

**COVID-19 OPERATING PLAN FOR CONDUCTING JURY  
TRIALS FOR WALLER COUNTY, TEXAS**

In order to balance the need to protect the health and safety of prospective and selected jurors, litigants, attorneys, visitors, court staff, judges, and other individuals that may participate in jury proceedings with the necessity that parties and members of the public are able to exercise their fundamental right to a jury trial, the following measures are hereby implemented for the courts of Waller County and shall supplement the measures currently implemented in the COVID-19 Operating Plan for Waller County dated June 4, 2021, which remains in full force and effect:

**General**

1. In addition to the measures implemented in the COVID-19 Operating Plan for the Waller County, which remains in full force and effect, District Judges and County Court at Law Judge may conduct in-person jury proceedings as may be permitted by the Supreme Court of Texas and/or the Texas Court of Criminal Appeals, pursuant to this COVID-19 Operating Plan for Conducting Jury Trials for Waller County ("Operating Plan for Conducting Jury Trials").
2. All judges (including District Judges, County Court at Law Judges and Justices of the Peace) are permitted to conduct virtual jury proceedings as long as permitted by order of the Supreme Court of Texas and/or the Texas Court of Criminal Appeals, as applicable. However, in criminal trials involving potential incarceration, virtual jury proceedings shall only occur with appropriate waivers and consent from the Defendant and Prosecutor made on the record. In any other virtual jury proceeding, consent is not required.
3. Each judge conducting in-person proceedings shall have in place an in-person proceeding schedule.
4. Each judge shall establish communication protocols to ensure that no court participants have tested positive for COVID-19 within the previous 10 days, have had symptoms of COVID-19 within the previous 10 days, or have had recent known exposure to COVID-19 within the previous 14 days.
5. Each judge shall consider any motion or objection related to proceeding with a jury trial on the record at least seven (7) days prior to the jury trial. If any such motion or objection is made less than seven (7) days prior to the jury trial, the judge shall consider same on the record as soon as practicable.
6. Any judge wishing to conduct a virtual jury trial is required to ensure that all prospective jurors have access to technology with which to participate.

## **Procedures for the Summoning of Jurors**

1. The clerk must include with each in-person jury summons information about what precautions have been taken to protect the health and safety of prospective jurors (see Attachment A) and a COVID questionnaire (see Attachment B), that elicits from prospective jurors information about their exposure or vulnerability to COVID-19 without violating any constitutional rights of potential jurors and/or any requests that would be in violation of HIPPA.
2. Judges may consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venire persons.
3. Excuses from in-person prospective jurors who have been potentially exposed, who are symptomatic or who are vulnerable or live with someone vulnerable to COVID-19 should be liberally granted.

## **Screening**

1. Everyone entering a court building or the location designated as a courtroom, he/she will be instructed to disclose to county personnel if he/she is feeling feverish; has a cough, shortness of breath, or difficulty breathing; or has been in close contact with a person who is confirmed to have COVID-19. Individuals making such a disclosure will be refused admittance to the court building or the location designated as a courtroom, and will be directed to contact the applicable court regarding his/her situation.
2. When someone attempts to enter the court building or the location designated as a courtroom, county personnel shall determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6 will be refused admittance to the court building or location designated as a courtroom, and will be directed to contact the applicable court regarding his/her situation.
3. Staff and or county personnel who are screening individuals attempting to enter a court building or location designated as a courtroom will be provided personal protective equipment, including fasemasks, face-shields, gloves, tissue and hand sanitizer.
4. 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 a COVID-19 positive test results within the past 30 days will be reported to the trial judge prior to transport.

## **Requirements for Face Coverings**

It is up to the individual entering the court building or the location designated as a courtroom as to whether or not he/she chooses to wear a face covering. However, it is highly encouraged that anyone who has not been vaccinated and/or is a member of the vulnerable population as defined in the

COVID-19 Operating Plan for the Waller County Judiciary wear a face covering. Everyone entering the court building or the location designated as a courtroom will be offered a free, disposable face covering. When a witness or prospective juror that is wearing a face covering is required to speak they shall lower their face covering while speaking.

### **Alternate Jurors**

1. All of the measures within this Operating Plan for Conducting Jury Trials shall apply equally to alternate jurors, with the exception that such alternate juror(s) may not participate in jury deliberations unless called upon to serve as a replacement juror.
2. Judges will be encouraged to consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming ineligible to serve.


### **Participants other than Jurors**

Upon request and good cause shown by a court participant other than a juror (including but not limited to a party, an attorney, a witness, or a court reporter), each judge must permit the participant to participate remotely in any proceeding, subject to constitutional limitations. However, a judge may provide a remote location at either the court building or the location designated as a courtroom and require that participant to appear at that location to proceed remotely.

### **Other**

This Operating Plan for Conducting Jury Trials has been created based upon the facts, circumstances and current guidance related to COVID-19. I have conferred with all judges of courts with courtrooms in the court buildings regarding this Operating Plan for Conducting Jury Trials. In developing this plan, I have consulted with, and received the approval of the local health authority, 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 for Conducting Jury Trials conduct jury proceedings consistent with this plan.

SIGNED ON: June 4, 2021

  
\_\_\_\_\_  
GARY W. CHANEY  
Local Administrative District Judge

# 506<sup>th</sup> Judicial District Court



Gary W. Chaney, Judge

www.Court506.com

Court Coordinator  
Sheila Mundy

Court Reporter  
Robyn S. Wiley

Grimes County  
Waller County

June 13, 2021

400 Sheriff R. Glenn Smith Drive  
Hempstead, Texas 77445  
Ofc: 979.921.0921  
Fax: 979.399.5033

## INFORMATION REGARDING PRECAUTIONS THAT HAVE BEEN TAKEN TO PROTECT THE HEALTH AND SAFETY OF PROSPECTIVE JURORS

The following precautions have been taken to protect the health and safety of all prospective jurors:

### Screening:

All potential jurors will be subject to a temperature check and shall provide to the clerk prior to or upon entry to the facility the pre-screening questionnaire that was included with the summons regarding potential symptoms or exposure. Prospective jurors who exhibit or report symptoms or exposure will be excused. All other observers and participants in the trial will be subject to the same screening.

### Face Coverings:

It is up to the individual entering the court building or the location designated as a courtroom as to whether or not he/she chooses to wear a face covering. However, it is highly encouraged that anyone who has not been vaccinated and/or is a member of the vulnerable population as defined in the COVID-19 Operating Plan for the Waller County Judiciary wear a face covering. Everyone entering the court building or the location designated as a courtroom will be offered a free, disposable face covering. When a witness or prospective juror that is wearing a face covering is required to speak they shall lower their face covering while speaking.

### Alternates Jurors:

All courts shall choose alternate jurors for the proceedings.

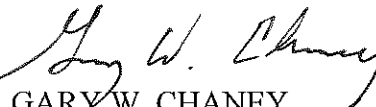
  
GARY W. CHANEY  
Judge, Presiding

EXHIBIT A

## 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 \_\_\_\_\_, 2020. Bring this completed questionnaire with you or email it to \_\_\_\_\_@\_\_\_\_\_ BEFORE (insert date of jury service, 2020):

**1. SYMPTOMS NOW OR BETWEEN (insert date that is 14 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 14 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 ( ) \_\_\_\_ - \_\_\_\_ 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 4 months;

\_\_\_\_\_ I or a member of my household has been in close contact with someone exposed to or infected with COVID-19 in the last 14 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 ( ) \_\_\_\_ - \_\_\_\_ BEFORE REPORTING ON \_\_\_\_\_, 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 ( ) \_\_\_\_ - \_\_\_\_ BEFORE REPORTING ON \_\_\_\_\_, 2020.**

**4. FACE COVERINGS:**

It is up to the individual whether or not he/she chooses to wear a face covering. However, it is highly encouraged that anyone who has not been vaccinated and/or is a member of the vulnerable population as defined in the COVID-19 Operating Plan for the Waller/Grimes County Judiciary wear a face covering. Everyone will be offered a free, disposable face covering. When required to speak the individual shall lower their face covering while speaking.

I certify the above is true and correct:

\_\_\_\_\_  
Signature

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