

IN THE MUNICIPAL COURT
OF
THE CITY OF PASADENA TEXAS

**ORDER ADOPTING THE PROVISIONS OF A COVID-19 OPERATING
PLAN FOR ALL IN-PERSON PROCEEDINGS FOLLOWING THE
THIRTY-SIXTH EMERGENCY ORDER OF THE SUPREME COURT OF
TEXAS DATED MARCH 5, 2021**

WHEREAS, by its thirty-sixth emergency order dated March 5, 2021, the Supreme Court of Texas authorized the resumption of in-person proceedings in the courts of Texas; and,

WHEREAS, the Supreme Court has directed the establishment of minimum standard health protocols for court proceedings and the public attending court proceedings that will be employed in all courtrooms and throughout all public area of the public areas of the court buildings, including masking, social distancing or both; and,

WHEREAS, the attached Operating Plan contains minimum standard health protocols including masking and social distancing that are appropriate for the resumption of in-person proceedings; NOW THEREFORE,

IT IS ORDERED THAT:

1. The Operating Plan for the City of Pasadena City Judiciary, a copy of which is appended hereto as Exhibit "A" hereof and incorporated herein for all purposes is hereby authorized, approved and adopted for all in-person proceedings on and after April 12, 2021.
2. A copy of this order and the Operating Plan be posted conspicuously at the municipal court building and on the Court's web site.

Dated: 4.12.21



JUDGE, Presiding

COVID-19 Operating Plan for the PASADENA City Judiciary

Effective April 12, 2021

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the building housing the courts, the Municipal Court of CITY OF PASADENA, TEXAS will implement the following protective measures:

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 presiding judge of the municipal court will maintain regular communication with the local health authority and mayor and adjust this operating plan as necessary with conditions in the city.

Judge and Court Staff Health

1. Judge and Court Staff Monitoring Requirements: Judges and Court Staff will be screened each morning upon entering the building. This screening includes the items that follow in subparagraph 3. below including a daily temperature scan. Each judge and staff member is then issued and required to wear a color-coded wrist band for the duration of the day's activities. A different-colored band is issued each day to assure full compliance.
2. 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 and COVID-19 testing.
3. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all times. The use of face shields is specifically authorized when court staff are stationary; otherwise masks are required.
4. Protective Measures: gloves are also provided to staff who will handle documents or cash in connection with their work; all courtrooms are equipped with bullet-proof glass and doors separating the court staff from the public at all times that court is in session.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building: Pasadena Municipal Court employs a “docket system” of case management. In simplest terms, this means that cases are organized on dockets according to the nature of the proceeding. Thus, first settings or arraignments are kept separate from attorney pre-trials, jury trials, show cause hearings, indigence hearings, etc. After a full year of alternating complete shutdown and limited or no in-person proceedings, the Court has experienced a serious backlog of cases. Moreover, as the economy continues to open up, the volume of new filings is expected to increase significantly. Given the capacity restrictions set forth in this Operating Plan, the total gallery capacity of the building’s three courtrooms is sixty-six persons at any given time. Arraignment dockets are ordinarily scheduled for Monday A.M, Monday P.M., Tuesday A.M., Tuesday P.M. and Thursday P.M. Initially, the plan will be to take care of the cases presently scheduled for these dockets adding to them a number of resets that does not exceed capacity limitations, maintaining capacity and distancing requirements. Attorney dockets will continue to be scheduled on Tuesday and Thursday afternoons and further on an as-available basis for attorneys who do not bring clients to court. The prosecutors will coordinate such settings and inform the motion docket clerks of the date and time. Bench trials will recommence on April 26. Juvenile matters will continue exclusively by Zoom until the current Zoom settings have been exhausted. Initially, the Court will give priority to indigency, deferred disposition and driving safety show cause hearings so that all appropriate show cause hearings will have been conducted prior to June 1, 2021 or such other extension deadline as the Supreme Court may establish.

Beginning May 1, 2021, the Court will shift focus to the extensive backlog of arraignment cases. Previously, some 18,000 cases have been reset, but the response has been less than overwhelming. The citizenry is no longer locked down as with previous attempts to reset cases. The court will enlist the full communications abilities of the City of Pasadena to encourage appearances. Moreover, and importantly, the Court’s on-line payments module, IVR capacity and ADCOM kiosks should be fully functional by that time, thus providing the court users many additional alternatives to in-person appearances to resolve their cases.

No jury trials will be scheduled until further notice.

“Walk-in” cases will continue unabated and will find expanded waiting area and more efficient handling by use of the newly installed NEMO kiosk.

Zoom hearings will continue to be an essential part of court practice and may well become a permanent fixture. The court has included a zoom link on its home page and

is employing a QR code to take applicants directly to the Zoom application. Zoom has been and will continue to be of great value for vulnerable populations.

The Presiding judge will continue to be responsible to conduct regular analysis of the case load and make corresponding changes. A monthly calendar will be published until such time and there is a resolution of the backlog and quarterly thereafter.

This plan will be subject to modification as new guidelines are put in place.

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 court's website and in conspicuous locations around the court building utilizing the court's information display technology.
3. Vulnerable populations who are scheduled for court will be accommodated by use of Zoom hearings and resets as appropriate. Resets will begin upon approval of this plan. Given that each citation contains a date of birth, the IT staff and clerk will exclude those who are over 65 years of age from receiving a reset notice until further notice. As to those who are less than 65 years of age, but have other qualifying conditions, the reset notice and web site will contain information regarding Zoom and a web address allowing the vulnerable population to notify the court of their status and receive an appropriate accommodation. In addition to the website, Zoom information is available on the city Facebook page and the local Pasadena television channel has produced an information segment to further acquaint the populace with the program.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. 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.
3. Public common areas, including breakrooms and snack rooms, have been closed to the public.

Gallery

4. 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.
5. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating.

Well

6. 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 each courtroom, and outside of bathrooms.
2. Tissues have been 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 electronically in multiple locations within the court building.

Screening

1. When individuals attempt to enter the court building a security officer 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, a security officer 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 a mask and gloves.

Face Coverings

All individuals entering the court building will be required to wear face coverings at all times. Face shields may be worn in place of face masks/face coverings if the individual is stationary.

1. 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.
2. 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 four hours.
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

In developing the plan, I consulted with the local health authority and mayor. I will ensure that all judges in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 4.12.21



LESTER G. RORICK
Presiding Judge, Pasadena Municipal Court