

# First Amended Jury Proceeding Addendum to COVID-19 Operating Plan for the Denton 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 **Denton 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 justice courts will not conduct an in-person jury proceeding until the Supreme Court permits such proceedings.
3. Judges of the district courts, constitutional and 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 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:

Any trial judge desiring to conduct a jury trial shall email the local administrative judge, Brody Shanklin, and provide the following information: 1) the style and cause number of the case, the type of case, the number of venire requested, and shall specify if the jury trial will be conducted remotely or in-person. If the request of the trial judge is approved by the local

administrative judge, the local administrative judge will forward said request to the presiding regional judge for approval. After reviewing the request, the presiding regional judge will notify the local administrative judge of approval or denial.

2. The local administrative district judge will, not more than 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: The local administrative judge or designee shall email Matt Richardson, Director of Denton County Public Health, or Juan Rodriguez, Assistant Director & Chief Epidemiologist of Denton County Public Health, and verify that the local health conditions and plan precautions are appropriate for the specified jury trials to proceed.

### **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 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

Attachment A) 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 (or any equivalent locations approved by Denton County Public Health) have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:
  - a. Jury Qualification: Denton County Emergency Services Building, 3900 Morse Street, 1<sup>st</sup> Floor, Denton, Texas and the Denton County Courts Building , Jury Assembly Room, 1450 E. McKinney Street, 2<sup>nd</sup> Floor, Denton, Texas, and any other locations that may be approved by the local health authority.
  - b. Voir Dire: Denton County Emergency Services Building, 3900 Morse Street, 1<sup>st</sup> Floor, Denton, Texas, Denton County Courts Building , Jury Assembly Room, 1450 E. McKinney Street, 2<sup>nd</sup> Floor, Denton, Texas, County Criminal Court #3 (Ceremonial Courtroom), 1450 E. McKinney Street, 2<sup>nd</sup> Floor, Denton, Texas and any other locations that may be approved by the local health authority.
  - c. Trial: Trials will be conducted in the presiding judge's assigned courtroom (or equivalent) and any other locations that may be approved by the local health authority.
  - d. Jury Deliberation: Jury deliberations will be conducted in the presiding judge's assigned courtroom (or equivalent) and any other locations that may be approved by the local health authority.
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.
2. 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, if they are within six (6) feet of any other person. 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. Under the directive above, a face shield will not be required if the person speaking is not within six (6) feet of any other person.

## **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 following description details how each of the courtrooms or facilities will be arranged during the jury proceeding:

### *Gallery*

- a. 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.
- b. Seating shall be limited to comply with social distancing protocols and shall be limited to every other row if social distancing cannot be maintained using every row. Seating stickers have been arranged to mark proper social distancing standards.
- c. Jurors will be seated throughout the gallery and jury box to ensure proper social distancing.

*Well*

- a. 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 six (6) feet between each space. Additionally, Plexiglas shields have been arranged throughout the courtrooms to provide additional safeguards.

### **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 will be provided, worn, and discarded immediately after handling 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 testifying in 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.

## 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: 10/8/2020

/s/ Brody Shanklin

Local Administrative District Judge

"A"



Denton County District Clerk  
Jury Services  
P.O. Box 2146, Denton, TX 76202  
Ph: (940)349-2230 Fax: (940)349-2231

September 1, 2020

To All Prospective Jurors Summoned to Appear for  
Jury Selection in the Denton County and District Courts  
Denton, Texas

Re: Precautions for Safety Due to COVID-19 for Upcoming Jury Service

Dear Prospective Juror:

You have been randomly selected to appear for potential service as a juror in Denton County. The jury process is a vital step of the justice system in the State of Texas. Jurors are tasked with the responsibility of determining guilt or innocence in a criminal case or degree of fault of a given party in a civil case.

In light of the COVID-19 (Coronavirus) Pandemic, we want to assure you that Denton County has taken every reasonable precaution to protect the health and safety of you and court staff.

Please review the below list of precautions related to the summons requesting your appearance:

1. On the day of your requested appearance, each prospective juror is asked to self-monitor their temperature. Should a juror, or a member of your household, have a fever (above 100.0) or other COVID-19 related symptoms such as, chills, shortness of breath or difficulty breathing, muscle and body aches, coughing, nausea and vomiting, headache, fatigue, sore throat, loss of taste or smell and diarrhea on the day of your requested appearance, or days prior to, please remain at home and your appearance is no longer requested;
2. At the building entrance, each prospective juror will have their temperature screened, will be questioned regarding Covid-19 symptoms and exposure, and be required to walk-thru a magnetometer as they enter the building. Prospective jurors are encouraged to arrive early to ensure timely entry into the building;
3. Prospective jurors are requested to appear only with necessary items and to refrain from bringing in any large bags (i.e. backpacks, suitcases, camera bags, computer bags, beach bags, large purses/hand bags, totes, etc.) into the building. Denton County reserves the right to confiscate items which may cause danger or disruption to the facility or other guests or which are in breach of building policies and/or prohibited items. **ALL WEAPONS ARE PROHIBITED INSIDE THE BUILDING AND MUST BE RETURNED TO YOUR VEHICLE. THE FOLLOWING ITEMS ARE DESCRIBED AS WEAPONS: FIREARMS, AMMUNITION, POCKET KNIVES, DAGGERS, SCREWDRIVERS, TASERS, MULTI-TOOLS, WALLET BLADES, CORK SCREWS, BOX CUTTERS, SCISSORS, PEPPER SPRAY, AND ANY OTHER ILLEGAL ITEM OR ITEM THAT COULD BE REASONABLY CONSIDERED USABLE AS A WEAPON.**
4. Prospective jurors, in accordance with Governor Abbott's Executive Order GA-29 and guidance from the State of Texas Office of Court Administration, are to wear a face covering while they are in the building. However, this face covering requirement does not apply to any person with a medical condition or disability that prevents wearing a face covering. Individuals are encouraged to bring a cloth face covering with them. If an individual does not have a cloth face covering, a disposable face mask will be provided upon request;
5. Hand sanitizer and other sanitization products, such as Kleenex, will be made available at multiple locations throughout the jury room;
6. All prospective jurors will be assembled in a large room capable of maintaining social distancing guidelines for everyone;



Denton County District Clerk  
Jury Services  
P.O. Box 2146, Denton, TX 76202  
Ph: (940)349-2230 Fax: (940)349-2231

7. The jury assembly room, court room, and other building facilities will receive daily and evening cleanings. Bathroom facilities and other high contact areas will be cleaned at regular intervals throughout the day; and
8. For those selected as jurors, social distancing guidelines, sanitization, and sanitization products will continue to be required and available through your jury service.

In coordination with guidance from the Office of Court Administration, please review the below additional guidelines as it pertains to COVID-19 exemptions individuals can claim for the reasons detailed below.

Individuals should claim an exemption if they meet any of the following:

1. **Vulnerable Population:** 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. **Symptoms or Exposure:** Individuals, or a member of your household, who have symptoms such as fever, chills, shortness of breath or difficulty breathing, muscle and body aches, coughing, nausea and vomiting, headache, fatigue, sore throat, loss of taste or smell and diarrhea. Individuals who have had exposure to someone with a confirmed case of COVID-19 or exposure, within the past 30 days, to individuals exhibiting symptoms related to COVID-19.
3. **Other Hardships:** Upon review by the court, individuals who would like to claim an exemption due to existing hardships as it relates to job or income loss, child care, primary care taker of someone in a vulnerable population category, travel issues, or any other matters that could be considered that will cause issue for service.

Prospective jurors who want to claim an exemption under any of the statutory categories on your summons questionnaire or due to being a Vulnerable Population, Exposure or Symptoms, or Other Hardships related to COVID-19, please visit our website at <https://dentoncounty.gov/grandjury/>. On the website, you may submit your questionnaire and claim any statutory exemption or an exemption related to the COVID-19 Pandemic. If you do not have access to a computer, please fill out the questionnaire and mark any exemption you wish to claim on the questionnaire or on the COVID-19 Exemption Form provided with this packet, and mail to Jury Services at P.O. Box 2146, Denton, TX 76202. **It is important that we receive this information back in a timely manner prior to your scheduled appearance date.**

Our jury process is one of the cornerstones of our justice system not only in Denton County, but across the State of Texas and United States. A checks and balances measure, enshrined in our Texas and US Constitutions, that allows everyday citizens to determine the outcome of the cases presented before them.

On behalf of the Denton County Courts, District Courts and the District Clerks Office, we want you to know that we are mindful of your concerns during this time and are committed in taking every reasonable precaution to maintain your health and safety.

Your requested appearance is invaluable to the community and we look forward to seeing you.

Respectfully,

David Trantham  
Denton County District Clerk



"B"

JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE

Dear Prospective Juror:

As part of the court's ongoing measures to protect against the spread of the COVID-19 disease, we ask that you complete the following before reporting for Jury Service on (insert date of jury selection proceeding, 2020. Bring this completed questionnaire with you or email it to \_\_\_\_\_@\_\_\_\_\_ BEFORE (insert date of jury selection proceeding)2020:

1. SYMPTOMS NOW OR BETWEEN (insert date that is 30 days before date of jury service), 2020 AND (insert date of jury selection proceeding), 2020: check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD

- \_\_\_\_\_ Fever (above 100.0) \_\_\_\_\_ Change in taste or smell \_\_\_\_\_ Cough \_\_\_\_\_ Nausea or Vomiting
\_\_\_\_\_ Headache \_\_\_\_\_ Shortness of Breath/Difficulty Breathing \_\_\_\_\_ Diarrhea \_\_\_\_\_ Chills
\_\_\_\_\_ Muscle pain or body aches \_\_\_\_\_ Sore throat \_\_\_\_\_ Fatigue \_\_\_\_\_ Congestion or Runny Nose

\_\_\_\_\_ I certify that NONE of the symptoms above have been experienced by me or a member of my household between (insert date that is 30 days before date of jury service) and (insert date of jury selection, 2020).

IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE DISTRICT CLERK'S OFFICE at (940) 349-2230 BEFORE REPORTING ON \_\_\_\_\_, 2020.

2. CONTACT HISTORY - check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD:

- \_\_\_\_\_ I or a member of my household has been diagnosed with COVID-19 within the past 30 days;
\_\_\_\_\_ I or a member of my household has been in close contact with someone exposed to or infected with COVID-19 in the last 30 days;
\_\_\_\_\_ I or a member of my household are currently on a watch list or self-quarantining because of possible COVID-19 exposure;
\_\_\_\_\_ NONE of the above apply.

IF ANY OF THE ABOVE APPLY, CALL THE DISTRICT CLERK'S OFFICE at (940) 349-2230 BEFORE REPORTING ON (insert date of jury selection proceeding), 2020.

3. COVID-19 RELATED EXCUSE OR POSTPONEMENT - 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 and may request to postpone or be excused from jury service at this time. If you wish to be excused or request that your jury service be postponed, check the box below.

I certify that I meet the above-described conditions and I am requesting to be excused from jury service or desire to have my service date postponed because of those conditions.

IF YOU ARE REQUESTING TO BE EXCUSED OR YOUR SERVICE DATE BE POSTPONED DUE TO A COVID-19 RELATED REASON, CALL THE DISTRICT CLERK'S OFFICE at (940)349-2230 BEFORE REPORTING ON (insert date of jury selection proceeding), 2020.

4. FACE COVERINGS:

Prospective jurors are required to wear a face covering while they are in the courthouse. Individuals are encouraged to bring a cloth face covering with them. If an individual does not have a cloth face covering, a disposable face mask will be provided.

I certify the above is true and correct:

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_