STATE DISTRICT COURTS
DENTON COUNTY, TEXAS

Sherry Shipman, 16th District Court **Bruce McFarling, 362nd District Court** **Jonathan Bailey, 431st District Court**

Steve Burgess, 158th District Court **Margaret Barnes, 367th District Court** **Tiffany Haertling, 442nd District Court**

Brody Shanklin, 211th District Court **Doug Robison, 393rd District Court** **Lee Ann Breading, 462nd District Court**

SIXTH AMENDED DENTON COUNTY DISTRICT COURTS TEMPORARY GUIDELINES REGARDING HEALTH AND SAFETY CONCERNS

Following the guidance from the Texas Supreme Court, Texas Court of Criminal Appeals, Office Of Court Administration, and in conjunction with Denton County Public Health, the Denton County District Courts recognize the concerns about COVID-19 (Novel Coronavirus). As such, the health and safety of the public, and all employees, are of utmost concern and these temporary guidelines are hereby established to address these concerns in the following manner:

These guidelines are effective from July 1, 2020, through September 1, 2020.

1. If a Person is Sick

Everyone who is sick or who thinks they have been exposed to COVID-19 should contact (phone or email) the court to reschedule their hearings or trials. These individuals should not appear in court.

2. General Precautions

The courts will operate under the guidelines specified in the approved COVID-19 Operating Plan for the Denton County Judiciary, attached hereto. Please note, under a court's inherent power to govern the court atmosphere, a judge may require all persons who enter his or her courtroom or any other area of the building or facility to conduct or participate in a court proceeding to wear a face covering. Additionally, social distancing shall be observed with a space of six (6) feet between persons, unless a Judge in a particular court grants special dispensation

The Judiciary is a separate, equal branch of government. To the extent that emergency orders issued by the Governor could be interpreted to conflict with those issued by the Supreme Court of Texas, the Supreme Court's orders generally prevail with respect to the conduct of court proceedings.

3. Court Hearings and Statutory Deadlines

Courts are required to continue to use all reasonable efforts to conduct proceedings remotely. In the event remote proceedings are not reasonable, all courts may conduct in-person hearings under the guidelines

specified in the approved COVID-19 Operating Plan for the Denton County Judiciary, attached hereto. **You must contact each court regarding any setting scheduled during the effective timeframe.**

Per the 18th Emergency Order issued by the Texas Supreme Court, ("Supreme Court Order"), Courts are permitted to **suspend or modify any deadlines or procedures**, whether prescribed by statute, rule, or order, **for a stated period ending no later than September 30**, except that in parental termination cases filed by the government, the dismissal date for any case previously retained on the court's docket can be extended for an additional period not to exceed 180 days from the date of the 18th Emergency Order. Also, the statute of limitations deadline for any civil case that fell between March 13, 2020 and August 1, 2020 is extended to September 15, 2020.

Per Supreme Court Order, a court may, without a participant's consent, allow or require anyone involved in any hearing, deposition, or other proceeding of any kind, to participate remotely; to consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court; to conduct proceedings away from the court's usual location with reasonable notice and access to the participants and the public; to require every participant to alert the court of COVID-19 symptoms or exposure; and to take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

4. Electronic Appearances

All electronic appearances shall be via Zoom and conducted in accordance with the Remote Hearing Guidelines (posted on the courts' websites).

5. No Jury Trials

Per the Supreme Court Order, no jury proceedings will be permitted prior to September 1, 2020. However, please note a limited number of jury proceeding may be conducted in accordance with the Supreme Court Order.

6. Plea Dockets for Criminal Law Cases

Plea dockets for defendants who are currently incarcerated in the Denton County S.O. jail will continue in consolidated fashion for all courts on Wednesday mornings at 9:00 A.M. The overflow plea docket, cases in excess of approximately twenty (20), will continue at 2:30 P.M. in the 16th District Court. Plea hearings will be conducted remotely as specified by the presiding court.

Plea dockets for defendants who are released on-bond will be scheduled by the Court Administrator for the court the case is assigned to.

7. Arraignment/Announcement Dockets and other Hearings for Criminal Law Cases

Defendants who are free on bail and represented by counsel **shall not** appear in-person for any arraignment or announcement setting. All reset notices/pass slips will be emailed to the attorneys and bonding company. Defense attorneys are required to communicate the reset date to their clients. Unless remote appearances have been arranged with the Court Administrator, all Defendants that do not have attorneys **shall** appear in court at the designated date and time. All social distancing protocols shall be followed.

All other hearings will be scheduled by the Court Administrator for the court the case is assigned to.

8. Uncontested Matters and Prove-Up's by Submission only.

All uncontested Proposed Orders shall be submitted electronically. **This includes any proposed orders normally entered during morning prove-up dockets for each court between 8:00 – 9:00 a.m.** (Please note, prove-up Affidavits may be required). Please contact the specific Court Administrator if questions arise.

9. Contact the Courts

Please refer to the Courts' websites for more information. If you have any questions, please email the Court Administrators directly.

**** PLEASE NOTE THE ABOVE TEMPORARY GUIDELINES MAY BE REVISED AT ANYTIME.**

Denton County District Courts

Denton County District Clerk

SIGNED on June 30, 2020.

/s/ Brody Shanklin

The Honorable Brody Shanklin
Local Administrative Judge
On Behalf of:
16th Judicial District, Hon. Sherry Shipman
158th Judicial District, Hon. Steven Burgess
362nd Judicial District, Hon. Bruce McFarling
367th Judicial District, Hon. Margaret Barnes
393rd Judicial District, Hon. Douglas Robison
431st Judicial District, Hon. Jonathan Bailey
442nd Judicial District, Hon. Tiffany Haertling
462nd Judicial District, Hon. Lee Ann Breading