



ELIZABETH WELBORN

Judge, County Court-at-Law
Courthouse, Room B-15
400 West Sinton Street
361/364-9325
Fax: 361/364-9425

TINA BUFFA
Criminal Coordinator
MELANIE A. MOREL
Court Reporter
TIFFANY MOEHR
Civil Coordinator

May 26, 2020

ATTN: ATTORNEYS PRACTICING BEFORE THE SAN PATRICIO COUNTY COURT AT LAW

RE: HEARINGS AFTER JUNE 1, 2020

THE FOLLOWING IS HEREBY ORDERED BY THE COURT:

On June 1, 2020, in-person court hearings will resume in the San Patricio County Court at Law. There will be a considerable number of changes to the day-to-day Court operations. Health screening, social distancing, facial coverings, and limits on the number of persons allowed in the courthouse will have an impact on how many cases can be set and the time of each setting. *See attached Operation Plan and Revised Court Protocol.*

Attorneys MUST confer before arriving at the courthouse. There will be no time to accommodate settlement negotiations which have customarily occurred after docket call in the past. The new normal will be that attorneys will be expected to go forward on the merits of their cases as soon as the Court is ready to proceed. Announcements of “conferring” will not be honored.

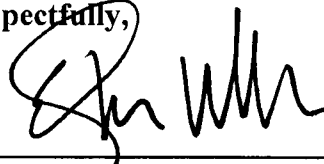
Criminal cases - Attorneys MUST obtain a copy of the plea paperwork from the county attorney’s office prior to their court date and review such with clients. For cases currently set for pre-trial, the announcement of “pass to announcement” will no longer be acceptable. Attorneys must be prepared to give an accurate summary of the status of their case and a concise statement as to the relief requested.

Civil cases – Cases that have been settled before the day of hearing may be proved up at the scheduled time. However, written orders or Rule 11 agreements signed by all parties and attorneys detailing terms of settlement are preferred by the Court and, if received before your scheduled hearing, will facilitate disposition of the scheduled hearing.

Attorneys should also anticipate the Court will curtail presentation of testimony which is not concise and to the point of the matter to be decided. All exhibits should be pre-marked and ready for submission to the Court. Attorneys should present accurate summaries of the relief requested or be prepared to make a brief statement to the Court regarding the relief requested.

Designation of Auxiliary Courtroom - The Commissioners Court of San Patricio County has designated the San Patricio County Civic Center, located at 219 W. 5th Street, Sinton, Texas as an Auxiliary Courtroom to be used by the District and County Court at Law Courts for hearings when needed to comply with social distancing guidelines. Some dockets will be held at this location, and Attorneys are responsible for knowing in which location their hearing will be heard. *Please see attached map.*

Respectfully,

A handwritten signature in black ink, appearing to read 'Elizabeth Welborn', written over a horizontal line.

Elizabeth Welborn

Judge, San Patricio County Court-at-Law

COVID-19 Operating Plan for the San Patricio County Judiciary

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of **San Patricio County** 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 local administrative district judge will maintain regular communication with the local health authority and county judge and adjust this operating plan as necessary with conditions in the county.
4. Judges may begin setting non-essential in-person proceedings no sooner than June 1, 2020.

Judge and Court Staff Health

1. Judge and court staff who can perform the essential functions of their job remotely will work remotely whenever possible.
2. Judges, and court staff who feel feverish or have measured temperatures equal to or greater than 99.5°F, are experiencing cold or flu-like symptoms, or 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 have had known close contact with a person who is confirmed or probable to have COVID-19, will not be permitted to enter the building and should seek medical advice.
3. Judges and court staff will follow the county's requirements for wearing face coverings. Judges and all shall practice social distancing, and follow appropriate hygiene recommendations at all times.

Scheduling

1. Judges must coordinate scheduling of any in person proceedings to reduce the number of people in the courthouse/county buildings at one time.

Vulnerable Populations

1. Individuals age 65 to 72, who have no serious underlying health conditions such as high blood pressure, chronic lung disease, decreased lung capacity, diabetes, obesity, asthma, compromised immune systems (including by chemotherapy for cancer or other conditions requiring such therapy), or are receiving oxygen therapy, are considered to be Vulnerable Populations.

2. Individuals age 73 and over, and individuals of any age who have serious underlying health conditions, such as high blood pressure, chronic lung disease, decreased lung capacity, diabetes, obesity, asthma, compromised immune systems (including by chemotherapy for cancer or other conditions requiring such therapy), or are receiving oxygen therapy, are considered to be Highly Vulnerable Populations. Each judge shall ensure that if an individual requests to be identified as a vulnerable population, they are able to contact the court to request accommodations. A notice with this information will be posted on the courts' websites and on doors entering the court building.
3. Each judge shall ensure that if an individual requests to be identified as a vulnerable population, they are able to contact the court to request accommodations. A notice with this information will be posted on the courts' websites and on doors entering the court building.
4. Any requests for those that need accommodations as a member of a vulnerable population who are scheduled for court can be made if requested. The Court must be contacted prior to the set court date in order to schedule/make these accommodations.

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.

Gallery

2. 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.
3. The gallery of the courtroom has been marked to identify appropriate social distancing in seating.

Well

4. 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. All persons entering the court building should follow proper hygiene practices including washing hands often, avoiding close contact with other people, and covering coughs and sneezes.
2. Hand sanitizer dispensers have been placed in the building.

Screening

1. Individuals who are named parties in a case on that day's court docket and their attorneys will be given priority regarding entering the court building.
2. When individuals attempt to enter the court building for a court proceeding, County officials will

- a. Screening questionnaire: 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.
- b. Temperature screen: Take the temperature of the individual. An individual whose temperature equals or exceeds 99.5°F will be refused admittance to the court building.

If the answer is YES to any of the screening questionnaire and/or the temperature screen - DO NOT LET IN COURT BUILDING/COURTHOUSE,, NOTIFY THE JUDGE OF THE COURT THEY ARE ATTEMPTING TO ATTEND AND HAVE THEM AWAIT FURTHER INSTRUCTIONS FROM JUDGE FOR RESCHEDULING.

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 99.5°F will not be transported to the court building. JAIL STAFF WILL NOTIFY THE PRESIDING JUDGES' OFFICER PRIOR TO THE START OF THE DOCKET IF AN INMATE WILL NOT BE TRANSPORTED TO COURT.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment by the County.

Face Coverings

1. All individuals entering the court building will be required to follow the County's requirements regarding wearing of face coverings.
2. If face coverings are required, individuals will be required to bring their own cloth face coverings. If they do not have such each Court will determine how to proceed.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building and ensure common spaces are cleaned twice a day.
2. Court building cleaning staff will clean the courtrooms 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

1. Bailiffs and courthouse security personnel are authorized to enforce all provisions of this Operating Plan.
2. Bailiffs and courthouse security personnel may refuse entry to anyone who does not comply with this Operating Plan, or refuses to comply with the directives of those enforcing this Operating Plan.

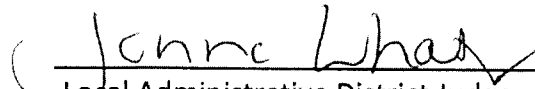
3. Any person may be removed from the courtroom and court building at the discretion of the Bailiff or courthouse security personnel unless they are a litigant/defendant and then only with the approval of the judge presiding over their case
4. All presiding judiciary will work closely with each County Judge and Commissioners Court to ensure that all available safety precautions are being followed.

36th, 156th and 343rd District Court Infectious Disease Protocol - Revised May 15, 2020 is also attached for further reference.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding this 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: 5/18/2020

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Local Administrative District Judge
Janna K. Whatley, 343rd District Court Judge

36th, 156th, and 343rd DISTRICT COURT INFECTIOUS DISEASE PROTOCOL
Revised May 15, 2020

1. **STATEMENT AND POLICY**

In response to the threat of the Coronavirus and other infectious diseases, this Court hereby has implemented a COVID-19 Operating Plan for each county along with this Infectious Disease Protocol, to minimize the risk of community transmission of COVID-19. This Protocol covers persons with scheduled hearings, appearances or trials in the 36th, 156th, and 343rd District Courts who have reason to believe that they, their attorney, client or necessary witness have been **exposed to COVID-19**, are **experiencing the flu-like symptoms** (hereafter referred to as a “***Covered Person***”), are considered a member of the **Vulnerable Population** or feel they need to request special accommodations from the Court.

POLICY: No person who has been exposed to COVID-19 or is experiencing flu-like symptoms may personally appear in court while this protocol is in force, without prior express permission of the Court. It is the sole and exclusive obligation of each attorney or self-represented litigant to comply with this protocol.

2. **CIVIL CASES**

Civil matters may be held via Zoom as long as the authority to have such is in effect by the Texas Supreme Court. All requests must be made to the court 48 hours prior to any court date.

3. **FELONY CRIMINAL CASES**

Beginning June 1, 2020, Defendants in felony criminal cases must appear in person as summoned for each setting unless their appearance has been waived and non-appearance has been approved by the presiding Judge. Approved forms for waivers of appearance, arraignment and Pre-Trial hearing may be obtained via e-mail from the Court Coordinators or at **www.36-156-343districtcourts.org**. Any ***Covered Person*** who is a **defendant** in a felony criminal case must contact their attorney ***prior*** to the setting in order to request to be excused from court. A request for a Zoom hearing must be made 48 hours prior to any court hearing and will need to be approved by the judge presiding over the case that day.

4. **CONTINUANCES AND ALTERNATIVES TO ORAL HEARINGS**

All requests for continuance *under this protocol* must include a certificate of conference stating the agreement or opposition of opposing counsel. The **motion must state** that it is asserted pursuant to the Infectious Disease Protocol, identify the Covered Person or Persons, and describe why they are necessary for the hearing in question. **IF NO CONTESTED ISSUE NEEDS TO BE CONSIDERED BY THE COURT, RULE 11 AGREEMENTS SHOULD BE UTILIZED.**

5. **CONTACT INFORMATION**

Questions and requests for waiver forms should be directed to:

CRIMINAL CASES: 361-364-9310 or email: **Districtjudges@gmail.com**

All OTHER: 361-364-9310 or email the particular court

36th Judicial District Court – Judge Starr Bauer – **36districtcourt@gmail.com**

156th Judicial District Court – Judge Patrick Flanigan – **156districtcourt@gmail.com**

343rd Judicial District Court – Judge Janna Whatley – **343districtcourt@gmail.com**

Effective May 15, 2020.

SAN PATRICIO COUNTY COURT AT LAW
INFECTIOUS DISEASE PROTOCOL – REVISED

1. **STATEMENT AND POLICY**

In response to the threat of the Coronavirus and other infectious diseases, this Court hereby implements this Infectious Disease Protocol to minimize the risk of community transmission of COVID-19. This Protocol covers persons with scheduled hearings, appearances, or trials in the San Patricio County Court at Law who have reason to believe that they, their attorney, client, or necessary witness have been **exposed to COVID-19** or are **experiencing flu-like symptoms** (hereafter referred to as a “*Covered Person*”).

POLICY: No person who has been exposed to COVID-19 or is experiencing flu-like symptoms may personally appear in court while this protocol is in force without prior express permission of the Court. It is the sole and exclusive obligation of each attorney or self-represented litigant to comply with this protocol.

2. **CIVIL CASES**

A *Covered Person* in a *civil hearing* may appear by video conference or telephonically if the Court has the availability. Video conference will be through the Lifesize video conference system currently in the Court at Law Courtroom. **Video conference or telephonic testimony in a bench trial requires agreement of counsel.** No video conference or telephonic testimony will be permitted in jury trials except as authorized by statute. For telephonic testimony, a notary public must be physically present with the witness to identify the witness by proper and legal ID and administer the oath to the witness on the record. *Covered Persons* not properly sworn in this manner will not be permitted to testify.

3. **CRIMINAL CASES**

Defendants in criminal cases must appear in person as summoned for each setting unless their appearance has been waived by signed order of the Court. Approved forms for waivers of appearance, arraignment, and Pre-Trial hearings may be obtained via e-mail from the Court Coordinators or at **sanpatricioocal@gmail.com**. Any *Covered Person* who is a defendant in a criminal case must contact their attorney *prior* to their court date in order to request to be excused from court.

4. **CONTINUANCES AND ALTERNATIVES TO ORAL HEARINGS**

All requests for continuance under this protocol must include a certificate of conference stating the agreement or opposition of opposing counsel. The **motion must state** that it is asserted pursuant to the Infectious Disease Protocol, identify the Covered Person or Persons, and describe why they are necessary for the hearing in question.

If no contested issue needs to be considered by the Court, Rule 11 Agreements should be utilized.

5. **VULNERABLE POPULATIONS**

Vulnerable individuals are those 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.

Notice is hereby given to all persons who are part of the vulnerable population or who are caregivers for vulnerable individuals that accommodations will be made for your court

appearance to be made by way of video conference. Please contact the Court to schedule these accommodations.

6. FACE COVERINGS

All persons entering the courthouse or auxiliary buildings being used for court proceedings **shall** be required to wear some type of face covering that shall cover their nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief. When an individual will be in the building for a lengthy period of time, a non-medical grade face mask should be worn.

7. SOCIAL DISTANCING

Adequate social distancing **shall** be maintained for all individuals not within the same household who may be in a courthouse or auxiliary buildings being used for court proceedings. This includes all public common areas, courtrooms, hallways, elevators, restrooms, or other locations where the public might gather.

8. HYGIENE

All persons entering the courthouse or auxiliary buildings being used for court proceedings should follow proper hygiene practices. This means you should wash your hands often, avoid close contact with other people, cover your coughs and sneezes, wear mouth and nose covering, and clean and disinfect frequently touched surfaces. All persons entering the courthouse or auxiliary buildings being used for court proceedings should consider bring their own hand sanitizer, tissues, or other personal hygiene cleaning products of their choosing.

9. SCREENING

All individuals entering the courthouse or auxiliary buildings being used for court proceedings will have their temperature taken. Any individual feeling feverish or with measured temperature equal to or greater than 99.5°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 must not be permitted entry.

10. CONTACT INFORMATION

Questions and requests for waiver forms should be directed to: sanpatricioccal@gmail.com

Signed and Effective on May 6, 2020

**ELIZABETH WELBORN,
JUDGE PRESIDING**

VULNERABLE POPULATION NOTICE

Notice is hereby given to all persons who are part of the VULNERABLE POPULATION or who are caregivers for vulnerable individuals that accommodations can be made for your court appearance to be made by way of video conference.

Any requests for those that need accommodations as a member of a vulnerable population who are scheduled for court can be made if requested. The Court must be contacted prior to the set court date in order to schedule/make these accommodations.

Please contact the Court to schedule these accommodations.

What is the Vulnerable Population?

Individuals age 73 and over and individuals of any age who have serious underlying health conditions, such as high blood pressure, chronic lung disease, decreased lung capacity, diabetes, obesity, asthma, compromised immune systems (including by chemotherapy for cancer or other conditions requiring such therapy), or are receiving oxygen therapy, are considered to be Highly Vulnerable Populations.

Individuals age 65 to 72, who have no serious underlying health conditions such as high blood pressure, chronic lung disease, decreased lung capacity, diabetes, obesity, asthma, compromised immune systems (including by chemotherapy for cancer or other conditions requiring such therapy), or are receiving oxygen therapy, are considered to be Vulnerable Populations.

Individuals under the age of 65 who have serious underlying health conditions and/or compromised immune systems.

How to contact the Court?

The San Patricio County Court at Law can be contacted by:
Phone: 361-364-9325
Email: sanpatricioccal@gmail.com

What accommodations will be made?

Your court appearance can be made by video conference through the court's Lifesize video conference system. Instructions will be provided to you on how to use this system.

What if I'm not part of the Vulnerable population but I'm uncomfortable coming to court with the ongoing COVID-19 Pandemic?

Your court appearance can still be made by video conference through the Court's Lifesize video conference system. Please contact the Court to have this accommodation made for your appearance.

CAUSE NO. _____

THE STATE OF TEXAS

§

IN THE COUNTY COURT

§

VS.

§

AT LAW

§

§

SAN PATRICIO COUNTY, TEXAS

REQUEST FOR VIDEO APPEARANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant, and/or the Defendant's attorney of record in the above number and styled cause and respectfully request this Court allow an appearance in this case to be made by video conference and would show to this Honorable Court in support of such request the following:

CURRENT COURT DATE SETTING: _____

TYPE OF SETTING: _____

PERSON REQUESTING TO APPEAR BY VIDEO CONFERENCE: _____

Defendant

Address: _____

Tel: _____

Email: _____

Attorney for Defendant

SBN: _____

Address: _____

Tel: _____

Fax: _____

Email: _____

THE CASE IS HEREBY RESET ON THE FOLLOWING DATE AND TIME TO ACCOMODATE AN APPEARANCE BY VIDEO CONFERENCE:

DATE: _____, 20_____

TIME: _____

TYPE OF HEARING: _____

ELIZABETH WELBORN,
JUDGE PRESIDING

