

## **COVID-19 Operating Plan for Bexar County Probate Court No. 2**

### **Effective June 15, 2020**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, Bexar County Probate Court No. 2 will implement the following protective measures, taking into consideration the guidelines from the Office of Court Administration:

#### **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 proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. The local administrative district judge will maintain regular communication with the local health authority and county judge and adjust this operating plan as necessary with conditions in the county.
4. Judges will begin setting non-essential in-person proceedings no sooner than **June 15, 2020**. All efforts will be made to continue to limit hearings to virtual methods when possible in order to comply as closely as possible with the guidelines set by the Office of Court Administration. In-person hearings will be limited to cases pre-approved by the Judge. All hearings will continue to require special settings.
5. Please refer to the court's website for additional specific instructions.

#### **Judge and Court Staff Health**

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and Court Staff Monitoring Requirements: all parties will be required to check-in with the Bailiff upon entering through the main courtroom doors. The court staff will continue to be accessible via mail, e-mail, phone, and fax.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.
4. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.

5. **Protective Measures: Cloth face coverings will be required of individuals while in the courtroom and court offices. Non-medical grade face masks should be considered if they are available.**

### **Scheduling**

1. The following court schedules are established to reduce occupancy in the court building: The courts will designate a date when in-person hearings shall be held and will continue to hold the majority of the hearings remotely.

### **PROBATE COURT NO. 2**

In all instances, remote proceedings are preferred and encouraged, but should the court determine in-court proceedings are necessary, the court would be limited to two dockets per day with no more than five cases set in the morning and five in the afternoon and staggered to accommodate no more than ten individuals in the courtroom at any given time frame. At all times, face coverings will be required.

**Emergencies and Essential Matters** - Please do not appear in Court for emergency and essential matters cases. Instead, please contact the Administrative Assistant by telephone or e-mail to obtain a setting, at (210) 335-2678 or [silvia.alvarez@bexar.org](mailto:silvia.alvarez@bexar.org).

**Limited In-Person Hearings** - All efforts will be made to continue to limit hearings to virtual methods when possible in order to comply as closely as possible with the guidelines set by the Office of Court Administration. In-person hearings will be limited to cases pre-approved by the Judge. All hearings will continue to require special settings.

**Remote Hearings** - To minimize in-person contact, the Bexar County Probate Court No. 2 will continue to conduct essential and non-essential non-jury matters remotely using the software program Zoom. Ensure that the program is functioning properly. If the court reporter cannot capture the audio then your matter will be re-set. **IF YOU CAN ONLY PARTICIPATE VIA TELEPHONE YOU MUST GET PRIOR COURT APPROVAL BY CONTACTING THE ADMINISTRATIVE ASSISTANT at 210-335-2678.**

**Setting Remote Hearings** - All fiats and orders setting hearings must set the hearings to occur remotely by ZOOM, and **must** include the following information and be emailed to the Administrative Assistant at [silvia.alvarez@bexar.org](mailto:silvia.alvarez@bexar.org):

1. The time announcement.
2. Telephone numbers for all attorneys or self-represented litigants.
3. Email addresses for all attorneys and self-represented litigants.
4. Whether an interpreter is required and the desired language. *For languages other than Spanish interpretation, please make arrangements with court administration three (3) days in advance of the hearing at (210) 335-2300.*
5. The number of witnesses to be called.

6. The total number of participants in the call.
7. The link to Bexar County Probate Court YouTube:  
<https://www.youtube.com/channel/UCfxDlpMt0fxTut5mVuwVNlg>

Failure to include the required information on the fiats and orders setting hearings may result in a delayed case assignment or a dropped setting. Once the fiat or order setting hearing is signed by the Judge, no later than the evening prior to the hearing you will receive an email with the following information:

1. The Zoom meeting link.
2. The Zoom meeting identification number.
3. The Zoom telephone access number.

On the day and time of the hearing, the parties shall log-on to the court's Zoom meeting per the email instructions. All hearings will be monitored to ensure the attorneys and unrepresented litigants are following time announcements.

**FOR THE PUBLIC:**

**THE OPEN COURTS PROVISION OF TEXAS LAW ALLOWS ALL INDIVIDUALS ACCESS TO COURT PROCEEDINGS. AS SUCH ANYONE MAY CALL THE ADMINISTRATIVE ASSISTANT (210-335-2678) TO GET ACCESS CODES TO HEARINGS. IF YOU ARE VIEWING PLEASE MUTE YOUR CONNECTION TO PREVENT DISRUPTION TO THE PROCEEDINGS. THE PUBLIC MAY VIEW OR LISTEN TO PROCEEDINGS BUT VIDEO OR AUDIO RECORDING IS PROHIBITED. PROBATE COURT TWO'S YOUTUBE CHANNEL FOR LIVE STREAMING ACCESS CAN BE FOUND AT:**  
**<https://www.youtube.com/channel/UCfxDlpMt0fxTut5mVuwVNlg>**

**Pre-Hearing Conference, Pre-Marking Exhibits, and Exchange of Exhibits**

All attorneys and self-represented litigants shall confer before hearings concerning (1) time announcements, (2) issues that can be agreed upon, and (3) exhibits. Attorneys and unrepresented litigants shall pre-mark their exhibits and save them separately in commonly used digital file formats. Documents **must** be saved in PDF format. By way of example, exhibit digital file names should follow this format or similar nomenclature:

- Plaintiff's Ex. 1 – Title of Document
- Defendant's Ex. 2 – Title of Document
- Movant's Ex. 1 – Title of Document (Date)
- Respondent's Ex. 1 – Title of Document (Date)

No later than 12:00 p.m. the day before the hearing, all attorneys and self-represented litigants are required to exchange all pre-marked exhibits by email or share drive link and copy the court reporter ([angelizcsr@gmail.com](mailto:angelizcsr@gmail.com)) and confirm with the opposing side that those exhibits were received. The subject of the e-mail should include the full cause number and “-exhibits.”

Additionally, the parties are required to confer on which exhibits will be agreed-to and pre-admitted at the beginning of the hearing. Failure to follow these instructions may result in the Court not considering any exhibits not emailed to the court reporter in a timely manner.

**Uncontested Probate Docket** - Uncontested probate matters typically heard on Mondays in Probate Court No. 2 will now require remote settings.

1. After the hearing, if the Judge signs the order the client (and witnesses) may sign, notarize, and e-file proofs of deaths, affidavits, and oaths at the attorneys' office. These executed documents will then need to be e-filed.
  - a. Keep in mind that if any documents must be signed, notarized, and e-filed after the hearing, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit pursuant to Civ. Prac. & Rem. Code §132, where allowed by law.
2. No FIAT will be needed, but you will need to e-mail the Administrative Assistant ([silvia.alvarez@bexar.org](mailto:silvia.alvarez@bexar.org)) to reserve a time to be heard.
  - a. No matter will be set if the original will is not filed.
  - b. You will need to e-file your unsigned proposed hearing documents prior to requesting a setting, but no later than 3 business days before the hearing or your matter will be re-set.
  - c. When you e-mail the Administrative Assistant the subject line should be titled as **"Request for uncontested probate hearing: 20xx-PC-xxxx"** and include the Decedent's death certificate.

**Witnesses** - Attorneys and self-represented litigants are responsible for advising each witness how they can participate in the hearing and should make every effort to avoid delays. If a witness is not available to testify at the designated time, the witness may not be heard. All participants shall participate by Zoom, wherever possible. No party or witness shall travel in violation of any emergency orders issued by the government.

**Obtaining Copies of Orders** - If you have e-filed a conformed copy and an order has been signed, the copy will be placed in the conformed order box. The box is now located at the entrance of the courtroom. The Court cannot email conformed copies to attorneys or parties. If you need to obtain copies call the County Clerk directly at 210-335-2241 for instructions on how to request and pay for copies.

**Checking Status of Orders** - Attorneys and parties can continue to check the status of any order on the County Clerk's website: <https://search.bexar.org/> or by calling the County Clerk assigned to the Court directly at 210-335-2670.

### **Vulnerable Populations**

1. 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. Each judge will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations around the court building (a copy of which is attached). Please refer to the Court's website in which your matter for additional instructions.
3. Vulnerable populations who are scheduled for court will be accommodated by holding hearings by Zoom, Facetime, or other available means, or if an in-person hearing is required by specially setting the matter.

### **Social Distancing**

1. All persons not from the same household who are permitted in the court building, courtroom, and court offices will be required to maintain adequate social distancing of at least 6 feet. Temporary placeholders will be placed in the courtroom to provide guidance.
2. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including breakrooms and snackrooms, have been closed to the public.

### *Gallery*

5. 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.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

### *Well*

7. 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 6 feet between each space.

### **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.

2. Tissues and trash receptacles will be placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building.

### **Screening**

1. When individuals attempt to enter the court building, trained courthouse staff or guards will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. When individuals attempt to enter the court building, trained courthouse staff or guards will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including gloves, and barrier face masks (see attached guidance from University Health Systems).

### **Face Coverings**

1. All individuals entering the court building, courtroom, and court offices will be required to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided if available.
3. Individuals who will be required to be in the court building for over 1 hour will be provided surgical masks and required to wear them while in the court building if the supply is available.

### **Cleaning**

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every two hours. High touch surface areas such as bathroom doors and elevator buttons should be cleaned at least hourly, and as frequently as possible.
2. Court building cleaning staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.

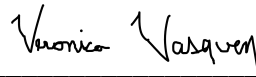
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

**Other**

This plan will be reviewed as needed and updated when appropriate.

I have attempted to confer with other judges of courts with courtrooms in the court building regarding this Operating Plan.

Date: 5/29/2020



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JUDGE VERONICA VASQUEZ