

2019 Novel Coronavirus (COVID-19) Update and Suggestions

From: Office of Court Administration Announcements

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Judges, Clerks, and Court Staff:

As you know, an outbreak of the coronavirus is causing concern around the world and here in Texas. Last night, the Texas Department of State Health Services confirmed the first presumptive positive test of an individual infected with COVID-19 when traveling abroad. It is anticipated that there will be other cases of COVID-19 in Texas. The Office of Court Administration is one of the state agencies identified as an essential agency in the state's response, and representatives from OCA have been coordinating with other state agencies in the preparation and response to the coronavirus. With that in mind, we wanted to give you an update on those efforts and suggestions for your courtroom in light of potential spread of the virus:

Webinar - Facebook Live Event: The National Center for State Courts will host a Facebook Live event on the coronavirus and the courts' response to it today at 1 pm. Visit <https://www.facebook.com/StateCourts/> to view the event.

Previous Preparation Work: The Supreme Court of Texas established the Task Force to Ensure Judicial Readiness in Times of Emergencies (JRITE) in 2008 and charged the Task Force with reviewing and updating its plan in 2016. Included in JRITE's work is an interim plan and other resources, including resources for preparing and responding to pandemics such as COVID-19. To view these resources, please visit <http://txcourts.gov/organizations/policy-funding/task-force-on-judicial-emergency-preparedness/jrite-resource-archives/>. The ultimate goal of the preparedness plan is to allow courts to operate in a way that protects the health and safety of everyone at the court facilities and to keep courts open to ensure the justice system continues.

Personal Protection/Prevention:

The most important steps in responding to the virus is prevention. The CDC has issued the following prevention tips:

- Avoid close contact with people who are sick.
 - DSHS has recommended to OCA that you maintain at least 6-8 feet between you and a person who is symptomatic to reduce the risk of spread of the virus.
 - DSHS has indicated that evidence shows that the virus is not able to survive in the ventilation system.
 - If you have a proceeding involving a person who is symptomatic and the proceeding must continue, attempt to isolate that proceeding to reduce the risk of interaction with others.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.

- Judges, court employees, attorneys, or litigants who are sick should be encouraged to stay home and to seek medical attention.
- Cover your cough or sneeze with a tissue (or into your arm if a tissue is not available); then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a household cleaning spray or wipe. A list of products recommended by DSHS for this purpose is available at <https://www.americanchemistry.com/novel-coronavirus-fighting-products-list.pdf>.
- While some might think that the use of a facemask is necessary or advisable, CDC does not recommend the use of a mask for people who are well, as they are less effective at preventing infection and are in short supply for health care workers. However, CDC and DSHS has recommended that courts consider providing facemasks (the common surgical masks can be used) to individuals who are showing symptoms of COVID-19 to help avoid spread of the virus to others.
- Wash your hand often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.
 - If soap and water are not available, use an alcohol-based hand sanitizer with at least 60% alcohol.

Preparation:

While there is currently no need for alarm, courts should prepare now to ensure a proper response if an outbreak occurs.

- Courts should consider and identify who is authorized to make decisions in an emergency including evacuation (partial or total) and the closing of court operations.
- Courts should consider which functions are essential and must continue if an outbreak occurs.
 - Essential functions are typically divided into those that are necessary in the first 7 days, 7-30 days, 30-90 days, and 90+ days.
 - Examples of essential functions that must occur in the first 7 days include: criminal magistration proceedings, CPS removal hearings, temporary restraining orders/temporary injunctions, juvenile detention hearings, family violence protective orders.
 - Courts are encouraged to delay non-essential functions in the event of an outbreak and to reduce the need for large numbers of possibly infected people to congregate. This may include the need to consider delay of jury trials.
- Courts should consider which staff are essential and which staff could stay home if court functions are to be continued.
 - Courts should prepare now for the possibility of permitting staff to work remotely, including considering the technology needs for that to occur.
- Courts should consider which proceedings could occur by telephonic or video remote appearances. This may include using “low-tech” solutions such as teleconferencing, Facetime, Skype, or some other common remote appearance tool.

- Courts should plan how to notify self-represented litigants, witnesses, and others of the remote appearance technology.
 - Some courts have begun to place wording on orders setting hearing and docket notices reminding attorneys/parties to contact the court if they are ill.
- Courts should consider how to promptly communicate the activation of plans to judges, courts staff, and the public.
 - The Office of Court Administration and the State Bar of Texas have a communication plan that allows for prompt notification of the bar and public notices; however, additional local notifications will likely be necessary.
 - Some courts have posted notices or entered orders encouraging or requiring attorneys and parties to notify the court if they (or their clients) are experiencing symptoms.

Quarantine:

While the state and local health authorities generally have responsibility for establishing quarantine control methods, a court may need to become involved if a person does not comply with those control orders from the health authority. Chapter 81, Health and Safety Code, sets out the procedures in such cases. A bench book at <https://www.law.uh.edu/healthlaw/HLPIBenchBook.pdf> provides guidance and forms for district judges who are responsible for hearing these cases.

To ensure quick response and continuity, the Regional Presiding Judges and Chief Justice Nathan Hecht have identified several judges from each region of the state who are being assigned to hear proceedings under Chapter 81, Health and Safety Code. These judges will be on-call for the proceedings should the need arise in an emergency or after-hours situation. Your regional presiding judge can provide you additional information on the assignments in your region.

As always, if you have questions or concerns, please do not hesitate to reach out via email (david.slayton@txcourts.gov) or by phone (512-463-1625). We will do our best to keep you informed if information changes.

Thanks,
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