



## STATE DISTRICT COURTS DENTON COUNTY, TEXAS

Sherry Shipman, 16<sup>th</sup> District Court      Bruce McFarling, 362<sup>nd</sup> District Court      Jonathan Bailey, 431<sup>st</sup> District Court  
Steve Burgess, 158<sup>th</sup> District Court      Margaret Barnes, 367<sup>th</sup> District Court      Tiffany Haertling, 442<sup>nd</sup> District Court  
Brody Shanklin, 211<sup>th</sup> District Court      Doug Robison, 393<sup>rd</sup> District Court      Lee Ann Breeding, 462<sup>nd</sup> District Court

### SEVENTH AMENDED DENTON COUNTY DISTRICT COURTS TEMPORARY GUIDELINES REGARDING HEALTH AND SAFETY CONCERNS

Following the guidance from the Texas Supreme Court, Texas Court of Criminal Appeals, Office Of Court Administration, and in conjunction with Denton County Public Health, the Denton County District Courts recognize the concerns about COVID-19 (Novel Coronavirus). As such, the health and safety of the public, and all employees, are of utmost concern and these temporary guidelines are hereby established to address these concerns in the following manner:

These guidelines are effective from September 1, 2020, through December 1, 2020.

#### **1. If a Person is Sick**

Everyone who is sick or who thinks they have been exposed to COVID-19 should contact (phone or email) the court to reschedule their hearings or trials. These individuals should not appear in court.

#### **2. General Precautions**

The courts will operate under the guidelines specified in the approved COVID-19 Operating Plan for the Denton County Judiciary, attached hereto. Please note, under a court's inherent power to govern the court atmosphere, a judge may require all persons who enter his or her courtroom or any other area of the building or facility to conduct or participate in a court proceeding to wear a face covering. Additionally, social distancing shall be observed with a space of six (6) feet between persons, unless a Judge in a particular court grants special dispensation

The Judiciary is a separate, equal branch of government. To the extent that emergency orders issued by the Governor could be interpreted to conflict with those issued by the Supreme Court of Texas, the Supreme Court's orders generally prevail with respect to the conduct of court proceedings.

#### **3. Court Hearings and Statutory Deadlines**

Courts are required to continue to use all reasonable efforts to conduct proceedings remotely. In the event remote proceedings are not reasonable, all courts may conduct in-person hearings under the guidelines

specified in the approved COVID-19 Operating Plan for the Denton County Judiciary, attached hereto. **You must contact each court regarding any setting scheduled during the effective timeframe.**

Per the 18<sup>th</sup> and 22<sup>nd</sup> Emergency Orders issued by the Texas Supreme Court, (“Supreme Court Order”), 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 22<sup>nd</sup> Emergency Order. Also, the statute of limitations deadline for any civil case that fell between March 13, 2020 and August 1, 2020 is extended to September 15, 2020.

Per Supreme Court Order, a court may, without a participant’s consent, allow or require anyone involved in any hearing, deposition, or other proceeding of any kind, to participate remotely; to consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court; to conduct proceedings away from the court’s usual location with reasonable notice and access to the participants and the public; to require every participant to alert the court of COVID-19 symptoms or exposure; and to take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

#### **4. Electronic Appearances**

All electronic appearances shall be via Zoom and conducted in accordance with the Remote Hearing Guidelines (posted on the courts’ websites).

#### **5. Jury Trials**

In-person jury proceedings should be limited to district and county courts, including statutory county courts and statutory probate courts, between October 1, 2020 and December 1, 2020. All courts should be permitted to conduct virtual jury proceedings without consent of the participants, except that in criminal jury trials where confinement is a possible punishment (Class A/B misdemeanors and felonies) virtual trials should only occur with appropriate waivers and consent of the defendant and prosecutor made on the record.

The local administrative judge, should be required, after conferring with all the judges in the county, to submit a plan for conducting jury trials consistent with guidelines for conducting jury trials proceedings issued by the OCA.

Each judge wishing to conduct a jury proceeding should be required to obtain approval for that trial from the local administrative judge and the regional presiding judge.

A local administrative district judge overseeing the conduct of an in-person jury proceeding should be required to consult the local health authority not more than 5 days prior to the jury proceeding to verify that local health conditions and plan precautions are appropriate for the trial to proceed.

Courts should be required to consider motions or objections related to the proceeding with the trial, if any, on the record at last seven days prior to trial, or as soon as practicable if the motion or objection is made or filed less than seven days prior to trial.

#### **6. Plea Dockets for Criminal Law Cases**

Plea dockets for defendants who are currently incarcerated in the Denton County S.O. jail will continue in consolidated fashion for all courts on Wednesday mornings at 9:00 A.M. The overflow plea docket, cases in

excess of approximately twenty (20), will continue at 2:30 P.M. in the 16<sup>th</sup> District Court. Plea hearings will be conducted remotely as specified by the presiding court.

Plea dockets for defendants who are released on-bond will be scheduled by the Court Administrator for the court the case is assigned to.

**7. Arraignment/Announcement Dockets and other Hearings for Criminal Law Cases**

Defendants who are free on bail and represented by counsel shall not appear in-person for any arraignment or announcement setting. All reset notices/pass slips will be emailed to the attorneys and bonding company. Defense attorneys are required to communicate the reset date to their clients. Unless remote appearances have been arranged with the Court Administrator, all Defendants that do not have attorneys shall appear in court at the designated date and time. All social distancing protocols shall be followed.

All other hearings will be scheduled by the Court Administrator for the court the case is assigned to.

**8. Uncontested Matters and Prove-Up's by Submission only.**

All uncontested Proposed Orders shall be submitted electronically. **This includes any proposed orders normally entered during morning prove-up dockets for each court between 8:00 – 9:00 a.m.** (Please note, prove-up Affidavits may be required). Please contact the specific Court Administrator if questions arise.

**9. Contact the Courts**

Please refer to the Courts' websites for more information. If you have any questions, please email the Court Administrators directly.

**\*\* PLEASE NOTE THE ABOVE TEMPORARY GUIDELINES MAY BE REVISED AT ANYTIME.**

Denton County District Courts

Denton County District Clerk

SIGNED on September 1, 2020.

/s/ Brody Shanklin

The Honorable Brody Shanklin

Local Administrative Judge

On Behalf of:

16<sup>th</sup> Judicial District, Hon. Sherry Shipman  
158<sup>th</sup> Judicial District, Hon. Steven Burgess  
362<sup>nd</sup> Judicial District, Hon. Bruce McFarling  
367<sup>th</sup> Judicial District, Hon. Margaret Barnes  
393<sup>rd</sup> Judicial District, Hon. Douglas Robison  
431<sup>st</sup> Judicial District, Hon. Jonathan Bailey  
442<sup>nd</sup> Judicial District, Hon. Tiffany Haertling  
462<sup>nd</sup> Judicial District, Hon. Lee Ann Breeding