

COVID-19 Court Guidelines

The Office of Court Administration and Presiding Judges met by teleconference (actually a Zoom Conference, more on that later) yesterday and are providing the following updates and guidance to all the courts in the state based on the Supreme Court's new orders (attached).

- 1) Courts shall suspend proceedings to avoid gatherings of large groups of people, **INCLUDING ALL JURY DUTY AND ALL JURY TRIALS** until at least **MAY 1, 2020**. Courts should also try to schedule hearings to avoid large docket calls. **Large groups of people is now defined as more than 10**. This means a docket that includes more than 10 people. So, you CANNOT have 10 people in the courtroom and another 20 waiting outside. AVOID large dockets.
- 2) Courts should try to avoid “**Non-essential**” in person court proceedings to the extent possible at least until **May 1**. **Essential proceedings** include, but are not limited to, criminal magistration proceedings, CPS removal hearings, temporary restraining orders / temporary injunctions, juvenile detention hearings, family violence protective orders, emergency guardianship, and certain mental health proceedings. In addition, conducting a jail docket for pleas and non-jury trials would also be considered an essential hearing. Also, child custody issues in certain circumstances could be considered an essential hearing. Obviously, individual judges could make the determination what constitutes an essential proceeding under the circumstances.
- 3) Encourage magistrates to review the bonds of individuals in jail and urge the setting of PR bonds as much as possible for new arrests of non-violent offenses in order not to over crowd jails and reduce the risk of infection to the jails. Also, review your jail cases and see who could be released on PR bonds if appropriate.
- 4) Please continue to have your Grand Juries meet for at least jail cases. The Grand Jury is an exception to the 10 person rule. It is our recommendation that you not terminate grand jury proceedings completely. You should be aware that grand juries can continue during the entire length of your court's term. Sec. 24.012(a), Government Code, provides that the terms of district courts in each county are from January-June and July-December. Therefore, your existing grand jury can continue until the end of June, unless there is a statute that provides

for a separate term for your court (Harris County, Armstrong County have specific subsections in 24.012). If you have an issue with your term of court, you may consider using Section 24.0125, Government Code, which permits the Regional Presiding Judge, with the approval of the affected district court, to designate the terms and sessions of court during a disaster.

- 5) Courts are encouraged to implement and conduct hearings by telephonic (Court-call) or video remote appearances that the rules allow for or that the parties agree to. The new rules from the Supreme Court allow the court to conduct telephonic or video proceedings even if the parties object. Remember that the Open Courts provision of the Constitution apply to video or telephonic hearings. The Office of Court Administration will be sending out information today on Zoom video conferencing. They have licenses for all the courts. It would allow for hearings through the computer. We have had a few conference calls on this and it works very well. A few judges have already conducted hearings, including guilty pleas with it. This capability will allow courts to remotely do hearings, including the “non- essential” hearings.
- 6) Please inform your local bar associations of these changes. We have heard from some lawyers that some counties have not updated them on the new procedures.