

Jury Proceeding Addendum to COVID-19 Operating Plan for the Ector County Judiciary

Effective on and after October 1, 2020

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 **Ector County** will implement, in addition to the procedures and protocols in the previously submitted COVID-19 Operating Plan, the following protective measures for jury proceedings:

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 jury proceedings according to the guidance issued by the Office of Court Administration.
2. The justice courts will not conduct an in-person jury proceeding until the Supreme Court permits such proceedings.
3. Judges of the district courts, constitutional and statutory county courts, and statutory probate courts will conduct in-person jury proceedings in accordance with the previously approved Operating Plan and this addendum only after this jury proceeding addendum is submitted and accepted by the Regional Presiding Judge.
4. Not more than five days before an approved in-person jury proceeding is scheduled to occur, the local administrative district judge or designee will consult with the local public health authority to verify that local health conditions and plan precautions are appropriate for the jury proceeding to proceed.
5. Except for criminal cases where confinement in jail or prison is a potential punishment, judges may conduct remote jury proceedings if the court follows the requirements of the hearings on objections or motions section below and ensures that all potential and selected petit jurors have access to technology to participate remotely. Judges may conduct remote jury proceedings in a criminal case where confinement in jail or prison is a potential punishment only with appropriate waivers and consent obtained on the record from the defendant and the prosecutor.

Jury Proceeding Approval Process

1. Judges wishing to conduct a jury proceeding will follow the procedure detailed below to obtain approval to proceed with the jury proceeding from the local administrative district judge and Regional Presiding Judge:
Judges should contact the local Administrative Judge at least 60 days before the desired date to conduct a jury proceeding and the Local Administrative Judge shall contact the Regional Presiding Judge at least 45 days before the desired date to conduct a jury proceeding. All judges shall be familiar with and comply with the terms and provisions of all Emergency Orders as well as the contents of this Addendum and its attachments.

2. The local administrative judge will, not more than five days before the jury proceeding, consult the local public health authority to verify that the local health conditions and plan precautions are appropriate for the jury proceeding to proceed with the following procedure:
The local administrative judge shall check with the appropriate local health authorities not more than 5 days before the jury proceeding to insure there has not been a change of circumstances, e.g., a spike in COVID cases, that would make going forward with the jury proceeding untenable.

Hearings on Objections or Motions Related to Proceeding

1. Parties who are scheduled for a jury proceeding are encouraged to make any objections or motions related to the proceeding at least 10 days prior to the trial setting.
2. Any objections or motions related to proceeding with a jury trial will be heard by the judge presiding over the case at least seven days prior to the jury proceeding or as soon as practicable as long as the objection or motion is made or filed in a timely manner.

Communication Protocols

1. Each judge with an approved in-person jury proceeding will require the parties to communicate with the court if any participant in the jury proceeding, including attorneys, parties, attorney support staff, or witnesses, has tested positive for COVID-19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19.
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 30 days prior to any portion of the jury proceeding, any current symptoms of COVID-19, or any recent known exposure to COVID-19.

Scheduling

1. A judge who obtains approval for an in-person jury proceeding will schedule no more than ten cases for that jury trial setting, unless pre-approval for larger dockets is obtained from the Regional Presiding Judge.
2. Judges should attempt to alert parties who will not be proceeding prior to the day of trial to reduce attendance at the court facility.

Summoning Jurors

1. The jury clerk must include with in-person juror summonses information regarding precautions that have been taken to protect the health and safety of prospective jurors (see Attachment A)¹

¹ Include as Attachment A the information that the court will include with summonses.

and COVID questionnaires (see Attachment B)² that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.

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

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:³
 - a. Jury Qualification: Barn G, Ector County Coliseum or Courthouse Central Jury Room
 - b. Voir Dire: Barn G, Ector County Coliseum or Courthouse Courtrooms
 - c. Trial: District and County Courtrooms
 - d. Jury Deliberation: Central Jury Room and Courtrooms
2. 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. In addition to the requirements of the previously submitted in-person Operating Plan, all court participants and observers attending an in-person jury proceeding will be screened for elevated temperatures and 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 30 days will be reported to the judge presiding over the jury trial prior to the transport of the participant to the courtroom.

Face Coverings

1. In addition to the requirements of the previously submitted in-person Operating Plan, all persons entering the common areas of a courthouse, including a courtroom or any other location being used to conduct a jury trial, will be required 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 Include as Attachment B the COVID questionnaire that the court will include with summonses. A sample COVID questionnaire is available at <https://txcourts.gov/media/1449739/petit-juror-questionnaire-addendum-covid-19-pre-screening.pdf>.

³ Court 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.

2. All court participants will be required to wear face coverings from jury qualification through the end of trial.
3. Court participants who may need to lower their face mask to speak or for a short period of time will be required to wear a face shield. When speaking, judges will permit a court participant to lower his or her mask so long as a face shield is worn, and the person speaking is immobile.

Social Distancing

1. Social distancing of all court participants and observers will be maintained at all times during the 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

1. Each judge with an approved in-person jury proceeding will be 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 following description (or attached drawing) details how each of the courtrooms or facilities will be arranged during the jury proceeding:⁴

See attached Exhibits A-K. Any social distancing not readily apparent, will be clearly marked with tape.

Microphone Protection Protocols

1. Judges will limit, to the degree possible, the shared use of microphones during the jury proceeding.
2. If a microphone must be shared, judges 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. 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.
3. If an exhibit/evidence is required to be transferred from person-to-person, single use gloves will be provided, worn, and discarded immediately after handling the exhibit/evidence.

⁴ Include where the judge, parties/counsel, jurors, witnesses, court reporter, and bailiff will be arranged in each courtroom or facility during each phase of the trial.

4. During jury deliberations, judges 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. Judges will inquire whether witnesses to the proceedings have COVID-related issues.
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.

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

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.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding the Jury Proceeding-Addendum to the Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: September 30th, 2020



Local Administrative District Judge

OFFICIAL JURY SUMMONS

Presort First Class
U.S. Postage
PAID
QIM

Sheriff
Ector County
300 N. Grant, Room 301
Odessa, TX 79761



Dear Prospective Juror:
**YOU ARE HEREBY SUMMONED
TO APPEAR AT THE ECTOR
COUNTY COLISEUM - BARN G.
FOR JURY SERVICE ON THE
DATE AND TIME SPECIFIED
BELOW;**

www.co.ector.tx.us/jury

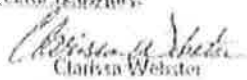


JUROR NO.: 158
DATE: Monday, October 5, 2020
TIME: 9:30 AM
SUMMONS NO.: SMN0198687
**Use this No. for required online response.*



Exhibit A

YOU ARE HEREBY SUMMONED TO APPEAR AS A PROSPECTIVE JUROR FOR THE DISTRICT COURTS IN ECTOR COUNTY. Any updates, changes, delays, or cancellations of this summons will be posted at www.co.ector.tx.us/jury.


Clarka Webster

District Clerk of Ector County, Texas



In consideration of the health and safety of the local community and court staff, your **ONLINE RESPONSES to the JUROR QUESTIONNAIRE (including COVID-19 PRE-SCREENING questions) MUST BE SUBMITTED IMMEDIATELY, before you report for your jury service.**

Bring this postcard with you when you report for your jury service.

YOU ARE INSTRUCTED TO:

1. LOGIN AT www.co.ector.tx.us/jury TO RESPOND ONLINE IMMEDIATELY to the required COVID-19 PRE-SCREENING and JUROR QUESTIONNAIRES:
 - If you do not have access to the Internet, call (432) 498-4290 to request the clerk to provide paper copies of the Questionnaires.
 - The court may contact you for additional screening prior to your scheduled appearance.
 - After you submit your online responses, notify the clerk at (432) 498-4290 if a healthcare provider or department instructs you to isolate and/or quarantine due to COVID-19 health concerns.
2. ON Monday, October 5, 2020, at 9:00 AM, REPORT IN PERSON TO: **ECTOR COUNTY COLISEUM BURN G**, located at 4201 Andrews Hwy., Odessa, Texas 79762. (Enter Burn G from west side of building.)

DO NOT bring: GUNS, KNIVES or WEAPONS to the COLISEUM or COURTHOUSE. You will be searched. Face mask required. Proper clothing required. NOT PERMITTED: Shorts, sleeveless shirts, hats, flip-flops.

JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE

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. Respond to these questions online immediately, or bring this completed questionnaire with you when you report for jury service.

1. SYMPTOMS NOW OR WITHIN 15 DAYS PRIOR TO SUMMONSED APPEARANCE DATE: 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 Congestion or Runny Nose Sore throat Fatigue

I certify that NONE of the symptoms above have been experienced by me or a member of my household within 15 days preceding my summonsed appearance.

IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE DISTRICT CLERK'S OFFICE AT (432) 498-4290 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 4 months;
 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 (432) 498-4290 BEFORE REPORTING FOR JURY SERVICE.

3. COVID-19 RELATED EXCUSE OR EXTENSION - 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 be excused from jury service at this time. If you wish to be excused, check the box below.

I certify that I meet the above-described conditions and I am requesting to be excused from jury service because of those conditions.

IF YOU ARE REQUESTING TO BE EXCUSED DUE TO A COVID-19 RELATED REASON, CALL THE DISTRICT CLERK'S OFFICE AT (432) 498-4290 BEFORE REPORTING FOR JURY SERVICE.

4. FACE COVERINGS: Prospective jurors are required to wear a face covering while they are in the coliseum and 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. The complete COVID-19 Operating Plan for Ector County Judiciary is available on our website: www.ectorclerk.us/jury.

I certify the above is true and correct:

Signature

EXHIBIT B

Printed Name



WITNESS
STAND

JUDGE
BENCH

COORDINATOR

PROSECUTOR
TABLE

DEFENSE
TABLE

TRIAL SEATING

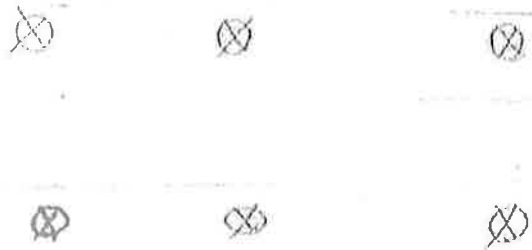
ENTRANCE
←

161 ST DISTRICT COURT

EXHIBIT C

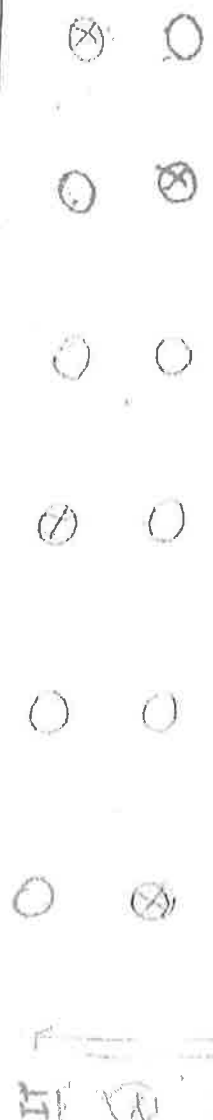
244TH DIST. CT

ENTRANCE



DEVELOPER
TABLE

PROSECUTOR
TABLE



COORDINATOR

COURT
REPORTER

BENCH

WITNESS
STAND

EXIT

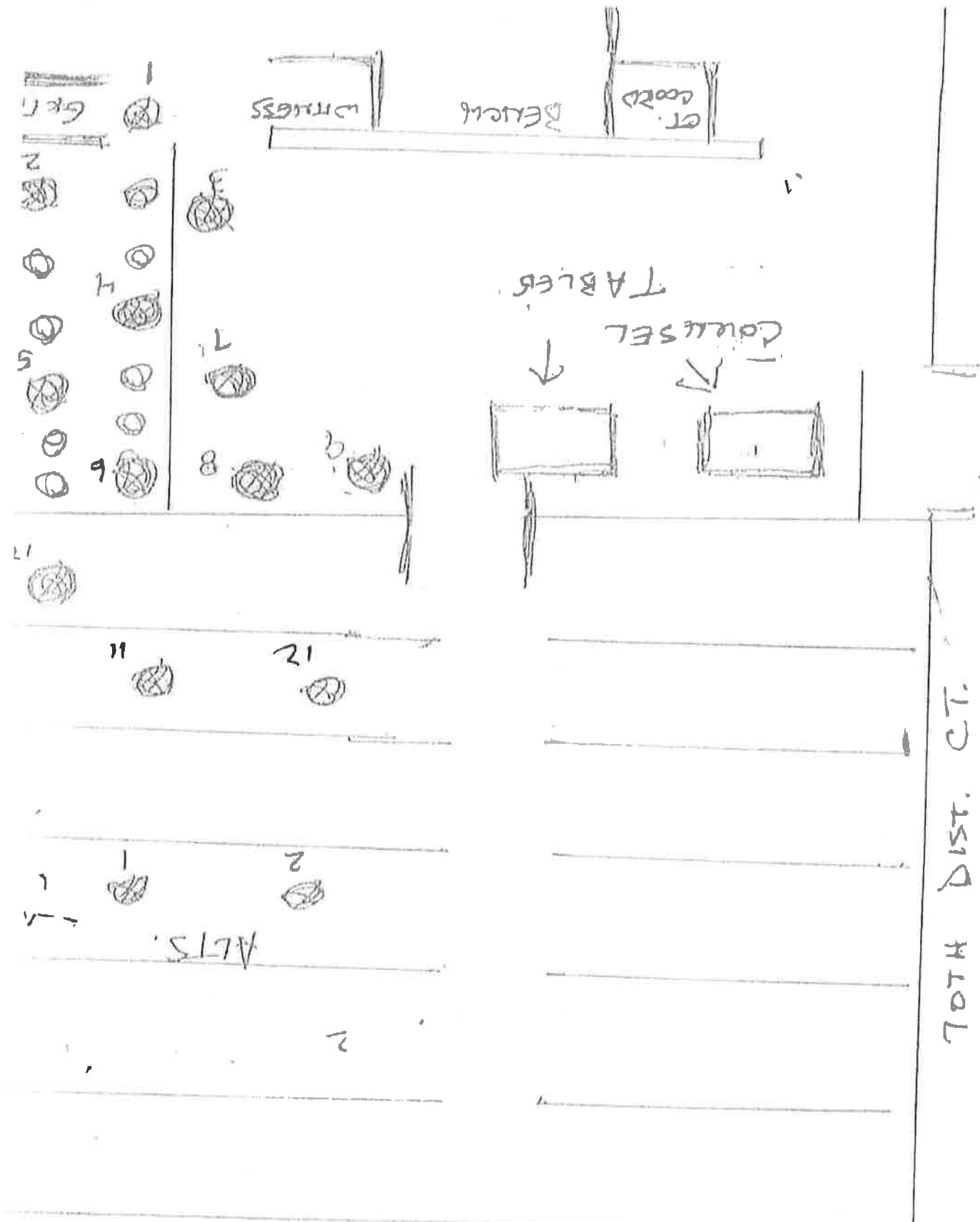
EXHIBIT D

EXHIBIT E

NOT TO SCALE

TOTH DIST. CT.

EXIT



- 1
- 2
- 4
- 5
- 6

- 3
- 7
- 8

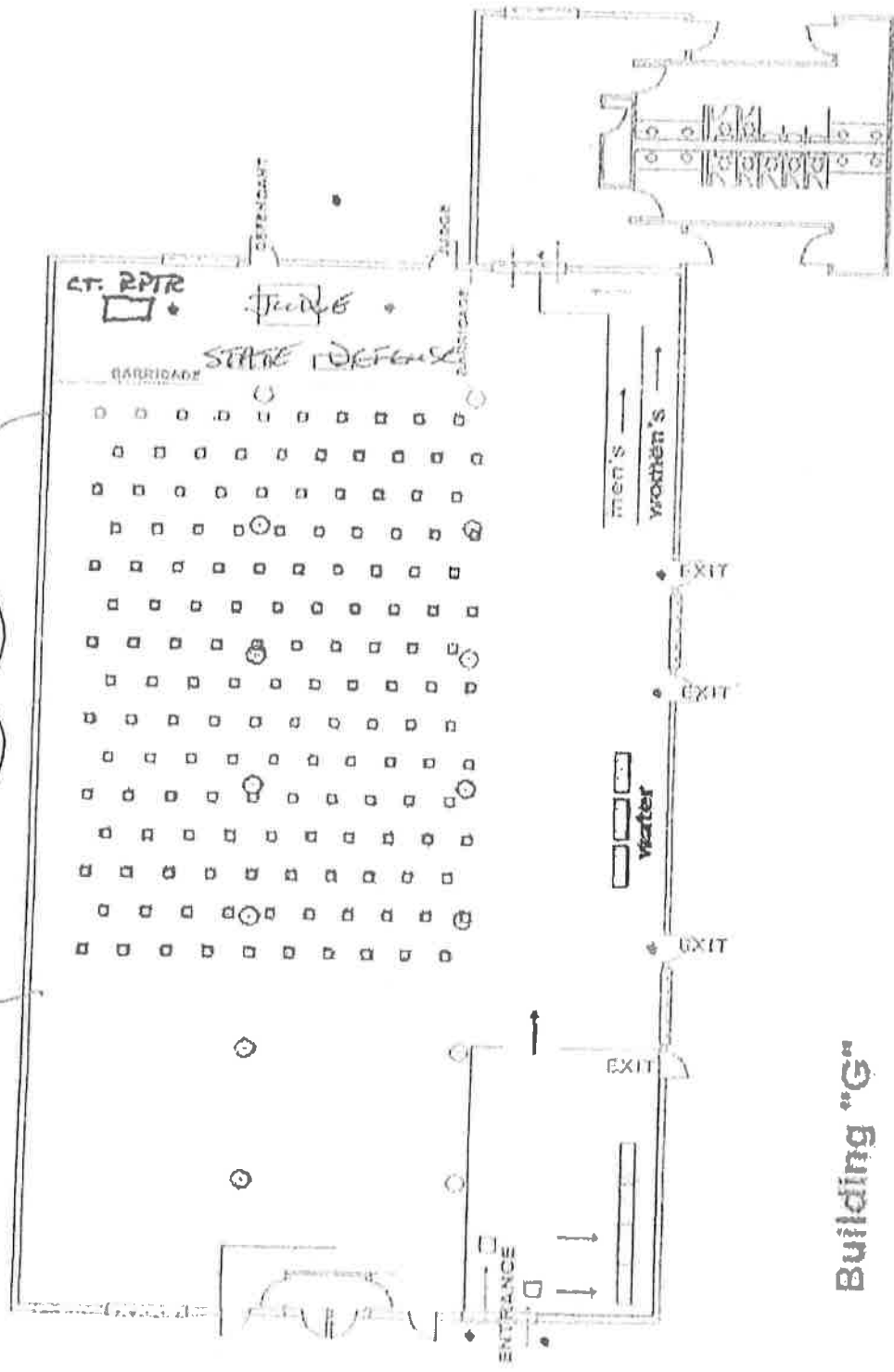
- 17
- 11
- 12
- 1
- 2

ALTS.

TABLES
COUNSEL

CT. COORD
RECALL
ADDRESS

* THE SEATS FOR THE VEHICLE
 WILL BE 6' APART IN COMPASS
 WITH SOCIAL DISTANCING



Building "G"

EXHIBIT F

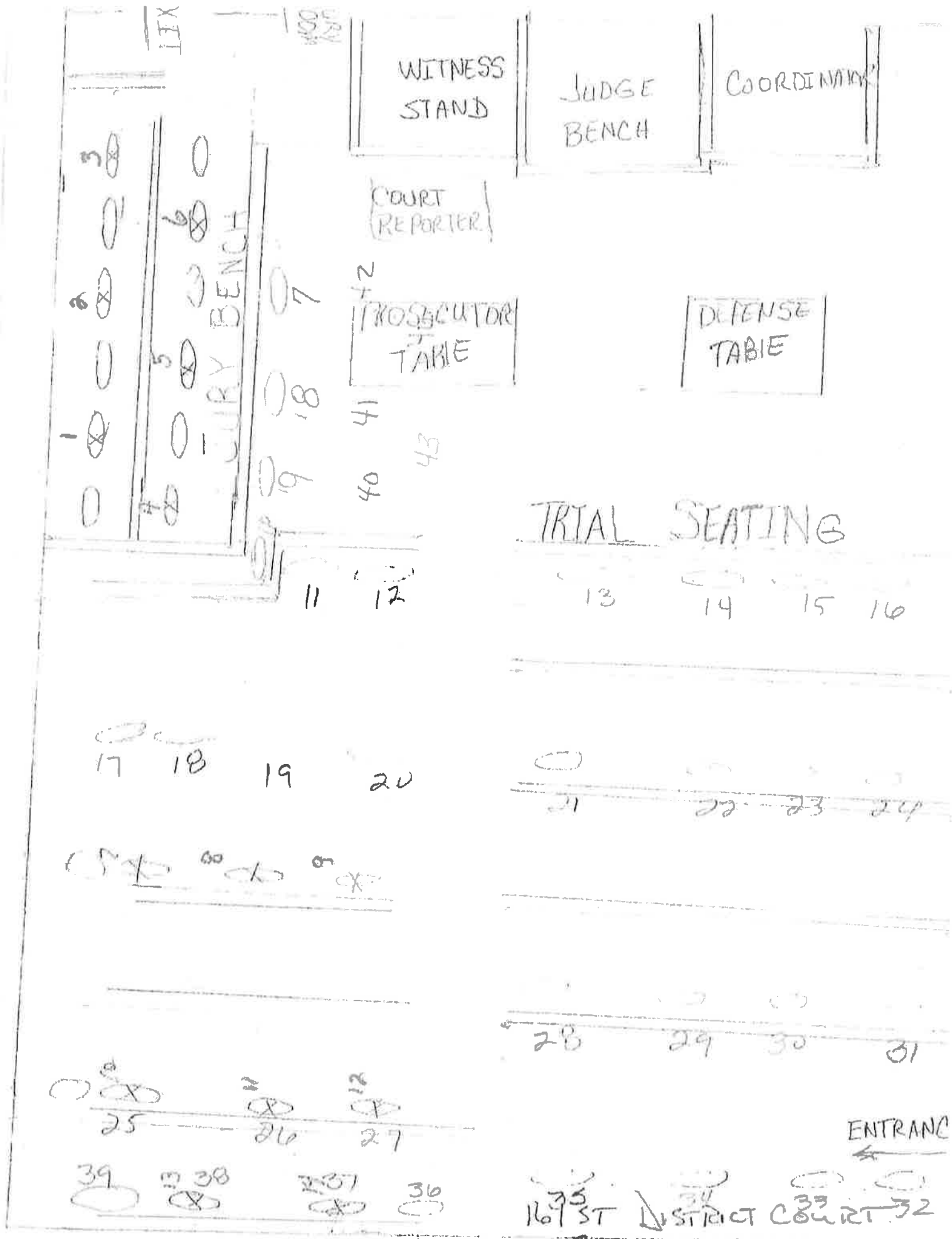


EXHIBIT G

W/Ingram
street

Judge
Bench

Court
Coordinator

FBI
16/5/11

□ Court
Reporter

36
37
38
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40
41
42

STATE
TABLE 1

DEFENSE
TABLE

9 10 11 12 13 14 15 16

17 18 19 20 21 22 23 24

EXHIBIT H

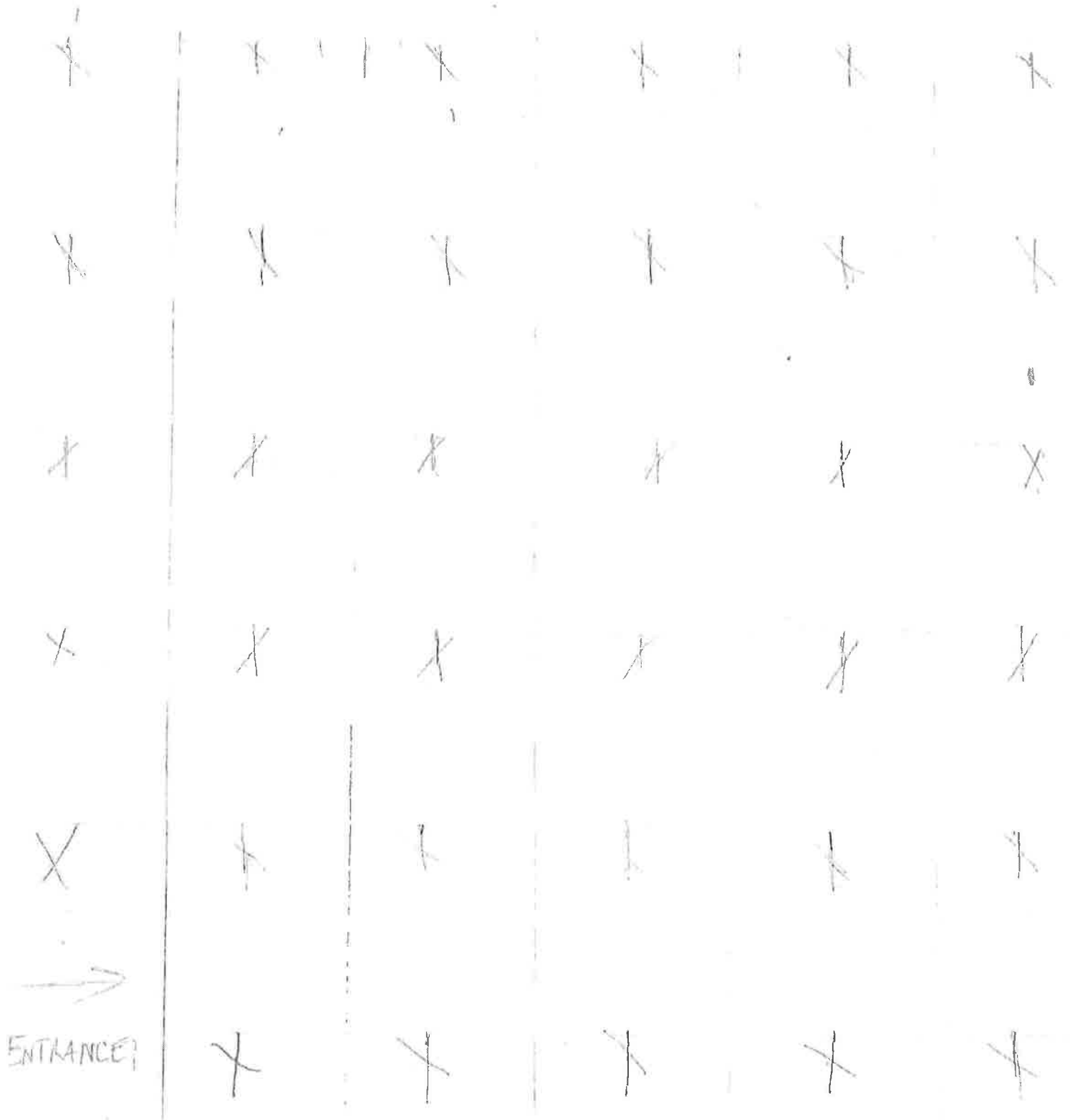
PROSECUTOR
TABLE

JUDGE
BENCH

DEFENCE
TABLE

Central
Jury
Room
Vox
Dixie

COURT
REPORTER



ENTRANCE

SINK

EXHIBIT I



DENN WHALEN
Judge, 70th District Court
300 North Grant Avenue
Room 316, Ector County Courthouse
Odessa, Texas 79761
Telephone (432) 498-4270

Dear Prospective Juror:

Greetings from the Ector County Courts. We are extremely grateful for your attendance and availability to perform the citizen's duties as a juror.

In order to resume jury trials, we have called upon numerous county officials and employees to provide their expertise and assistance in order to proceed in a manner that is safe for all participants. The judges formulated a trial plan in accordance with the requirements of the Texas Supreme Court and Office of Court Administration. This plan was reviewed and approved by the Local Administrative Judge and the Regional Administrative Judge. The Health Department monitors COVID numbers daily, and has approved our plan to proceed with the trial.

The coliseum director and staff set up the coliseum to insure that social distancing will be maintained throughout the proceedings. Coliseum staff will also sanitize Barn G's restrooms and doorknobs each hour.

The District Clerk and staff sent juror notices and a COVID questionnaire. They have answered your questions telephonically and here. As you enter Barn G, Health Department staff members will take temperatures of every person who enters the facility. The Purchasing Department has enabled us to provide masks, shields to each person.

During this trial, proceedings will take place at Barn G and the Ector County Courthouse. Security in both places will be provided by the Sheriff's Office, and hand sanitizing stations are present in both locations. The Courts have been reconfigured to allow for safe distancing during the trial and jury deliberations.

Thank you again for your participation in this endeavor.

Very truly yours,

A handwritten signature in black ink, appearing to read "Denn Whalen", written over a horizontal line.

Denn Whalen
Local Administrative Judge

EXHIBIT J

Exhibit K

A. Barn G, Ector County Coliseum

- The Ector County Barn G facility has been designated by the Ector County Commissioners Court as an auxiliary courthouse. The facility has 24,000 square feet of space, and seats potential jurors in comfortable individual seats. Seats for jurors will be arranged in such a way to allow proper social distancing during the jury qualification and selection processes to take place there.
- Temperature checks will be conducted on all potential jurors and trial participants as they enter the Ector County Barn G Facility. All persons, including venire members, will be provided masks and face shields as they enter the facility.
- Masks and face shields will be required at all times for the judge, court personnel, attorneys, litigants, witnesses, members of the venire, trial jurors, and any members of the public who come to observe the proceedings. Each will need to wear the mask and shield at all times, except when seated. The potential jurors may pull the mask down during voir dire and whenever called upon to speak.
- The Ector County Barn G Facility has large restroom facilities that will be monitored by the Court Bailiff and coliseum personnel to allow three individuals in at a time. Proper signage will be posted outside restrooms designating only three individuals at a time. Pathways to the men's and women's restroom will be divided by ropes or cords. Restrooms and all door knobs will be sanitized every hour by coliseum personnel.
- Hand sanitizers will be placed at entrances and exits at Barn G. They will also be placed outside the restroom entrances, at the bench, counsel tables, witness stand and jury room.
- All of the protocols for in-person hearings that are stated in the COVID-19 Operating Plan for Ector County will be followed.
- The Court's plan for placement of counsel tables, the witness stand, the judge's bench, the clerk, court reporter, and juror seating has been configured in such a way as to accomplish proper social distancing protocols (6 feet) between each person.
- During bench conferences, the lawyers will remain separated and speak into separate microphones.

- The bailiff, or designated person, will escort persons out in an orderly fashion, row by row, in order to eliminate congregating during breaks.

B. Courthouse Courtrooms

- Temperature checks will be conducted daily on all court personnel, jurors and witnesses as they enter the courtroom.
- If voir dire proceedings occur at the Ector County Courthouse, they will take place in the Central Jury Room or a courtroom large enough to properly social distance all participants.
- After any jury is selected at Barn G, the trial will then commence in the District courtroom at the Ector County Courthouse.
- All of the protocols for in-person hearings that are stated in the COVID-19 Operating Plan for Ector County will be followed.
- Masks and face shields will be required at all times for the judge, court personnel, attorneys, litigants, witnesses, members of the venire, trial jurors, and any members of the public who come to observe the proceedings. Each will need to wear the mask and shield at all times, except when seated.
- Hand sanitizers will be placed at entrances and exits of the courtroom. They will also be placed outside the restroom entrances, at the bench, counsel tables, witness stand and jury room.
- Counsel tables, the witness stand, the judge's bench, the clerk, court reporter, and juror seating will be configured in such a way as to accomplish proper social distancing protocols between each person.
- The Courtroom's gallery area will be taped off and marked to identify proper seating for spectators. All spectators will be equipped with masks and shields, and their temperature will be taken by the bailiff before they may enter.
- During bench conferences, the lawyers will remain separated and speak into separate microphones, to the extent possible.
- The bailiff, or designated person, will escort persons out in an orderly fashion, row by row, in order to eliminate congregating during breaks.
- The jury will deliberate in a courtroom rather than the jury room, in order to maintain social distancing protocols.

- Restrooms will be available to jurors on the 2nd and 3rd floors of the courthouse. They will be marked to limit capacity to three individuals in the restroom at one time. The Court's Bailiff and other courthouse security officers will be monitoring jurors to prevent overcrowding in the third floor facilities. Appropriate signage will be posted outside restrooms, designating only three individuals to be using the facility at one time.
 - Courthouse Courtrooms will be sanitized each night by county personnel or their designee, using an Acticol Fogger machine (or an equivalent sanitizing device).
 - During the trial, documentary evidence will be shown digitally, when possible. Other exhibits can be placed on a table so jurors can file by and observe the exhibit, rather than passing the documentary evidence from juror to juror. If they must handle an exhibit, they will utilize disposable gloves.
 - This Court receives regular assistance from the County in its efforts to maintain compliance with all orders in effect, and pertaining to this trial plan. A representative of the Ector County Health Department reviewed and approved the Ector County District Court's Amended Temporary Emergency Order dated August 10, 2020, along with the Courts' COVID-19 Operating Plan for the Ector County Judiciary. The County Health Department will update the Court regularly about the County's COVID numbers as we approach the trial date.
1. The local administrative district judge will, not more than five days before the jury proceeding, consult with the local public health authority to verify that the local health conditions and plan precautions are appropriate for the jury proceeding to proceed with the following procedure:

The Local Administrative Judge will work with the public health authority to evaluate the current statistics on COVID-19 in Ector County, and confirm whether any significant spike in the number of cases has been detected. If so, they will consult further with the full public health staff, including the staff immunologist, and will determine whether conditions permit the case to proceed as planned. In that case, the Local Administrative Judge will further consult with the public health authority in order to incorporate into local procedures any additional public health measures or precautions that should be included in the practices of the trial court.

STACY TROTTER

From: DEBI HAYS
Sent: Tuesday, September 29, 2020 2:36 PM
To: STACY TROTTER
Subject: RE: Ector County COVID Jury Trial

Good Afternoon Judge Trotter,

I have reviewed your attached Jury Proceeding Addendum to COVID-19 Operating Plan for the Ector County Judiciary, I appreciate all the time and effort that was dedicated in putting this together. You have my approval in proceeding with having Jury Trials in Ector County as long as CDC guidelines are followed. We are working in very difficult times but I understand that the Judicial System must continue. I trust that your guidelines will also be followed in order to insure the safety of all our staff, potential jurors and the citizens of Ector County. As always, please let me know if you need anything else from me. I am here to help and assist whenever I am needed.

Sincerely,

Debi Hays
Ector County Judge
300 N. Grant, Rm 227
Odessa, Texas 79761
Office: (432) 498-4100
Fax: (432) 498-4101
debi.hays@ectorcountytexas.gov

-----Original Message-----

From: STACY TROTTER
Sent: Monday, September 28, 2020 3:35 PM
To: DEBI HAYS <DEBI.HAYS@ECTORCOUNTYTX.GOV>; BRANDY GARCIA <BRANDY.GARCIA@ECTORCOUNTYTX.GOV>
Cc: DENN WHALEN <DENN.WHALEN@ectorcountytexas.gov>; JAMES RUSH <JAMES.RUSH@ectorcountytexas.gov>
Subject: Ector County COVID Jury Trial

Judge Hays and Ms. Garcia -

As with the adoption of the safety plan for the Ector County Judiciary that became effective 6/1/20, recently issued OCA and Supreme Court guidelines require that a Jury Trial Plan must be adopted by each county before any jury trial may proceed in that county. The courts of Ector County have worked tirelessly to draft a Plan that is compliant with all necessary requirements.

The Jury Trial Plan the courts propose is attached for your review. Unfortunately, jury trials may not proceed in any Ector County District or County Court until a Jury Trial Plan has been approved by our Regional Presiding Judge (Judge Dean Rucker), the Local Administrative District Judge, Judge Hays, and the appropriate local health authority. Judge Rucker has reviewed the attached Plan. He recommended certain modifications which we have addressed.

At your earliest convenience, please review the attached proposed Plan and let us know if there are any concerns. If no changes are necessary, you may indicate your approval by responding to this email or by submitting separate correspondence. If you believe changes are required, please outline your suggestions and we will address them immediately. Time is of the essence. Judge Rush has arranged and is hoping to begin a jury trial on October 5th. Similarly, Judge Whalen is arranging and hoping to begin a jury trial on October 23rd.

Thank you for your attention to this request. Please contact any of us with any questions or concerns.

W. STACY TROTTER
Presiding Judge, 358th District Court
Local Administrative Judge
Ector County Courthouse
300 N. Grant, Room 322
Odessa, Texas 79761
Office: (432) 498-4250
Fax: (432) 498-4173
stacy.trotter@ectorcountytexas.gov

CONFIDENTIALITY NOTICE: This communication, message, and information, and the other communications, messages, and documents to which it is attached or which are attached to it, if any, are intended only for the use of the designated and/or duly authorized recipient(s) named above and may contain information that is PRIVATE, CONFIDENTIAL, or PRIVILEGED BY LAW. If you are not the intended recipient(s), or you have received this communication in error, you are notified that any copying, dissemination, use, or disclosure of this communication is strictly prohibited. Further, if you are not the intended recipient(s), or you

have received this communication in error, please permanently delete all copies of the communication and its attachments, if any, without reading them, destroy any hard copies you may have created, and notify the sender immediately at (432) 498-4250 so that arrangements can be made to retrieve any transmitted communication, message, or information. If you are the intended recipient, please secure the contents of the communication and information in a manner that conforms to all applicable state and/or federal laws and regulations that pertain to privacy and confidentiality of such communication and information. All submitted and received email correspondence that relates to pending cases will be filed with the Ector County District Clerk for inclusion in the record of said cases. Any communication directed to the Court or Court personnel via email must comply with Rules 21 and 21a, Tex. R. Civ. P. Moreover, the provisions of Canon 3B(8) of the Code of Judicial Conduct should be carefully reviewed before any person associated with or connected to a pending case attempts to submit any communication, message, or information to the Court or Court personnel.

-----Original Message-----

From: MARGARITA SALAZAR <MARGARITA.SALAZAR@ectorcountytexas.gov>

Sent: Monday, September 28, 2020 2:38 PM

To: STACY TROTTER <stacy.trotter@ectorcountytexas.gov>

Subject: COVID jury trial

Margarita Salazar
70th District Court Coordinator
300 N. Grant, Room 316
Odessa, TX 79761
(432) 498-4270 Telephone
(432) 498-4173 Fax

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STACY TROTTER

From: BRANDY GARCIA
Sent: Wednesday, September 30, 2020 9:41 AM
To: STACY TROTTER; DEBI HAYS
Cc: DENN WHALEN; JAMES RUSH; DALE CHILDERS
Subject: RE: Ector County COVID Jury Trial

Good Morning,

The Health Department is good with the jury proceeding addendum to the COVID-19 operating plan for the Ector County judiciary as it has been presented.

Brandy Garcia MPH,RS, DR
Director
Health Department
Ector County Health Department
221 N. Texas 79761
432-617-8407

-----Original Message-----

From: STACY TROTTER
Sent: Monday, September 28, 2020 3:35 PM
To: DEBI HAYS; BRANDY GARCIA
Cc: DENN WHALEN; JAMES RUSH
Subject: Ector County COVID Jury Trial

Judge Hays and Ms. Garcia -

As with the adoption of the safety plan for the Ector County Judiciary that became effective 6/1/20, recently issued OCA and Supreme Court guidelines require that a Jury Trial Plan must be adopted by each county before any jury trial may proceed in that county. The courts of Ector County have worked tirelessly to draft a Plan that is compliant with all necessary requirements.

The Jury Trial Plan the courts propose is attached for your review. Unfortunately, jury trials may not proceed in any Ector County District or County Court until a Jury Trial Plan has been approved by our Regional Presiding Judge (Judge Dean Rucker), the Local Administrative

District Judge, Judge Hays, and the appropriate local health authority. Judge Rucker has reviewed the attached Plan. He recommended certain modifications which we have addressed.

At your earliest convenience, please review the attached proposed Plan and let us know if there are any concerns. If no changes are necessary, you may indicate your approval by responding to this email or by submitting separate correspondence. If you believe changes are required, please outline your suggestions and we will address them immediately. Time is of the essence. Judge Rush has arranged and is hoping to begin a jury trial on October 5th. Similarly, Judge Whalen is arranging and hoping to begin a jury trial on October 23rd.

Thank you for your attention to this request. Please contact any of us with any questions or concerns.

W. STACY TROTTER
Presiding Judge, 358th District Court
Local Administrative Judge
Ector County Courthouse
300 N. Grant, Room 322
Odessa, Texas 79761
Office: (432) 498-4250
Fax: (432) 498-4173
stacy.trotter@ectorcountytexas.gov

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21 and 21a, Tex. R. Civ. P. Moreover, the provisions of Canon 3B(8) of the Code of Judicial Conduct should be carefully reviewed before any person associated with or connected to a pending case attempts to submit any communication, message, or information to the Court or Court personnel.

-----Original Message-----

From: MARGARITA SALAZAR <MARGARITA.SALAZAR@ectorcountytexas.gov>

Sent: Monday, September 28, 2020 2:38 PM

To: STACY TROTTER <stacy.trotter@ectorcountytexas.gov>

Subject: COVID jury trial

Margarita Salazar
70th District Court Coordinator
300 N. Grant, Room 316
Odessa, TX 79761
(432) 498-4270 Telephone
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