

**COVID-19 OPERATING PLAN FOR CONDUCTING JURY TRIALS  
FOR MADISON 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 Madison County and shall supplement the measures previously implemented in the COVID-19 Operating Plan for Madison County, which remains in full force and effect:

**General**

1. In addition to the measures previously implemented in the COVID-19 Operating Plan for Madison County, which remains in full force and effect, District Judges and County Court Judges 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 Madison County (“Operating Plan for Conducting Jury Trials”).
2. All judges (including District Judges, County Court 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. Any judge wishing to conduct a jury proceeding is required to obtain advance approval for each such trial from the Local Administrative District Judge and the Presiding Judge for the Second Administrative Judicial Region. A request to conduct a jury proceeding for a given week must be submitted no later than 5:00pm on the 34<sup>th</sup> day prior to the Monday of the week requested.
4. A judge who obtains approval for an in-person jury proceeding should schedule no more than ten (10) cases for that jury trial setting unless pre-approval for larger dockets is obtained from the Presiding Judge for the Second Administrative Judicial Region.
5. Judges should attempt to alert attorneys and/or parties who will not be proceeding prior to the day of trial to reduce attendance at the court facility.
6. The Local Administrative District Judge is required to consult with the local health authority not more than five (5) days prior to each such approved jury proceeding to verify that local health conditions and plan precautions are appropriate for such trial to proceed.
7. 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 trial. If any such motion or objection is made less than seven (7) days prior to the trial, the judge shall consider same on the record as soon as practicable.

8. Each judge shall establish communication protocols with the applicable attorneys, parties and/or sheriff prior to a jury proceeding to ensure that no participants (attorneys, parties, witnesses, etc.) have tested positive for COVID-19 within the last thirty (30) days, have symptoms of COVID-19, or have been recently exposed to COVID-19.

9. 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. All prospective jurors will receive a letter with their summons that provides information about this Operating Plan for Conducting Jury Trials, and advises prospective jurors that they may claim exemptions or disqualification prior to their report for jury service.

2. Excuses from in-person prospective jurors who have been potentially exposed, who are symptomatic and/or who are vulnerable or live with someone vulnerable to COVID-19 should be liberally granted.

### **Guidance on Appropriate Locations for Jury Proceedings**

1. Each jury selection shall take place in a location large enough to allow for appropriate social distancing between each prospective juror. The Local Administrative Judge will assign such location for each trial.

2. The following locations have been determined to have sufficient space to be used for in-person jury proceedings:

District Court and County Court:

- a. Jury Qualification and Voir Dire: Kimbro Center
- b. Trial: District Courtroom Madison County Courthouse
- c. Jury Deliberation: Justice of the Peace Courtroom, Madison County Courthouse

3. Only one jury trial will be permitted in the Madison County Courthouse on any given day in order to reduce the number of people in the building.

4. Another courtroom in the immediate vicinity of the location of any jury proceeding shall be available for the socially distanced assembly of jurors.

## **Screening**

1. When a prospective juror attempts to enter a court building or the location where jury selection will take place, 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 where jury selection will take place, and will be directed to contact the applicable court regarding his/her situation.
2. When a prospective juror attempts to enter the court building or the location where jury selection will take place county personnel will determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0 will be refused admittance to the court building or the location where jury selection will take place, and will be directed to contact the applicable court regarding his/her situation.
3. Staff who are screening prospective jurors attempting to enter a court building or the location where jury selection will take place will be provided personal protective equipment, including facemasks, 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**

1. All prospective jurors entering a court building or the location where jury selection will take place will be offered a free, disposable face mask if they do not already have their own face coverage.
2. Until such time as Executive Order No. GA-29 is modified, amended, rescinded or superseded, all participants (attorneys, parties, witnesses, prospective jurors, jurors, alternate jurors, etc.)(Unless excepted by Executive Order No. GA-29) will be required to wear a face covering when inside a court building or the location where jury selection and/or the jury trial will take place.
3. Court participants who may need to lower their facemask to speak will be required to wear a face shield. When speaking, the judge of each court will permit a court participant to lower his/her mask so long as a face shield is worn and the person speaking is immobile.

## **Social Distancing Protocols**

1. Upon entry of a court building or the location where jury selection will take place, all prospective jurors will be required to maintain adequate social distancing of at least 6 feet.

2. The judge of each court will situate counsel tables in such a way to maintain adequate social distancing and will limit counsel and/or parties to certain areas of the courtroom to maintain adequate social distancing.
3. Special attention will be paid by courts to ensure adequate social distancing and managed exits of individuals during breaks, especially large groups of people for a break.
4. Opening statements, presentation of evidence and closing arguments will be held in the courtroom regardless of the location where jury selection took place. Jury deliberations will be held in an area sufficient to provide for appropriate social distancing which will be secured during such deliberations with no other individuals present in the courtroom other than the jurors.
5. The judge of each court will ensure that appropriate social distancing for the seating area within the gallery of the courtroom is monitored and enforced by court staff. Public access will be available in the courtroom only in compliance with these social distancing protocols.
6. The judge of each court will ensure that appropriate social distancing for the counsel tables, witness stand, judge's bench, clerk, court reporter, bailiff and jury is monitored and enforced by court staff.

#### **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.

#### **Arrangement of Courtroom**

1. Each judge shall arrange and mark his/her courtroom in a manner to ensure proper social distancing.

#### **Microphone Protection Protocols**

1. The judge of each court will ensure that microphones within the courtroom are regularly disinfected during working hours of each business day. This will specifically include the disinfecting of the microphone at the witness stand following each witness' testimony.
2. The judge of each court will limit, to the degree possible, the shared use of microphones during the jury proceeding.
3. If a microphone must be shared, the judge of each court will limit the passing of the microphone unless the microphone is cleaned between each user.
4. Disposable microphone covers will be made available as needed.

### **Exhibit/Evidence Management**

1. Counsel and/or parties shall use the court's camera projection system, as applicable, to present admitted exhibits.
2. All counsel/parties will have provided opposing counsel/parties proposed exhibits electronically when possible, and each counsel/party shall utilize it during the course of the trial so that exhibits will not be handled between counsel during trial.
3. When necessary, gloves will be utilized by counsel, parties and/or jurors to handle exhibits.
4. Gloves will be provided to all jurors to handle any exhibits and papers during trial and/or deliberations.

### **Vulnerable Witnesses**

1. To the degree constitutionally permissible or with the consent of the parties, any witness who is a member of the vulnerable population as defined in the COVID-19 Operating Plan for the Madison County Judiciary shall be permitted to testify remotely, i.e. video conference and/or telephone.

### **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 Requirements**

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 sanitized 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.

**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: \_\_\_\_\_ November, 2020

\_\_\_\_\_  
Donald L. Kraemer  
Local Administrative District Judge  
Madison County

**SUBMISSION ACKNOWLEDGED ON THE DAY OF \_\_\_\_\_, 2020:**

\_\_\_\_\_  
Olen Underwood  
PRESIDING JUDGE FOR THE SECOND  
ADMINISTRATIVE JUDICIAL REGION OF TEXAS

**12TH JUDICIAL DISTRICT COURT**  
**Honorable Donald L. Kraemer, Presiding**  
Grimes, Madison and Walker Counties  
1100 University Avenue, Suite 303  
Huntsville, Texas 77340  
(936) 436-4915  
(936) 435-8025 Fax

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Dear Prospective Juror:

You have been summoned to appear for jury service. I want to assure you that your wellbeing is extremely important. In anticipation of this trial, I have reached out to the County Health Authority to confirm that the courts are taking all reasonable precautions regarding the health and safety of all participants.

Everyone entering any courthouse building will be screened and will also be required to wear a face covering. Additionally, appropriate social distancing will be required during jury selection and in the courtroom. Immediately following check-in, prospective jurors will be seated. This will help avoid jurors congregating and promote social distancing throughout the selection process. Jurors are encouraged to bring bottled water. If you are unable to serve due to an underlying condition, sickness or matter related to COVID-19 or if you have a pre-existing obligation that cannot be rescheduled, please immediately contact the office on the Pre-Screening Questionnaire.

The right to trial by jury is a cornerstone of our democracy, and jury trials necessarily involve sacrifice from those citizens called upon to serve. This has always been true, but it is especially true during these unique and trying times. It is my personal conviction that jury service is the second highest form of public service that any American can perform (second only to service in the Armed Forces). The right to trial by jury has been in our Constitution since 1791, and it was one of the stated principles in the Declaration of Independence. As such, you are requested to give serious consideration before seeking to be excused based upon a non-statutory qualification or exemption.

I want you to know that the courts of this county are mindful of these challenging times and have taken every reasonable precaution to protect your health, as well as that of the parties, lawyers and staff during this upcoming trial. I hope this letter is helpful and I thank you in advance for your participation.

Sincerely,

Donald L. Kraemer  
Local Administrative District Judge

**JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE  
MADISON DISTRICT COURT**

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. Bring this completed questionnaire with you or email it to [Rhonda.savage@madisoncountytx.org](mailto:Rhonda.savage@madisoncountytx.org) **BEFORE YOU REPORT FOR JURY SERVICE**

**1. SYMPTOMS NOW OR WITHIN THE LAST 14 DAYS:** 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 now or within the last 14 days..

**IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE DISTRICT CLERK'S OFFICE at (936) 241-6212 BEFORE REPORTING FOR JURY SERVICE.**

**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 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 (936) 241-6212 BEFORE REPORTING FOR JURY SERVICE+.**

**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 (936) 241-6212 BEFORE REPORTING FOR JURY SERVICE.**

**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



**JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE  
MADISON COUNTY COURT**

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Muscle pain or body aches  Sore throat  Fatigue  Congestion or Runny Nose

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