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FIRST AMENDMENT TO ORDER NO. 17

BY THE COUNTY JUDGE OF EL PASO, TEXAS
DATE ORDER ISSUED: June 2, 2021

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

WHEREAS, on May 18, 2021, Governor Abbott issued Executive Order No. 36 (“GA-36”) which, with limited exceptions, aimed to restrict a governmental entity, including a county, and government officials from requiring or having the authority to require any person from wearing a face covering; and

WHEREAS, in response to GA-36’s restrictions on county and government officials, I issued Order No. 17 which strongly encouraged every El Pasoan to wear a face covering and maintain social distancing; and

WHEREAS, on May 26, 2021, the Texas Supreme Court issued Emergency Order No. 38 (“SC-38”), which authorized the chief justice of the court of appeals and the local administrative district judge to adopt minimum standard health protocols in order to resume in-person court-proceedings; and

WHEREAS, SC-38 grants all Courts in Texas broad authority to avoid risk to court staff, parties, attorneys, jurors and the public to take reasonable action to avoid exposing court proceedings and participants to the threat of COVID-19; and

WHEREAS, pursuant to SC-38, the minimum standard health protocols may include masking and social distancing requirements, in all court rooms and throughout all public areas of the court buildings; and

WHEREAS, in order to protect court participants and the public attending in-person court proceedings, the Honorable Judge Linda Chew, local administrative district judge, issued Minimum Health Standards Protocols which mandates face coverings upon entry into the court house and court buildings, as well as through all public areas of the same; and

WHEREAS, I hereby amend my order to recognize and allow for compliance with the Minimum Health Standards Protocols adopted by the local administrative district judge.

NOW THEREFORE, I, COUNTY JUDGE FOR EL PASO COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

1. SECTION 5 (EL PASO COUNTY GOVERNMENT FUNCTIONS) is hereby deleted in its entirety and replaced as follows:

County Property Minimum Standard Health Protocols.

All individuals, including all members of the public and County employees, should adhere to the Minimum Health Standards Protocols adopted by the local administrative district judge and attached hereto as Exhibit A, which include wearing a face covering, when entering the

court house, throughout all public areas of the court house or court buildings, and as required by a judge while within his or her court room.

For purposes of this Order, County employees that perform essential government functions may continue to work onsite. All County departments shall follow the County's Reconstitution of Operations Policy (ROOP) and only allow up to the applicable number of employees to return to the office/workspace. County employees who do not return to the office/workspace pursuant to the ROOP and who can work from home shall do so.

Elected officials are strongly encouraged to follow the ROOP or establish similar standards before employees return to work onsite, and when possible, continue to allow their employees to work from home.

County buildings and facilities shall remain limited to the percent of the normal operating limits based on the County ROOP.

All County operated public transportation activities must be performed in compliance with social distancing including, to the extent possible, maintaining six-foot social distancing for both employees and the general public; washing hands with soap and water for at least twenty seconds often or using hand sanitizer; covering coughs and sneezes; cleaning high-touch surfaces; and not shaking hands. Individuals failing to abide with these requirements will be denied service and instructed to leave the premises or property.

Individuals on all County operated public transportation are strongly encouraged to wear a face covering over the nose and mouth.

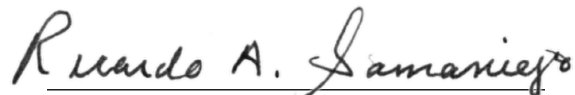
The County may implement additional hygiene measures in County buildings or property.

2. Except as amended herein, the May 20, 2021, County Judge Order No. 17 shall otherwise remain in full force and effect unless superseded by a conflicting state or federal law or order prior to such time.

3. This First Amendment to Order No. 17 shall take effect immediately and remain in effect through August 1, 2021, unless amended, extended or terminated prior to such date.

ORDERED this the 2 day of June, 2021.

COUNTY OF EL PASO, TEXAS



Ricardo A. Samaniego,
El Paso County Judge

**2021 COVID-19 Minimum Health Standards Protocols for
the El Paso County, Texas Judiciary
June 1, 2021**

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 El Paso County will implement the following protective measures at the courthouse:

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 individuals entering the courthouse will be required to wear face coverings in common areas at all times unless otherwise requested by a judge, a law enforcement officer, justice of the peace or other court officer. Common areas at the courthouse include lobbies, hallways, elevators, public bathrooms and other areas. They do not include offices or office suites that are not generally used by the public.
3. Face coverings are required in courtrooms and court chambers unless the judge grants permission to remove them.
4. All judges will continue to use reasonable efforts to conduct proceedings remotely.
5. The Local Administrative 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.
6. The El Paso Courts are committed to maintaining open courtrooms but recognize that there are various ways of providing public access to court proceedings. Given the reduced capacity of courtrooms and the need to comply with health and safety requirements, at times only trial participants can be seated in the courtroom. At other times a limited number of seats may be available in the courtroom, or in an additional courtroom available for spectators. Public access to proceedings may also be provided via live stream on the court YouTube channel.
7. Judges may, in their discretion, exceed these Minimum Health Standards Protocols.

Judge and Court Staff Health

1. Judges and court staff may continue to perform the essential functions of their job remotely.
2. Judge and Court Staff Monitoring Requirements: courthouse security will perform health checks upon entrance to the courthouse, and employees will inform supervisors or their judge if they manifest symptoms of COVID-19 or another illness or if they have had contact with a person with confirmed COVID-19 or traveled such that self-quarantine is required or warranted. A judge shall inform the Local Administrative Judge.

3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 100°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.
4. Judges and court staff in the courthouse should continue to practice social distancing.
5. Protective Measures: judges and court staff should continue to work remotely when feasible and in accordance with rotation schedules to continue the operation of the courts.

Scheduling

1. Jail inmate and probation plea videoconferencing dockets will continue as shown on Exhibit A. Judges may, when necessary, schedule in-person proceedings during the times allotted. These guidelines for the scheduling of court hearings are established to diminish the spread of COVID-19 and comply with social distancing recommendations by reducing the number of individuals who need to be in the courthouse at any given time.
2. **In-Person Proceedings.** In-person proceedings may be held subject to the following limitations:
 - a. **Courts shall only be allowed to conduct in-person hearings on their assigned day.** The assigned day for in-person hearings for each court is set out on the Courthouse Schedule for In Person Hearings attached as Exhibit B.
 - b. Attorneys are encouraged to provide court coordinators (via email) with a list of parties, witnesses and support staff who will attend each in-person hearing prior to the hearing. Attorneys are also strongly encouraged to discuss these rules with their clients and their families.
 - c. Social distancing may be required in courtrooms and capacity limitations are posted. Since space is limited, non-essential individuals may not be able to enter the courtroom.
 - d. An in-person proceeding may not be held if any of the participants is (1) symptomatic, (2) still in isolation, (3) residing in a household with another person who is positive for COVID-19, or (4) awaiting test results for COVID-19.
 - e. A court must require every participant in an in-person proceeding to alert the court if the participant has, or knows of another participant who has: (i) COVID-19 or a fever, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, loss of taste or smell, congestion or runny nose, nausea or vomiting, or diarrhea; or (ii) recently been in contact with a person who is confirmed to have COVID-19 or exhibiting the symptoms described above.
 - f. Upon request and good cause shown by a court participant other than a juror— including but not limited to a party, an attorney, a witness, or a court reporter—a court must permit the participant to participate remotely in any proceeding, subject to constitutional limitations.
 - g. A court will notify courthouse security when people will be entering the courthouse for an in-person hearing or other essential matter.

- h. Courts must provide for an open court and make accommodation for the public.
3. Courts and attorneys are strongly encouraged to protect vulnerable individuals and those who live with or take care of vulnerable individuals. Deposition testimony or video testimony is strongly encouraged for vulnerable individuals.
4. Jury trials may be scheduled with the approval of the Local Administrative Judge. Jury trials will follow the requirements of the Jury Trial Addendum adopted by the Courts on May 27, 2020, as amended on May 25, 2021.

Vulnerable Populations

1. Individuals who are over the age of 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.
3. Vulnerable populations who are scheduled for court will be accommodated by setting the proceeding to minimize contact with other populations potentially at a lower risk and more likely to be asymptomatic.

Screening

1. When individuals attempt to enter the court building, courthouse security officers will admit participants scheduled for that day.
2. When individuals attempt to enter the court building, courthouse security officers 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. Signs are posted asking those who feel feverish, have a cough, shortness of breath or other COVID-like symptoms not to enter the courthouse.
4. 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 100°F will not be transported to the court building.

Social Distancing

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. No more than four (4) individuals who are NOT from the same household will be permitted in an elevator in the parking garage or the main courthouse elevator bank. If more than four (4) individuals from the same household are in an elevator, no other individuals will be allowed in the elevator.

Gallery

1. The maximum number of persons permitted in each courtroom must be determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
2. The gallery of the courtroom must be marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Well

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 six (6) feet between each space.

Handling of Evidence

Judges should direct participants to minimize direct contact with physical evidence and documents and use a projection system to present admitted exhibits. Courts should offer gloves and/or sanitizer to anyone handling evidence.

Cleaning

1. Courthouse staff will clean the common areas of the court building so that common spaces are cleaned at least every four (4) hours.
2. Restrooms will be cleaned and restocked according to an established schedule.
3. Court staff have been provided cleaning supplies shown to be effective with this coronavirus.

Jail Magistrate Court

The Jail Magistrate Court is housed within the jail and subject to infectious disease protocols implemented by the Sheriff. Hearings will continue to be conducted remotely when possible, and requirements for face coverings and social distancing will continue.

I have attempted to confer with all judges of the county, district, probate, justice of the peace, and magistrate courts in El Paso County regarding these Minimum Health Standards Protocols. In developing the plan, I consulted with the local health authority and County Judge. I will ensure that the judges of courts with courtrooms in the court building covered by this Minimum Health Standards Protocols conduct proceedings consistent with the plan and will monitor pandemic conditions and regularly consult with the El Paso Department of Public Health and county officials. If necessary to protect the health of the public, court officers, judges, or county staff, I will revise, rescind and republish these protocols.

Date: June 1, 2021



Judge Linda Yee Chew

Local Administrative District Judge

EXHIBIT A

| | Monday | | Tuesday | | Wednesday | | Thursday | | Friday | |
|-------------|--------|-------------|---------|-------------|------------|-------------|----------|-------------|------------|-------------|
| | Jail | Plea Center | Jail | Plea Center | Jail | Plea Center | Jail | Plea Center | Jail | Plea Center |
| 8AM - 10AM | 243rd | MISD | 409th | MISD | 384th | MISD | 346th | MISD | 171st | MISD |
| 10AM - 12PM | MISD | 243rd | MISD | 409th | MISD | 384th | MISD | 346th | MISD | 41st |
| 1PM - 3PM | DCR1 | MISD | 41st | 210th /MISD | 120th | MISD | 205th | 34th /MISD | 168th | MISD |
| 3PM - 5PM | Family | DCR1 | 210th | 171st | 384th Comp | 120th | 34th | 205th | 384th Comp | 168th |

EXHIBIT B

Courthouse Schedule for
In-Person Hearings

| COURTS | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|-------------------------------|--------|---------|-----------|----------|--------|
| 3rd Floor | | | | | |
| JUSTICE OF THE PEACE #3 | X | | | | X |
| 4th Floor | | | | | |
| CRIMINAL DISTRICT COURT #1 | X | | | | X |
| PROBATE COURT #2 | X | | | | |
| COUNTY CRIM. CRT. AT LAW #3 | | X | | X | |
| 409TH DISTRICT COURT | | X | X | | |
| 448TH DISTRICT COURT | | | X | X | |
| 6th Floor | | | | | |
| 120TH DISTRICT COURT | X | X | | | |
| 168TH DISTRICT COURT | X | | | | X |
| 171ST DISTRICT COURT | | | X | X | |
| 327TH DIST. COURT & TAX COURT | | | X | | X |
| TITLE IV-D ONE COURT | | | | X | |
| TITLE IV-D TWO COURT | | X | | | |
| 7th Floor | | | | | |
| 346TH DISTRICT COURT | | X | | X | |
| COUNTY CRIM COURT AT LAW #1 | | | X | | X |
| COUNTY CRIM COURT AT LAW #2 | X | | X | | |
| COUNTY CRIM COURT AT LAW #4 | | X | | X | |
| 8th Floor | | | | | |
| COUNTY COURT AT LAW #1 | | | X | X | |
| COUNTY COURT AT LAW #2 | | X | | X | |
| COUNTY COURT AT LAW #4 | X | | X | | |
| COUNTY COURT AT LAW #5 | | X | | | X |
| COUNTY COURT AT LAW #7 | X | | | | X |
| 9th Floor | | | | | |
| 34TH DISTRICT COURT | X | | | | X |
| 243RD DISTRICT COURT | | X | | X | |
| 384TH DISTRICT COURT | | | X | X | |
| 388TH DISTRICT COURT | X | | X | | |
| ASSOC FAMILY COURT #1 | | X | | | X |
| JURY DUTY COURT | | | | | |
| 10th Floor | | | | | |
| 41ST DISTRICT COURT | | X | | X | |
| 205TH DISTRICT COURT | | | X | X | |
| 210TH DISTRICT COURT | | X | X | | |
| COUNTY COURT AT LAW #3 | X | | | | X |
| PROTECTIVE ORDER COURT | X | | | | X |
| 11th Floor | | | | | |
| 65TH DISTRICT COURT | | X | | | X |
| JUVENILE COURT | | | X | | |
| 383RD DISTRICT COURT | X | | | X | |
| COUNTY COURT #6 & TAX COURT | | X | | X | |
| ASSOC FAMILY COURT #2 | X | | X | | |
| ASSOC FAMILY COURT #4 | | X | | | X |
| 12th Floor | | | | | |
| PROBATE COURT #1 | | X | | | |
| EIGHTH COURT OF APPEALS | | | | | |
| TOTAL COURTS | 14 | 16 | 14 | 14 | 13 |