Judges and Court Staff Monitoring Requirements: The judge and court staff will monitor themselves prior to coming to work; and, as thermometers become available, temperatures will be checked before beginning work each day.
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 will not be permitted to enter the building and should seek medical advice.
4. Judges and court staff will be required to wear face coverings while in the courtrooms during in-person proceedings and as set forth below. Judges and court staff will practice social distancing and practice appropriate hygiene recommendations at all time.

## 5. Protective Measures:

Plexiglass panels will be installed between the judge's bench and the witness stand, between the court reporter's desk and the witness stand as well as between the court reporter's desk and the area where an attorney or litigant might approach a witness. Judges may request additional plexiglass panels for other areas of the courtroom.

Judges will establish policies as to procedures within the courtroom to minimize the necessity of any participant in the court proceedings to violate any social distancing rules.

## **Scheduling**

1. The attached court schedules are established to reduce occupancy in the respective court buildings.

A.) Courts, in court buildings where there are multiple courts, have agreed to divide their dockets and will follow the schedules attached hereto for the court building where that court is located. When in-person trials are set that are expected to exceed one day or where multiple witnesses are expected who may congregate in conference rooms or in public areas of the court building, court coordinators will communicate with the other court coordinators on the same floor. The communication is to be done as soon as possible to ensure that other courts on the same floor do not have similar trials set on their dockets so as to allow social distancing in the public areas and to be in compliance with the occupancy load for that floor as determined by the Tarrant County Facilities Management Department (Facilities).

B.) Except in instances where multi-person dockets are necessary, judges and court staff will set trials and hearings individually and will stagger them throughout the day rather than all at one setting. When multi-person dockets are necessary, judges and court staff will ensure that proper social distancing is maintained not only within the courtroom but also in the public areas outside the courtroom if all persons are not able to be in the courtroom at the same time.

C.) Specialty courts will meet at such times as necessary so long as they are complying with other scheduling rules within that court building as well as these guidelines.

D.) Attached hereto and incorporated herein are court schedules for courts in the Tim Curry Justice Center, the Vandergriff Civil Courts Building, the Family Law Center, and the 1895 Courthouse.

### **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. Judges and staff will include information on orders setting hearings, dockets notices, and on 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 will be posted on the courts' websites and in conspicuous locations around the court building.
3. Vulnerable populations who are scheduled for court will be accommodated by virtual settings through Zoom or by telephone conferences when appropriate.

### **Social Distancing**

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. Facilities has determined the number of persons who will be permitted to be in an elevator. That capacity will not be exceeded.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Tables and chairs have been arranged for proper social distancing in public areas including breakrooms and snack rooms. Vending machines will be sanitized frequently during each day by the court building cleaning staff

### ***Gallery***

5. The maximum number of persons permitted in the gallery of each courtroom has been determined by Facilities and posted at each courtroom. The maximum capacity of the courtroom will be monitored and enforced by court staff.
6. The chairs/pews in the gallery of the courtroom have been marked to identify appropriate social distancing. Seating is limited to every other row.

## *Well*

7. In each courtroom, the counsel tables, witness stand, judge's bench as well as the 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 in so far as possible. Plexiglass will be installed in all areas where there may be less than 6 feet of social distancing.

## **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building.

## **Screening**

1. Signage has been posted at the entrances of court buildings and in the halls immediately outside of each court located in a multi-use building. The signs will have language asking individuals entering the court buildings 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. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. Signage will be posted to include telephone numbers for courts, court coordinators, or administrators in each building so that persons who may have symptoms may notify the courts of their inability to appear.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperatures taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the courtrooms will be provided personal protective equipment, including face coverings, gloves, and other appropriate equipment as may be determined by Facilities.

## **Face Coverings**

1. Judges and court staff are not required, but are strongly encouraged, to wear face coverings in the secured non-public areas designated for each court unless they are alone in their offices.
2. Judges and court staff are required to wear face coverings while in the courtrooms during in-person proceedings. Judges may remove face coverings when, in the opinion of the judge, it is necessary when speaking for clarity.
3. All other individuals entering the courtrooms will be required to wear surgical face coverings and shall not remove those coverings except upon order of the judge.
4. Individuals will be strongly encouraged to bring a surgical face covering with them, but if the individual does not have a surgical face covering, a disposable surgical face covering will be provided by the Sheriff's Department. Individuals will be strongly encouraged to wear the surgical face covering at all times while in the court building.

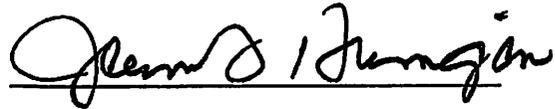
## **Cleaning**

1. Court building cleaning staff will clean the public areas of the court building so that public spaces are cleaned at least every two to three hours.
2. Court building cleaning staff will clean the courtrooms between every in-person proceeding, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.
5. In-person proceedings shall be set at least 15 minutes apart to allow court building cleaning staff to clean the courtrooms between proceedings.
6. Court staff will provide dockets or other information as may be requested by Facilities so that they may know when to send the court building cleaning staff to clean the courtroom between in-person proceedings.
7. Court staff will clean the witness stand including the microphone and the chair used after each witness testifies

The following judges presented proposed operating plans, and those plans were considered in the formulation of this operating plan: Judges in the Tim Curry Justice Center, judges in the Vandergriff Civil Courts Building, Judge Alex Kim, Judge Mike Hrabal, Local Administrative Justice of the Peace Bill Brandt, Judge Sergio DeLeon, and Judge Ralph Swearingen.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding this 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 buildings covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 6/2/2020

A handwritten signature in black ink, appearing to read "Glenn D. Swearingen", written over a horizontal line.

Local Administrative District Judge

## **APPENDIX**

1. Scheduling plan for the Tim Curry Justice Center
2. Scheduling plan for the Vandergriff Civil Courts Building
3. Scheduling plan for the 1895 Historic Courthouse
4. Scheduling plan for the Family Law Center
5. Email from Judge Glen Whitley
6. Approval letter from Dr. Catherine Colquitt

## Scheduling Plan for the Tim Curry Justice Center

### Criminal Court in person docket rotation for June

Monday 396th, 371st, CDC 1 and 372nd  
Tuesday CCC1, CCC3, CCC5, CCC9, CCC4, CCC7, CCC8, CCC10  
Wednesday 432nd, 213th, 297th, CDC 3  
Thursday CCC1, CCC5, CCC7, CCC10, CCC2, CCC4, CCC6, CCC8  
Friday CDC 2, CDC 4, CCC2, CCC3, CCC6, CCC9

All Courts committed to set cases for in-person appearances **EXCLUSIVELY** on the days shown above during June. **STRICT** building occupancy and social distancing limits set by Governor Abbott, the Texas Supreme Court, and Tarrant County Administration are the reason for the schedule.

The docket rotation schedule will help keep building occupancy below mandated levels. This type of scheduling does not allow shifting your appearance to a different weekday. Changes in time of appearance will require advance notice to ensure adherence to social distancing measures.

To help the Courts abide by these requirements, appear promptly with your clients for each appearance. Multiple dockets are scheduled throughout the day, so prompt appearance is essential. We must have time to clean between sessions.

Finally, Courts are open to the public, but most are limited to 14 persons in the gallery. Family members and others should be respectfully discouraged from attending as occupancy limits will be enforced.

## **Scheduling Plan for the Vandergriff Civil Courts Building**

### **SCHEDULING:**

1. To reduce occupancy levels in the Vandergriff Civil Courts Building the judges will set hearings to ensure that Facilities has plenty of time to clean the courtroom before the next hearing starts. Instead of their usual 8-10 hearings per day, each Court will schedule fewer hearings. Since the number of jury trials will be limited per floor, judges on each floor will coordinate with judges on their same floor to discuss spacing hearing start times to avoid lobby crowding and long lines at security check-in.
2. Presently there are 3 floors of civil district courts in the Vandergriff Civil Courts Building with floors 3 and 4 housing 4 courts each and floor 5 housing only 2 courts. It is proposed that the following scheduling template be used:
  - A. AM's on Monday, Tuesday, Wednesday, Thursday and Friday:
    - 3<sup>rd</sup> Floor: 2 courts (3A and 3B)
    - 4<sup>th</sup> Floor: 2 courts (4A and 4B)
    - 5<sup>th</sup> Floor: 2 courts (5A and 5B)
  - B. PM's on Monday, Tuesday, Wednesday, Thursday and Friday:
    - 3<sup>rd</sup> Floor: 2 courts (3C and 3D)
    - 4<sup>th</sup> Floor: 2 courts (4C and 4D)
    - 5<sup>th</sup> Floor: 2 courts (5A and 5B)
3. No scheduled hearing can start until the courtroom has been cleaned and attorneys and parties must wait in the lobby until allowed entrance into the courtroom by the bailiff. Each court is responsible for notifying Facilities of their hearing docket so that proper and timely arrangements can be made for courtroom cleaning.
4. Should any hearing run past its scheduled time, each court on that specific floor must be notified of such delay so that appropriate social distancing guidelines can be maintained for that specific floor.
5. Judges on each floor are tasked with communicating with each other to ensure that social distancing guidelines are maintained.

## **Scheduling Plan for the 1895 Courthouse**

In person Court schedules will be established to reduce occupancy in the 1895 Courthouse:

On the fourth floor, Tarrant County Court at Law No. 1 will coordinate in person proceedings with Justice Court No. 1. As the various County Courts at Law will be using the facilities of CCL1 to conduct voir dire such proceedings will also be coordinated with JP1. Tarrant County Court at Law No. 2 and Tarrant County Court at Law No. 3 will coordinate in person proceedings. Probate Court No. 1 will conduct essential in person proceedings, as needed, in the courtroom of the associate judge, located in the basement. Probate Court No. 2 will conduct in person proceedings, as needed, in the courtroom located on the first floor. This will help protect the vulnerable population which visits the Probate Courts and allow them to avoid excessive use of the elevators.

**SCHEDULE FOR TARRANT COUNTY FAMILY LAW COURTS**

The following schedule minimizes the amount of people on each floor on a given day:

<u>Court</u>	<u>Floor</u>	<u>Docket Day</u>
231 <sup>st</sup>	5 <sup>th</sup>	Tuesday & Friday
233 <sup>rd</sup>	5 <sup>th</sup>	Tuesday & Friday
322 <sup>nd</sup>	4 <sup>th</sup>	Monday & Wednesday
324 <sup>th</sup>	4 <sup>th</sup>	Monday & Wednesday
325 <sup>th</sup>	5 <sup>th</sup>	Monday & Thursday
360 <sup>th</sup>	4 <sup>th</sup>	Tuesday & Thursday

## **Jerome Hennigan**

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**From:** B. Glen Whitley  
**Sent:** Monday, June 1, 2020 12:56 PM  
**To:** Jerome Hennigan  
**Subject:** RE: cOVID-19 Operating Plan for the Judiciary

Judge Hennigan,

I appreciate you consulting with me on the operating plan regarding our courthouses. I very much appreciate all the of work that y'all have put into this plan.

Glen Whitley  
Tarrant County Judge

**From:** Jerome Hennigan  
**Sent:** Monday, June 1, 2020 11:46 AM  
**To:** B. Glen Whitley <GWhitley@TarrantCounty.com>  
**Subject:** cOVID-19 Operating Plan for the Judiciary

Judge

Please send me an email that we have consulted on this operating plan. That is all that OVA requires—an email saying we consulted. The plan is overdue now, and I am suffering the slings and arrows of some judges who are angry their courts are not opened to the extent they feel they should be open. I would very much like to send the plan to Judge Evans with the revisions as necessitated by the Commissioners Court decisions tomorrow. Once that is done and with your email, it will be out of my hands. Thank you.

Jerry Hennigan

VEERINDER (VINNY) TANEJA, MBBS; MPH  
PUBLIC HEALTH DIRECTOR



CATHERINE A. COLQUITT, M.D.  
LOCAL HEALTH AUTHORITY & MEDICAL DIRECTOR

TARRANT COUNTY PUBLIC HEALTH  
Safeguarding Our Community's Health

Date 28 May 2020

To Whom it May Concern,

Tarrant County Local Health Authority & Medical Director or Tarrant County Deputy Local Health Authority & Assistant Medical Director has reviewed and approved the Guidance for All Court Proceedings During COVID-19 Pandemic.

Sincerely,

Handwritten signature of Catherine A. Colquitt in black ink.

Catherine A. Colquitt, M.D.  
Local Health Authority and Medical Director  
Tarrant County, Texas

Handwritten signature of Dr. Kenton K. Murthy in black ink.

Dr. Kenton K. Murthy  
Deputy Local Health Authority &  
Assistant Medical Director  
Tarrant County, Texas

Tarrant County Public Health  
Accountability. Quality. Innovation.

