



Jury Proceeding Addendum to COVID-19 Operating Plan for the Harris County Judiciary – Harris County Probate Court 1

Effective on and after October 7, 2020

Updated February 7, 2022

Recognizing the need to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of Harris County have implemented and updated a COVID-19 Operating Plan.

This an Addendum the *Re-Adoption of the COVID-19 Operating Plan for the Harris County Judiciary District Courts, County Courts-at-law, and Probate Courts* dated August 31, 2021. It is made specifically for Harris County Probate Court 1. To the extent that there is any conflicting provision between this and the Harris County Plan, the provisions herein shall take precedence.

Objections or Motions Related to Proceeding

1. Objections to proceeding with an in-person jury trial must be filed within three days of the pre-trial hearing or within ten (10) days of the start of the trial if no pre-trial hearing is scheduled.

Location for Jury Selection, Trial, and Deliberation

1. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:
 - a. Jury Qualification: Jury Assembly Room, Courthouse Complex
 - b. Voir Dire: Either in Probate Court 1 or the Ceremonial Courtroom.
 - c. Trial: Harris County Probate Court 1, 201 Caroline, 6th Floor
2. Jury Deliberation: Adjacent courtrooms or other sufficient space within the same building allowing for appropriate social distancing. ***If another courtroom cannot be used, then the jury will deliberate in the Probate Court 1 courtroom.***
3. Security protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for the proceeding.

Alternate Jurors

1. Parties are encouraged to consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming ineligible to serve for a reason unrelated to that person's exposure to or contraction of COVID-19.

Arrangement of Courtroom

1. The total number of individuals allowed in the courtroom at one time has been reduced as an additional safety measure. That number has been posted outside each courtroom. **Parties must inform the Court of the total number of persons they expect to have in the courtroom so that the Court evaluate and comply with the occupancy restrictions.**
2. The following is how each of the courtrooms or facilities will be arranged during the jury proceeding:

For trials with 12 person juries, jurors will be seated in the gallery instead of the jury box; Plexiglas has been installed for the court, the witness and court staff; attorney tables are repositioned to provide for more than six feet between parties, court staff, witness box and jurors.

For trials with six person juries, jurors will be seated in the jury box with the jurors repositioned to allowed for social distancing; Plexiglas has been installed for the court, the witness and court staff; attorney tables are repositioned to provide for more than six feet between parties, court staff, witness box and jurors.

Microphone Protection Protocols

1. The use shared use of microphones during the jury proceeding will be limited to the degree possible.
2. If a microphone must be shared, the Court will limit the passing of the microphone unless the microphone is cleaned between each user.
3. Disposable microphone covers will be placed on shared microphones and changed between each user.

Exhibit/Evidence Management

1. Judges will limit, to the degree possible, the use of physical or paper exhibits/evidence where feasible or appropriate by converting the exhibit/evidence to a digital form.
2. Parties are strongly urged to digitize and exchange all exhibits (with the exception of rebuttal evidence) and seek agreement as to their admissibility. Parties should share their exhibits with the court prior to trial in files marked “agreed” and “objected” or some similar demarcation. Agreed exhibits should be offered for admission prior to trial, ideally at the pre-trial hearing.
3. When physical or paper exhibits/evidence is required, judges will reduce the exchange of that exhibit/evidence to the number of persons necessary and will limit passing the exhibit/evidence to the individual members of the jury.
4. If an exhibit/evidence is required to be transferred from person-to-person, single use gloves or hand sanitizer will be provided for the handling of the exhibit/evidence.
5. During jury deliberations, the Court will make efforts to provide the jury with access to digital exhibits/evidence that would normally be shared with the jury during deliberation. Where digital exhibits/evidence is not feasible, judges will consider limiting the transfer of the exhibits/evidence from juror-to-juror by spreading the exhibits/evidence on a table for inspection from the table in the jury deliberation room.

Witnesses

1. The Court will inquire whether witnesses to the proceedings have COVID-related symptoms.
2. To the degree constitutionally permissible or with the consent of the parties, judges will permit witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVID-19, has been recently exposed, or is vulnerable to contracting COVID-19.

Remote Appearances

1. Parties and Witnesses will be permitted to appear remotely via Zoom, subject to objections and rulings at a pre-trial hearing¹. Attorneys are responsible for sending all zoom information to their clients and witnesses who will appear remotely.
2. The Court Clerk and Court Reporter may participate remotely via Zoom at the judge's discretion.

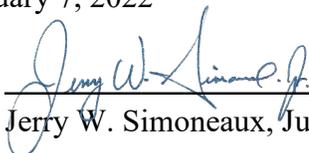
Meals and Breaks

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.
2. Courts that provide food to jurors will provide hand sanitizer in rooms where food will be consumed.
3. To ensure social distancing during breaks and meals, jurors will be escorted to another courtroom or other acceptable room(s). If another location is not available, then 6 jurors will be assigned to the Ancillary Courtroom and 6 will be assigned to the Jury Room.
4. Attorneys, parties, and witnesses will be asked to take breaks and meals elsewhere. Staff will try to find appropriate alternative locations from day to day.

Cleaning

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 cleaned 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.

Signed: February 7, 2022



Jerry W. Simoneaux, Judge Presiding

¹ See "Objections and Motions Related to Proceedings" above.