

CONFERENCE OF REGIONAL JUDGES

STEPHEN B. ABLES, 6TH ADMINISTRATIVE JUDICIAL REGION, CHAIR

PRESIDING JUDGES

RAY WHELESS, 1ST ADMINISTRATIVE JUDICIAL REGION
OLEN UNDERWOOD, 2ND ADMINISTRATIVE JUDICIAL REGION
BILLY RAY STUBBLEFIELD, 3RD ADMINISTRATIVE JUDICIAL REGION
SID HARLE, 4TH ADMINISTRATIVE JUDICIAL REGION
MISSY MEDARY, 5TH ADMINISTRATIVE JUDICIAL REGION

DEAN RUCKER, 7TH ADMINISTRATIVE JUDICIAL REGION
DAVID L. EVANS, 8TH ADMINISTRATIVE JUDICIAL REGION
ANA ESTEVEZ, 9TH ADMINISTRATIVE JUDICIAL REGION
ALFONSO CHARLES, 10TH ADMINISTRATIVE JUDICIAL REGION
SUSAN BROWN, 11TH ADMINISTRATIVE JUDICIAL REGION

July 17, 2020

Dear Judges,

On June 29, 2020, the Texas Supreme Court (Supreme Court) issued its [18th Emergency Order](#) regarding court proceedings during the COVID-19 Pandemic. The Supreme Court's Order requires all courts to comply with the Office of Court Administration's (OCA) [Guidance](#) regarding in-person court proceedings. To correct any misinterpretation of the Supreme Court's 18th Emergency Order and OCA's Guidance and to ensure compliance with both, we are providing a summary of both for your review. We also remind you that failing to follow the Supreme Court's Order and OCA's Guidance may result in a complaint to the State Commission on Judicial Conduct from a lawyer or litigant, cause a loss of the public's trust in the judiciary, and most importantly, jeopardize the health of court staff and the public.

Please note that **all proceedings should be held remotely unless the proceeding cannot successfully be conducted remotely**; neither OCA's Guidance nor the Supreme Court's Emergency Order require courts to resume conducting in-person proceedings at this time.

Key points from OCA's Guidance and the Supreme Court's 18th Emergency Order:

- **Courts should use all reasonable efforts to conduct proceedings remotely.** All proceedings should occur remotely (such as by teleconferencing, videoconferencing, or other means) unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control. Courts may need to conduct hybrid hearings in certain proceedings.
- **A court may not hold any in-person proceedings unless an operating plan for the courts in the county or municipality has been submitted to the regional presiding judge by the local administrative district judge for a county or the presiding judge of a municipal court, as applicable.** To be clear, even if a court has an acknowledged operating plan, the court must continue to hold proceedings remotely unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control.
- **No jury trials or proceedings, including jury selection (except for grand jury impanelment proceedings as described in the bullet below), may be conducted without prior approval.** Jury trials and proceedings may not be held unless specifically approved by the local administrative district judge, regional presiding judge, and OCA as

one of a limited number of jury proceedings authorized under the Supreme Court's 18th Emergency Order. Judges wishing to obtain approval should contact their local administrative judge and regional presiding judge to begin the process.

- **A judge may impanel a new grand jury if the judge follows the procedures set out in OCA's template (attached) and notifies his or her regional presiding judge of the judge's intent to do so.** The template procedure was developed by OCA in coordination with the regional presiding judges. Once the impanelment is completed, the district judge must submit a report on the attached form to OCA within 5 business days to permit OCA to gather data that will assist with understanding juror reporting patterns and contribute to other jury best practices during the pandemic. If a district judge wishes to impanel a grand jury using procedures different than those in the template procedure, the district judge should prepare a plan in consultation with their local administrative judge and regional presiding judge. Once the plan is developed, it should be presented to OCA for review.
- Courts are permitted to **suspend or modify any deadlines or procedures**, whether prescribed by statute, rule, or order, **for a stated period ending no later than September 30**, except that in parental termination cases filed by the government, the dismissal date for any case previously retained on the court's docket can be extended for an additional period not to exceed 180 days from the date of the Supreme Court's 18th Emergency Order.
- Courts may: without a participant's consent, allow or require anyone involved in any hearing, deposition, or other proceeding of any kind, to participate remotely; consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court; conduct proceedings away from the court's usual location with reasonable notice and access to the participants and the public; require every participant to alert the court of COVID-19 symptoms or exposure; take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

Additionally, on July 2, 2020, Governor Abbott issued [Executive Order GA-29](#) and a [proclamation](#) amending Executive Order GA-28. Executive Order GA-29 requires every person in Texas to wear a face covering over the nose and mouth when inside a commercial building or other building or space open to the public except under certain conditions, including:

- if the person is younger than 10 years of age;
- if the person has a medical condition or disability that prevents wearing a face covering;
- while a person is giving a speech for a broadcast or to an audience; or
- if the person is in a county with fewer than 20 active cases of COVID-19 and the county judge of the county has submitted an exemption affirmatively opting out of the requirement. (The number of active cases by county are available on the [Department of State Health Services data site](#) (see "Active Cases by County" tab), and a list of exempt counties that have opted out is available at <https://tdem.texas.gov/ga29/>.)

If your county has not been exempted from the Governor's Executive Order requiring face coverings, you shall ensure that all court participants comply with the face covering requirements. It is not necessary to amend your county's or municipality's operating plan to implement this requirement.

Lastly, as COVID-19 cases continue to increase in our communities, we strongly encourage you to communicate regularly with your local public health authority to determine if changes to your [county](#) or [municipal](#) court operating plan is advisable.

We all want to express our appreciation for your hard work during these challenging times. If you have any questions or suggestions, do not hesitate to contact your regional presiding judge.

Sincerely,



Steve Ables
Chair,
Presiding Judge, Sixth Administrative Judicial Region



Dean Rucker
Presiding Judge, Seventh Administrative Judicial Region



Ray Wheless
Presiding Judge, First Administrative Judicial Region



David L. Evans
Presiding Judge, Eighth Administrative Judicial Region



Olen Underwood
Presiding Judge, Second Administrative Judicial Region



Ana Estevez
Presiding Judge, Ninth Administrative Judicial Region



Billy Ray Stubblefield
Presiding Judge, Third Administrative Judicial Region



Alfonso Charles
Presiding Judge, Tenth Administrative Judicial Region



Sid Harle
Presiding Judge, Fourth Administrative Judicial Region



Susan Brown
Presiding Judge, Eleventh Administrative Judicial Region



Missy Medary
Presiding Judge, Fifth Administrative Judicial Region