



Second Administrative Judicial Region of Texas

Olen Underwood

Presiding Judge

Connie Teel

Administrative Assistant

May 26, 2020

RE: COVID-19 Operating Plan for All Court Proceedings

Dear Judge,

After review, the COVID-19 Operating Plan for the, Bastrop County Judiciary, as submitted is APPROVED.

Please note a copy of the plan will be placed in the file within the Second Administrative Region of Texas and the Texas Office of Court Administration.

Operating plans will remain in effect until updated guidance is issued from OCA indicating they are no longer required or upon the expiration of the provisions in the Twelfth Emergency Order, as amended or extended, requiring adherence to OCA Guidelines.

Thank you,

A handwritten signature in black ink that reads "Olen Underwood".

Olen Underwood,
Presiding Judge

OU/ct

COVID-19 Operating Plan for the Bastrop 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 **Bastrop County, Texas** will implement the following protective measures:

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 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, or mayor for municipal courts and adjust this operating plan as necessary with conditions in the jurisdiction.
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. Judges and court staff will not enter the courthouse when there is a likelihood that they may have COVID-19 and courts should take reasonable steps to protect judges and court staff from contracting COVID-19.
2. Judge and Court Staff Monitoring Requirements:
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.
3. Judges and court staff will wear face coverings as needed, practice social distancing, and practice appropriate hygiene recommendations at all time.
4. Protective Measures: Bastrop County will provide judges and court staff with masks upon request.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building: Courts shall schedule cases minimizing the number of people in the courtroom to no more than fifty (50%) of the fire-marshal approved capacity of people at a time in the courtroom. Each

Court shall schedule hearings as they know best to fit the need of their dockets and caseloads while following the guidance provided by the Office of Court Administration and the orders from the Texas Supreme Court and the Texas Court of Criminal Appeals.

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. Each judge 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 will be posted on the courts' websites and in conspicuous locations around the court building (a copy of which is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by resetting the case to a later date, allowing the party to appear by phone or allowing the party to appear in court by the video means as approved by the judge hearing the case.

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. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
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. There shall be no waiting in a restroom to use a facility. Anyone having to wait, must wait outside the restroom until a person exits.

Gallery

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

Well

6. 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.

Hygiene

1. Hand sanitizer dispensers have been placed at the outside of each courtroom.
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. When individuals attempt to enter the court building, the deputy or security officer 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. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. Individuals entering the building will not be allowed to bring bags/purses into the building.
3. People will not be allowed to bring children to court unless they are a witness in a case.
4. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature 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.
5. Staff who are screening individuals entering the court building will be provided personal protective equipment, including gloves, masks and hand sanitizer.

Face Coverings

1. All individuals entering the court building will be encouraged and allowed to wear face coverings 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.
3. Individuals who will be required to be in the court building for over 1 hour will be provided surgical masks and required to wear them while in the court building if the supply is available.

Cleaning

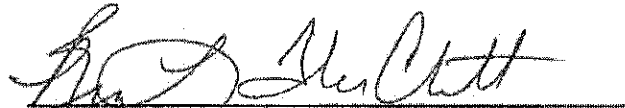
1. Court building cleaning staff will clean the common areas of the court building at least twice a day.
2. Court building cleaning staff will provide cleaning wipes to the courtrooms. Attorneys using counsel tables will wipe down the table before they use them. Court building cleaning staff will clean the courtrooms 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.

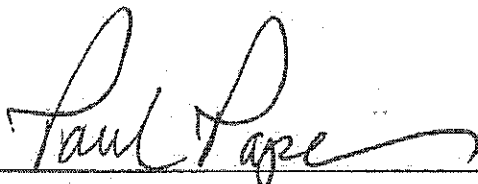
Other

If needed attach specific rules from each court.

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 building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: May 26, 2020


REVA L TOWSLEE CORBETT
335TH JUDICIAL DISTRICT COURT JUDGE
Local Administrative District Judge


PAUL PAPE
BASTROP COUNTY JUDGE

Carson T. Campbell
21ST JUDICIAL DISTRICT COURT JUDGE

Benton Eskew
Bastrop County Court at Law Judge

Christopher D. Duggan
423rd DISTRICT COURT JUDGE

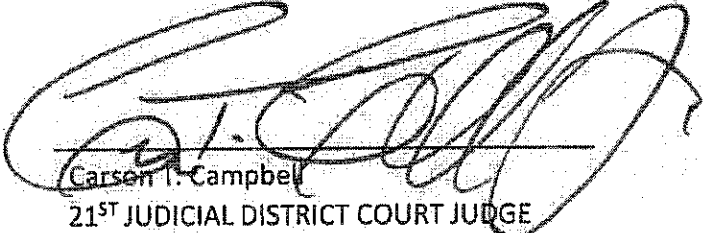
 5/26/2020

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Date: May 20, 2020

REVA L TOWSLEE CORBETT
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Local Administrative District Judge

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BASTROP COUNTY JUDGE



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Bastrop County Court at Law Judge

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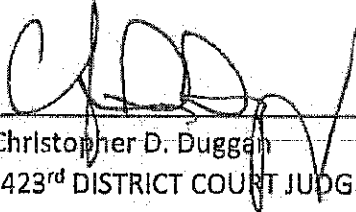
Date: _____

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Benton Eskew
Bastrop County Court at Law Judge



Christopher D. Duggan
423rd DISTRICT COURT JUDGE
May 20th 2020

423RD JUDICIAL DISTRICT COURT OF BASTROP COUNTY, TEXAS

SECOND AMENDED
COURT PROCEEDINGS PER TEXAS SUPREME COURT AND COURT OF CRIMINAL
APPEALS FIRST EMERGENCY ORDER REGARDING THE COVID-19 STATE OF
DISASTER

This Court hereby adopts incorporates and amends all Emergency Orders for the 423rd District Court of Bastrop County, that were signed, entered and recorded on the 20th day of March, 2020, and the 24th of April, 2020, and adopts and incorporates all of the **EMERGENCY ORDERS REGARDING THE COVID-19 STATE OF DISASTER** as handed down by the Supreme Court of Texas into this ORDER and the **COVID-19 OPERATING PLAN for the Bastrop County Judiciary**. Pursuant to said ORDERS, this Court does hereby ORDER the following for all cases heard by the 423rd Judicial District Court of Bastrop County, Texas:

- (1) This Court's Order of March 16th, 2020, concerning procedures per the first emergency order is void. This Order amends this Court's Orders that were signed, entered and recorded on the 20th day of March, 2020, and the 24th of April, 2020.
- (2) **JURY TRIALS**: All jury trials that had been previously scheduled before the 423rd District Court for the weeks beginning March 23rd, 2020, April 20th, 2020, May 18th, 2020, and June 15th, 2020, are hereby cancelled and will be rescheduled.
- (3) **ALL NON-JURY TRIAL HEARINGS AND TRIALS**:
 - a. All hearings and trials conducted by the 423rd District Court will conducted according to the **COVID-19 OPERATING PLAN for the Bastrop County Judiciary**;
 - b. The 423rd District Court will determine, on a case-by-case basis, which hearings need to be conducted in person and which hearings can be heard remotely through the ZOOM program;
 - c. **EVERYONE** (the Court, Court staff, Bastrop County employees, attorneys, litigants, witnesses and members of the public, etc.) **MUST** have some type of mask or facial covering when entering the courtroom when the 423rd District Court is in session.
 - d. Attorneys and/or litigants must contact the 423rd District Court [512-581-4037] to arrange a date and time for an in-person public hearing for any type of proceeding;
 - e. All telephonic appearances by attorneys, witnesses and/or parties must be previously set up by the attorney and/or party in advance of the hearing and receive prior approval by the Court;
 - f. The 423rd District Court will provide the Zoom ID for attorneys, litigants and witnesses if a hearing is going to be through the Zoom program;
 - g. Any attorney, litigant or witness that does not have access to the Zoom Program

- and/or Wi-Fi may appear in Court in person for a set hearing;
- h. All remote hearings will be broadcast live over YouTube. The YouTube channel is "423rd District Court – Christopher Duggan."
 - i. All exhibits for remote hearings through the Zoom program will need to be marked as exhibits with an exhibits list and presented to the court reporter at least 2 working days before the hearing with a copy of the exhibits and list to opposing counsel. Each party will be required at the hearing to either stipulate to admissibility of each document or respond to the court with the reasons for objection to any document. At the beginning of the hearing, the court will admit into evidence each exhibit stipulated by the parties and reserve ruling on contested exhibits. At the same time that exhibits are due, each party must submit a proposed disposition of issues.
 - j. All exhibits for remote hearings through the Zoom program will need to be either mailed or hand delivered to the District Clerk's office at least 2 days prior to the hearing.
 - k. Continuances – the 423rd District Court will be very lenient with the granting of any continuances should they be requested by any party and/or by their attorney; Requests for continuances may be made in accordance with the Texas Rules of Civil Procedure, electronically, and/or telephonically;
 - l. Criminal Cases: All criminal cases set before the 423rd District Court on April 15, 2020, and May 4th, 2020, will be reset to a future court date except as permitted by the Court. The 423rd District Court will have a criminal docket on June 8th, 2020 at 9:00 a.m. if permitted by national, state and local orders and guidelines.

(4) All hearings and trials will be cancelled and rescheduled should the Bastrop County Judge decide at some point to totally close the Bastrop County Courthouse. Habeas Corpus proceedings and other emergency matters will be handled as the 423rd District Court directs in the event that the Bastrop County Courthouse is closed.

The 423rd District Court reserves the right to waive and/or modify any part of this Order at any time and modify this Order on a case by case basis.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY AND SHALL REMAIN IN EFFECT UNTIL FURTHER ORDER OF THIS COURT.

IT IS SO ORDERED.

SIGNED and ENTERED this 20th day of May, 2020.


 Christopher D. Duggan
 423rd Judicial District Court, State of Texas

Filed 2:34P m

MAY 20 2020

Sarah Loucks
 District Clerk, Bastrop County