

SPECIAL ORDER NO. ~~727201~~

**Minimum Standard Health Protocols  
For Bexar County Court Proceedings**



June 9, 2021

**Judge Ron Rangel  
Local Administrative Judge,  
Bexar County, Texas.**

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**Minimum Standard Health Protocols for  
Court Proceedings in Bexar County  
June 9, 2021**

To ensure the health and safety of all courtroom participants and visitors entering the Bexar County Judicial Complex, the Local Administrative Judge, Ron Rangel, promulgates and adopts the following Minimum Standard Health Protocols that will apply in all courts in Bexar County. All judges are required to follow these Protocols. While any judge may have more stringent standards in their courtroom, no judge may have less stringent standards.

**Generally**

1. In addition to the instant Minimum Standard Health Protocols, all Bexar County trial courts must also comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including adequate social distancing, maximum group size, and other restrictions and precautions for in-person proceedings.
2. The Local Administrative Judge will communicate with local health authorities and will adjust these Protocols as county conditions change. In accordance with the local health authority guidance, as required to greatly facilitate court proceedings, 3 feet social distancing for unvaccinated individuals is allowed.
3. Although in person proceedings are allowed courts are encouraged to conduct proceedings remotely, (such as by teleconferencing, videoconferencing, or other means) where doing so would improve the access to justice.
4. Upon request and with good cause shown, judges must allow any court participant — other than a juror — to participate remotely in a proceeding, subject to constitutional limitations.
5. Trial courts may conduct in-person proceedings in accordance with the schedule approved by the Local Administrative Judge, so long as those proceedings comply with the in-person schedule for each court group designed to minimize the number of individuals coming into the Bexar County Judicial Complex.
6. In accordance with the Office of Court Administration's Best Practices for Court Processes, the Court adopts the metric below based on the transmission rate in Bexar County. If the County moves to moderate transmission, the County will not hold jury trials.

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Indicator <sup>2</sup>				
Total new cases per 100,000 persons in the past 7 days <sup>3</sup>	0-9	10-49	50-99	≥100
Percentage of PCR Tests that are positive during the past 7 days <sup>4</sup>	<5.0%	5.0-7.9%	8.0-9.99%	≥10.0%

Low transmission Blue	Moderate transmission Yellow	High transmission Orange	Very high transmission Red
Universal and correct use of masks is required; social distancing; handwashing and respiratory etiquette; cleaning and maintaining healthy facilities.			
In-person proceedings		Hybrid proceedings or reduced attendance	Remote-only proceedings

Current Bexar County Progress and Warning Indicators can be found using the following link:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2F covid19.sanantonio.gov%2FAbout-COVID-19%2FDashboards-Data&data=04%7C01%7Caamici%40bexar.org%7C1f63ff55e4d74115185408d8edf9e1bf%7C3070dd581eae48d484c762b0772c5352%7C1%7C0%7C637521005650608278%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAilLCJQljoiv2luMzliLCJBTiI6I6k1haWwiLCJXVCi6Mn0%3D%7C3000&data=7%2BJzt4TD3vK08oc9VRMVQmuViNT1RKdYONVD0zsRyI%3D&reserved=0>

**Judges and Court Staff Health**

1. Bexar County Judges and court staff who may perform their essential job functions remotely shall telework whenever possible. Courts should take precautions to ensure judges and court staff do not enter the courthouse when there is a likelihood that they may have COVID-19 or have been recently exposed to COVID-19.
2. In an effort to protect judges and court staff from contracting COVID-19, unvaccinated judges and court staff are strongly encouraged to wear face coverings in all public spaces, practice social distancing, and use appropriate hygiene methods at all times.
3. Protective Measures: Anyone who travels outside of Bexar County to a place with higher COVID-19 prevalence should self-quarantine at home for 14 days before returning to work. Unvaccinated public visitors shall also wear face coverings in the Bexar County Courthouse Complex. All trial court benches must be well-supplied with hand sanitizer and surface cleaning materials. Physical barriers such as plexiglass or stanchions must be placed in each courtroom in front of the well to ensure 3 foot social distancing for those unvaccinated individuals.

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LAW OFFICE OF JUDGE JAMES W. MOSELEY

- 4. Each courtroom and court offices will be well equipped with cleaning products for court staff to sanitize the courts.

**Scheduling**

- 1. To minimize occupancy in the Bexar County Courthouse Complex, the following court schedules are established. In all cases, the schedule may be modified by permission of the Local Administrative Judge.

**CRIMINAL DISTRICT COURTS**

The Criminal District Courts are encouraged to handle all proceedings remotely. In the event a court determines the need for an in-person proceeding, the court must adhere to the in-person schedule for the Criminal District Courts.

144th	Mondays/Wednesdays
175th	Mondays and Wednesdays
186th	Mondays and Wednesdays
187th	Wednesdays and Fridays
226th	Tuesdays and Thursdays
227th	Tuesdays and Thursdays
290th	Tuesdays and Thursdays
379th	Mondays and Fridays
399th	Wednesdays and Fridays
437th	Tuesdays and Thursdays
Magistrate Court	Wednesdays/Thursdays

**JUVENILE DISTRICT COURTS**

The Juvenile District Courts are strongly encouraged to handle all dockets remotely whenever possible. Until further notice, if a juvenile court determines an in-person court proceeding is necessary, and in compliance with social distancing requirements in common areas, the Juvenile District Courts will follow the following schedule:

289th	Tuesdays and Thursdays
386th	As needed
436th	Wednesdays

For in-person proceedings, each court may conduct detention hearings remotely or in-person, but should limit the number of children brought into the courtrooms based on these Minimum Standard Health Protocols.

MINIMUM STANDARD HEALTH PROTOCOLS FOR PERSONS

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Similarly, the courts' specialty court dockets (Drug Court [pre and post adjudication], Crossroads, MIND Court, STRIVE Court, JUNTOS Court, Family Enrichment Court, Restore Court and Crossover Court Docket), should be held remotely whenever possible; however, in-person dockets are allowed when necessary.

The number and frequency of in-person hearings described in this plan may be modified with permission of the Local Administrative Judge.

#### COUNTY COURTS AT LAW (CRIMINAL)

The County Courts at Law will continue to conduct hearings remotely when possible. With respect to jury trials, the County Courts at Law will adhere to the jury schedule that was provided to the Local Administrative Judge and approved.

#### COUNTY COURTS AT LAW (CIVIL)

A mix of remote and in-person hearings, with a preference for remote hearings, shall be conducted in the Civil County Courts. Only necessary parties and / or counsel will be allowed in the courtroom. Remote dockets will be held on Thursday and Friday mornings and afternoons and will consist of no more than twenty [20] individuals per docket. All in-person hearings will focus on ensuring that adequate social distancing is maintained in each courtroom and the areas around each courtroom.

#### CIVIL DISTRICT COURTS

Civil District Courts will have one jury panel each day for in person jury trials. The Monitoring Court will determine which court will be in trial, keeping in mind these Minimum Standard Protocols.

#### PROBATE COURTS

In all instances, remote proceedings are preferred and encouraged, but should a probate court determine in-court proceedings are necessary, these Minimum Standard Health Protocols will be adhered to. All in-person hearings will focus on ensuring that adequate social distancing is maintained in the courtroom, in the areas around the courtroom, and in the courthouse.

#### JUSTICE OF THE PEACE COURTS

Due to the unique, high volume nature of the Bexar County Justice Courts and the several buildings in which they are located, the individual Justices of the Peace will set their own dockets, with due consideration for public health and safety as required by these

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Minimum Standard Health Protocols. In all instances, the JP courts are strongly encouraged to handle dockets remotely whenever possible.

**Vulnerable Populations**

1. Individuals over age 65 and with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and compromised immune systems (e.g., chemotherapy recipients, etc.) are considered to be vulnerable populations.
2. All orders setting hearings, docket notices, summons, and other communications notifying individuals of in-person appearances must include information explaining how vulnerable populations may contact the court to identify themselves as such and to request appropriate accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations throughout the Bexar County Courthouse Complex.
3. Vulnerable populations who are scheduled for court will be accommodated with the opportunity to appear for hearings remotely or, in the alternative, provided a continuance upon notice and good cause to the court in advance of the scheduled hearing date.

**Social Distancing**

1. All unvaccinated persons not from the same household will be required to maintain social distancing of at least 3 feet in any court building.
2. No more than four [4] unvaccinated individuals who are not from the same household will be permitted in the elevators in the Bexar County Courthouse.
3. Courtrooms which are not in use should be made available for parties to confer to minimize crowding in the hallways and other common areas.

*Courtroom Gallery*

4. Fully vaccinated individuals are not required to socially distance.
5. The gallery of each courtroom should be marked with appropriate social distancing seating for those needing to social distance. Seating in that area will be limited to every other row and will have designated seating.

*Courtroom Well*

6. In each courtroom, the counsel tables, witness stand, judge's bench, and seating for the clerks, court reporter, and bailiff have can be arranged to provide social distancing. Whenever possible, the judge's bench, witness stand, and seating for the clerks and court reporters should also for social distancing. If 3 feet of distance in between these spaces is not possible, plexiglass barriers should be erected to help prevent transmission of respiratory droplets in the courtroom.

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**Hygiene**

1. Hand sanitizer dispensers will be at the entrances to each Judicial Complex building, outside of elevators on each floor, outside of each courtroom and court offices, and outside each bathroom.
2. Tissues and trash receptacles will be near the door of each 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" will be posted in multiple locations throughout each court building, on every floor. Signage should be in both the Spanish and English languages, with large font and photos to assist all those who enter the courthouses.

**Screening**

Inmates being transported from the jail to a Judicial Complex building will be screened for COVID-19 symptoms 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 a court building. Inmates known to be COVID+ by screening at the jail shall not be transported to the court building until ten days have passed since their last positive COVID-19 test. CDC criteria for ending isolation of a COVID-19+ person must be met before transport to court building (i.e., at least 72 hours without fever, AND ten [10] days since the onset of symptoms AND improved symptoms).

**Face Coverings**

1. All unvaccinated individuals entering court buildings are strongly encouraged to wear face coverings that cover both the mouth and nose at all times.
2. Unvaccinated individuals are encouraged to bring cloth face coverings with them, but if the individual does not have such a face covering, a disposable face mask can be provided upon request.
3. Court participants who lower their face mask to speak may do so. Other participants should maintain social distancing from the individual while the individual is speaking without a mask.

**Cleaning**

1. Cleaning staff will clean the common areas of each court building regularly.
2. Cleaning staff will clean the courtrooms at the end of each day that the courtroom is used.
3. Cleaning staff and court staff should have cleaning supplies shown to be effective on the SARS-Cov2 virus.

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**Ventilation:**

Bexar County Facilities have been equipped as indicated below to ensure the health and safety of those who enter the courthouse complex:

1. HVAC settings are now increased to 100% fresh air intake to dilute respiratory droplets in the buildings, which allows for more air change cycles per hour.
2. 74 freestanding HEPA air scrubbing units, which can be deployed during a trial and jury selection.
3. UV-C lighting installed in all the air handlers in County owned buildings.
4. Thermal cameras to ensure temperature checks at each building entrance.
5. Self-screening kiosks at some public entrances.
6. Plexiglass installed between workspaces where social distancing is not possible.
7. Electrostatic spraying and sanitization of spaces after in-person proceedings.
8. Touchless door openers installed at public entrances.
9. Foot openers installed at public restrooms.

**Jury Proceedings**

**General**

1. Judges of the district courts, constitutional and statutory county courts, and statutory probate courts will conduct in-person jury proceedings in accordance with these Minimum Standard Health Protocols and established schedules approved by the Local Administrative Judge.
2. Not more than five [5] days before an approved in-person jury proceeding is scheduled to occur, the Bexar County Local Administrative Judge will consult with the local public health authorities to verify that local health conditions and plan precautions are such that the jury proceeding may properly proceed.
3. Civil trial courts may conduct remote jury proceedings so long as the court follows the requirements set forth below for motions and objections and ensures all venire members and petit jurors have access to the technology needed to participate remotely. In all criminal cases in which jail or prison is a potential punishment, remote jury proceedings may occur only with explicit waivers and consent obtained on the record from both the defendant and prosecutor.

**In-Person Jury Proceeding**

1. Judges wishing to conduct a jury proceeding shall follow a rotational court schedule to ensure adequate social distancing is maintained in the courthouse and courtrooms.
2. The Local Administrative Judge will consult with the local public health authorities to verify that the local health conditions and precautions are appropriate for jury proceedings.

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**Hearings on Objections or Motions Related to Proceeding**

1. Parties scheduled for a jury proceeding are encouraged to make any objections or motions related to those proceedings at least 10 days prior to the trial setting.
2. Any objections or motions related to 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. Parties with an approved in-person jury proceeding must report to the trial court if any attorney, party, support staff, or witness has: (a) tested positive for COVID-19 within ten [10] days prior to any portion of the jury proceeding; (b) currently has symptoms of COVID-19; or (3) has had recent exposure to COVID-19+ person within the previous 14 days.
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 10 days prior to any portion of the jury proceeding, any current symptoms of COVID-19, or any recent known exposure to COVID-19 within 14 days.

**Scheduling**

1. Trial courts will schedule as many cases for any given in-person jury trial setting as allowable to ensure available social distancing for unvaccinated individuals.
2. Judges should attempt to alert, as soon as practicable, parties that they will not be proceeding to trial.

**Summoning Jurors**

1. The jury clerk must include with in-person juror summonses: (a) questionnaires eliciting from prospective jurors information about their exposure or vulnerability to COVID-19; and (b) information regarding precautions taken by the Courts to protect the health and safety of all court participants.
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 in-person jury service lodged by people who are particularly vulnerable or living with someone who is vulnerable, symptomatic, or have been potentially exposed to COVID-19 will be liberally granted.
4. Exemptions and Excuses will be considered via Zoom in advance of the summons date. The Central Jury staff will assist all courts in setting up Zoom hearings and ensuring access to technology for those who may need assistance.

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Location for Jury Selection, Trial, and Deliberation

In-person trial proceedings should not occur without prior approval of the Local Administrative Judge and will depend on current health conditions in the County.

1) The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:<sup>1</sup>

**a) Jury Selection in the Criminal District Courts**

- i) The Bexar County COVID-19 Operating Plan shall be adhered to at all times.
- ii) Each Criminal District Court will have one “jury day” in rotation. For example, on Monday, the 144<sup>th</sup> will have its jury panel, on Tuesday, the 175<sup>th</sup> will have its panel, and so on, in sequential order and including the juvenile district courts. This rotation will focus on ensuring that adequate social distancing is maintained in the courtroom, in the areas around the courtroom, and in the courthouse.
- iii) To ensure appropriate social distancing, jury selection will take place in the Central Jury Room in the basement of the Justice Center.
- iv) Criminal District Court trials can occur in the courtroom.
- v) Each Criminal District Court should develop a plan to arrange the courtroom in accordance with the Bexar County Operating Plan.
- vi) Each Criminal District Court may empanel at least 2 alternate jurors for each trial.
- vii) Each Criminal District Court is encouraged to set several potential trials to ensure that jury panels designated each day are utilized.

**b) Criminal Jury Selection in the County Courts at Law**

- i) “Jury days” for the County Court at Law will also rotate. Four Courts will be accommodated each day (no more than 2 courts per floor) two in the morning and two in the afternoon. The County Courts at Law will rotate to ensure adequate social distancing.
- ii) Jury selection for the County Courts at Law may be conducted in the County Courts at Law respective courtroom in accordance with adequate social distancing for unvaccinated individuals described herein.
- iii) Each County Court at Law shall develop a plan to arrange the courtroom in accordance with these Protocols.
- iv) Each County Court at Law is encouraged to set several potential trials to ensure that jury panels designated each day are actually used.
- v) Jury deliberations will occur within the courtroom or a space that will allow for adequate social distancing for unvaccinated individuals.

<sup>1</sup> Courts who may need to hold a proceeding outside of the courthouse should review Chapter 292 of the Local Government Code (related to having an auxiliary facility designated as a courthouse) and Government Code Sections 24.033(b) (district courts), 25.0019(b) (statutory county courts), 25.0032(b) (statutory probate courts), 26.009(b) (constitutional county courts), 27.0515 (justice courts), 29.015 (municipal courts), and 30.000123 (municipal courts of record)—relating to designating alternative locations for proceedings.

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- c) **Jury Selection in the Civil District Courts**
  - i) Civil District Court jury trials shall be assigned via the Civil District Monitoring Court. No more than two trials will be scheduled per floor of the courthouse at any given time, ensuring that adequate social distancing is maintained in the courtroom, in the areas around the courtroom, and in the courthouse.
  - ii) To ensure appropriate social distancing, jury selection will take place in the Presiding Courtroom or other approved location which can safely seat all jurors summoned with adequate social distancing of 3 feet.
  - iii) Civil District Court trials can occur in courtrooms that can ensure appropriate social distancing.
  - iv) Each Civil District Court should develop a plan to arrange the courtroom in accordance with the Minimum Standard Health Protocols.
  - v) Each Civil District Court may empanel at least 2 alternate jurors for each trial, but discretion is given to the trial judge.
  - vi) Each Civil District Court is encouraged to set several potential trials to ensure that the jury panels designated each day are utilized.
  - vii) To ensure proper social distancing, and to allow for trial within the courtroom, when possible, jury panels shall be limited in size to allow for 3 feet social distancing.
- d) 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. All court participants and observers attending an in-person jury proceeding 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 10 days will be reported to the judge presiding over the jury proceeding prior to the transport of the participant to the courtroom.

**Face Coverings**

- 1. All unvaccinated persons entering the common areas of a courthouse, including a courtroom or any other location being used to conduct a jury trial, are strongly encouraged 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 unvaccinated court participants will be encouraged to wear face coverings from jury qualification through the end of trial.
- 3. Court participants may need to lower their face mask to speak or for a short period of time. When speaking, judges will permit a court participant to lower his or her mask so long social distance is maintained.

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**Social Distancing**

1. Social distancing of 3 feet for unvaccinated court participants and observers will be available at all times during a 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**

Each judge with an approved in-person jury proceeding may select alternate jurors to permit the trial to continue in the event a juror becomes ineligible to serve for any reason.

**Arrangement of Courtroom**

1. The following description details how each of the courtrooms or facilities will be arranged during the jury proceeding:
  - Criminal District Court voir dire will be conducted in The Central Jury Room. The Jury Room is arranged to allow for 3 feet social distancing.
  - Criminal District Courts' trials will be conducted in the district courtroom. All desk areas by the judge's bench (court reporter, witness, bailiff and clerk/coordinator) are surrounded by plexiglass to minimize exposure.
  - County Courts at Law will conduct voir dire in any courtroom or space that will allow for 3 feet social distancing of the jury panel and staff where needed. Additionally, the panel for the County Courts at Law will be limited to a number of jurors that can fit with the adequate social distancing of 3 feet.
  - Civil District Court voir dire will be conducted in the Presiding District Court or in any courtroom or space that will allow for 3 feet social distancing of the jury panel and staff where needed.
  - Civil District Court trials will be conducted only in courtrooms where adequate social distancing. The bench and all desks (including the court reporter, witness, deputy, court clerk, and counsel tables) will have plexiglass dividers to minimize exposure.
  - All jury deliberations will occur in the closed courtroom or other area deemed acceptable to the parties.

**Microphone Protection Protocols**

1. When a microphone is shared, judges will ensure the user keeps a distance of 18 inches from the microphone when speaking.
2. Disposable microphone covers will be placed on shared microphones and changed at the end of each day.

**Witnesses**

1. Judges will inquire whether the parties have questioned their witnesses regarding COVID-related issues, including possible exposure to COVID-19.

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- 2. To the degree constitutionally permissible or with the consent of all parties, trial courts will permit witnesses to testify remotely, especially if the witness is particularly vulnerable, symptomatic, or has recently tested positive or been exposed to COVID-19.

**Food Precautions**

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.

**Virtual Jury Trials in Civil Courts**

**1) Virtual Jury Proceedings in the Civil District Courts**

- a) At least one virtual jury trial per week may be conducted.
- b) The Civil District Courts shall coordinate with the Civil County Courts at Law and Probate Courts to develop a method of apportioning jury panels between them. If a given court does not need a jury panel in a given week, the Civil District Courts may reassign that panel to a different court to use the panel.
- c) The Central Jury Bailiff, in concert with the Bexar County Sheriff’s Office and BiblioTech, shall ensure access to technology for any potential jurors who need access.
- d) The Central Jury Bailiff will assist the Civil District Courts in any tasks needed prior to voir dire and during the virtual trial.
- e) Prior to jury selection, the Civil Courts will use a remote jury team to perform the tasks outlined in the Civil Courts’ Remote Jury Trial Recommendations.

**2) Virtual Jury Proceedings in Civil County Courts at Law/Probate Courts**

- a) Virtual trial have been authorized since November 2, 2020, and will continue unless stopped by the Texas Supreme Court.
- b) A maximum of 1 virtual jury trial per week may be conducted. The Civil County Courts at Law and Probate Courts shall coordinate with the Civil District Courts and notify the Civil District Courts if they will not be utilizing a jury panel in a given week so that the Civil District Courts may utilize the panel.
- c) The Central Jury Bailiff, in conjunction with BiblioTech, shall ensure access to technology for any potential jurors in need of technology.

**Non-Court Related Activities in the Courtrooms**

The Office of Court Administration has provided guidance regarding the reduction of individuals in the courthouse. As such, all non-Court related activities in any courtroom will be limited to no more than 30 individuals at a time to maintain the safety of all individuals and staff working and commuting to the courthouses.

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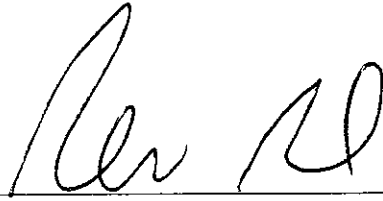
Vaccinations

The Courts of Bexar County strongly encourage vaccinations of all eligible individuals per the Center for Disease Control recommendations. In order to obtain more information about how to obtain a vaccine or more information about the vaccine, you can visit, <https://covid19.sanantonio.gov/What-YOU-Can-Do/Vaccination#get-vaccinated> or call 210-207-6000 and select option 8 for the Covid-19 hotline (English and Spanish options available).

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I have shared these Minimum Health Protocols with all judges of courts with courtrooms in the courthouse complex and the Justice of the Peace Courts. In developing these Protocols, I have consulted with the local health authority.

Date: 6/9/2021



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Ron Rangel  
Local Administrative District Judge,  
Bexar County, Texas

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