

COVID-19 Operating Plan for the McLennan 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 McLennan, County, Waco, Tx, 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 will begin setting non-essential in-person proceedings no sooner than June 15, 2020

Judge and Court Staff Health

1. Judges and court personnel who can perform the essential functions of their job remotely will telework when possible.
2. Judge and court personnel Monitoring Requirements: Stay home when sick. Each Judge and court employee shall self-assess daily to determine their ability to report to work. Anyone who experiences fever of 99.6 degrees F or above should remain at home until they have had no fever for three full days without medicine that reduces fever. Any court personnel who experience the symptoms related to COVID 19 such as sore throat, headache, new cough, new chills, loss of taste or smell, etc., should not come to work before contacting their supervisor and consulting with a physician. All court personnel should use respiratory etiquette. The wearing of face masks or coverings is encouraged.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6 degrees 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 should wear face coverings. The judge of each court has operational control over his/her courtroom and has the authority to require that everyone present wear face coverings and should do so. After some confusion on the issue, the Office of Court Administration has determined that, as a separate and independent branch of government, the Texas judiciary has the ability to control the environment in courthouses and courtrooms. Anyone who anticipates remaining in court for an hour or more must wear a surgical mask or

face covering. Anyone entering the courthouse who does not have a surgical mask or suitable face covering will be provided one by courthouse deputies or court personnel. Courts must not rely on social distancing alone to protect themselves, staff, and the public.

5. Protective Measures: Provide adequate sanitary supplies within easy reach, including tissues and no-touch trash cans where possible; Wash hands frequently; provide alcohol-based hand sanitizers to supplement hand washing; enhance cleaning consistent with CDC guidance; court staff and personnel should stay at least six feet from one another when possible; avoid congregating in common areas such as break rooms and lunch areas; court personnel who present with fever and/or respiratory infection symptoms will be sent home immediately

Scheduling

1. The following court schedules are established to reduce occupancy in the court building:
All courts will continue to use remote video conferencing where possible. The two county courts-at-law are located on the second floor of the courthouse and will conduct any in-court proceedings on Tuesdays and Thursdays in thirty-minute increments. The two felony courts are located on the third floor and will coordinate schedules to reduce occupancy to a minimum. The 19th District Court will conduct in-person hearings all day on Monday, Tuesday, Wednesday, and Thursday and Friday mornings. The 54th District Court will conduct hearings all day on Monday, Tuesday, Wednesday, and Friday. The judges of the 19th and 54th district courts have extensive docket backlogs because of the Covid19 pandemic and will coordinate with one another to minimize occupancy while maximizing the ability to handle cases. The three civil/family law courts will coordinate their schedules among themselves so as to minimize occupancy. As of this writing, the 414th District Court will conduct in-person hearings all day on Mondays.
The two justice of the peace courts located on the first floor of the courthouse and the other justice courts outside the main courthouse will also coordinate their own schedules so as to minimize occupancy.
The specialty courts such as CPS, Mental Health/Veteran, and Probate Court will coordinate their schedules after conferring with the Local Administrative District Judge.
The Tenth Court of Appeals located on the fourth floor of the courthouse along with the Mental Health/Veteran Court will coordinate their schedules between themselves and confer with the Local Administrative Judge to ensure minimum occupancy.

Vulnerable Populations

1. Individuals who are 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 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. A notice with this information will be posted on the courts' websites and in conspicuous locations around the court building, a copy of which is attached.

3. Vulnerable populations who are scheduled for court will be accommodated by scheduling remote hearings by teleconferencing where possible or by any means that will ensure the safety of the individuals while giving them access to the courts, which shall include, but not be limited, to postponing hearings where and when necessary.

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.
2. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including break rooms and snack rooms have been closed to the public.

Gallery

5. 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.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Well

7. 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. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building, a copy of which is attached.

Screening

1. When individuals attempt to enter the court building, Court House deputies or a designated health care professional will 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. Individuals who indicate yes to any of these questions will be refused admittance to the court building.

2. When individuals attempt to enter the court building, Courthouse deputies or a designated healthcare provider will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6 will be refused admittance to the court building.
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 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including masks, hand sanitizer, and sanitizer wipes.

Face Coverings

1. Face coverings are not mandated, but are encouraged. Anyone who wishes to wear a face covering will be allowed to do so. Individual courts, in their discretion, may require individuals to wear face coverings.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every three to four hours.
2. Court building cleaning staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court building cleaning staff have been or will be provided, prior to in-court proceedings, 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

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 Dr. Brenda Gray, director of the McLennan County Public Authority and McLennan County Judge Scott Felton, 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. A transcript of the meeting in which I conferred with the McLennan County Public Health District and the County Judge is attached.

Date: June 16, 2020

____ Ralph T. Strother

A handwritten signature in black ink, appearing to read "Ralph T. Strother", is written over a horizontal line.

Local Administrative District Judge

See attachments 1,2,3

VULNERABLE POPULATION

If you feel that you are part of the vulnerable population, please contact the Court to arrange for appropriate accommodations.

Individuals who are 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 are considered to be vulnerable populations.

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REPORTER'S RECORD
VOLUME 1 OF 1 VOLUME

MEETING OF
MEMBERS OF THE MCLENNAN COUNTY JUDICIARY
AND
MEMBERS OF THE WACO-MCLENNAN COUNTY
PUBLIC HEALTH DISTRICT

MAY 19, 2020

RE: IN-COURT PROCEEDINGS
AFTER JUNE 1, 2020

On the 19th day of May, 2020, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Ralph T. Strother, Judge Presiding, held in Waco, McLennan County, Texas, via Zoom teleconferencing.

Proceedings reported by Computerized Machine Shorthand Method.

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VOLUME 1

APPEARANCES

Members of the Judiciary
McLennan County, Texas:

Judge Ralph T. Strother
Local Administrative District Judge
19th District Court

Judge Vicki Menard
414th District Court

Judge Vik Deivanayagam
County Court at Law

Judge Scott M. Felton
County Judge

Members of the Waco-McLennan County
Public Health District:
(Via Zoom Meeting teleconference)

Dr. Brenda Gray
Director

Ms. Margaret Cowart
Public Health Nursing Manager

Ms. Stephanie Alvey
Preparedness Coordinator

1 I know the template I sent you says that everybody in
2 the courtroom would be required to wear a mask. We are
3 also informed that we cannot make that mandatory but we
4 could strongly suggest it. Some of my colleagues are
5 here in the courtroom with me, Judge Felton, County
6 Judge; Judge Vik Deivanayagam, County Court at Law; and
7 Judge Vicki Menard, 414th District Court. I invited
8 others, but none of them came. There has been a lot of
9 discussion about whether we can order people to wear
10 masks or whether we can't. I personally don't think
11 that we have the legal authority to force them to but we
12 can make it available to them. Other people disagree
13 that we can do it. I don't know what guidance you-all
14 have about that or what you receive, so it would be
15 helpful if you-all could kind of tell me where -- what
16 your recommendations would be and what you-all's
17 procedures are.

18 DR. GRAY: well, thank you for the
19 opportunity to share with you, Judge, and we are
20 probably in the same school of thought as you are. You
21 can't mandate the wearing of a mask, but we certainly
22 highly recommend it, and so that is the recommendation
23 of the CDC. Our Mayor has not mandated it for our
24 employees, but we do strongly recommend it because it
25 does minimize or reduce the risk for spreading as well

1 as contacting the infection. But in a court -- and I
2 understand -- I haven't been in one here -- I've been
3 here about a year, but I understand those spaces are
4 pretty small. I'm not sure how well ventilated they
5 are. I did read -- review one of Robinson's -- a
6 document they sent us yesterday. They did include those
7 guidelines about the screening, the vulnerable
8 populations, the social distancing, the hygiene, and
9 et cetera in their plan, and so those types of
10 non-pharmaceutical interventions are the best tools that
11 we can employ, you know, in our areas to create the
12 safety for the staff as well as for the public coming
13 into those spaces.

14 JUDGE STROTHER: Dr. Gray, just for the
15 purpose of the record I've got to make, you're
16 Dr. Brenda Gray, and you're Director of the local Public
17 Health District. Is that correct?

18 DR. GRAY: Yes, that is correct.

19 JUDGE STROTHER: And who else is on?
20 Stephanie Alvey?

21 DR. GRAY: Stephanie Alvey, who is our
22 Preparedness Coordinator, and Margaret Cowart who is our
23 Public Health Nursing Manager.

24 JUDGE STROTHER: Is she related to Dr.
25 Cowart?

1 DR. GRAY: I'm not --

2 MS. COWART: I am. I'm his sister-in-law.
3 I'm married to his brother.

4 JUDGE STROTHER: My wife -- he is my wife's
5 primary care physician. I was just wondering if there
6 was any relationship.

7 Anyway, as you can well understand, there is
8 so many moving parts to this, I don't know how we're
9 going to come up with a coherent plan. The County
10 Commissioners are meeting today, and I received this
11 morning some suggested guidelines they are considering
12 today on their agenda, and many of these are going to
13 overlap. But we have to come up with how we're going to
14 handle jury trials. As you know, we summon 750 people a
15 week to come for jury duty, and that's going to be a
16 separate part of this plan. Right now we're just trying
17 to figure out how we're going to work to have in-court
18 proceedings with all the social distancing and the
19 sanitation. And in that template that I sent you-all,
20 do you-all have any major disagreements with anything in
21 that template?

22 DR. GRAY: I do not, Judge. I'm sure my
23 other team has had a chance to review it as well, but it
24 really aligns with our CDC guidance, and that's what
25 really drives and directs all our recommendations and

1 our actions in the Public Heath District.

2 JUDGE STROTHER: Well, that template
3 requires that, you know, people coming into the
4 courthouse -- that we minimize the number of proceedings
5 going on. I'm not sure -- because when all the courts
6 are operating as we were normally before this happened,
7 we could have -- with the employees and the
8 participants, we could have 500 to 600 people in this
9 building at any given time, and that varies, depending
10 on how many courts are in operation and what kind of
11 proceedings we're having, so I'm not sure how we come up
12 with a minimum number and how we coordinate, you know,
13 all of those things. So we are probably going to be --
14 have to operate on some type of limited basis until this
15 is all over, if it ever is. But I think the County's --
16 the things that are on the County Commissioners' agenda
17 today is pretty much in line with that template that I
18 sent you-all.

19 By the way, Judge Felton is here in the
20 courtroom sitting at counsel table.

21 Is that right, Judge Felton?

22 JUDGE FELTON: Yeah, and we used CDC
23 guidelines, but also we reviewed the Office of Court
24 Administration's as well. But we're going to have to
25 draw that down into -- more specific to court activity,

1 and so, you know, we have a lot of hurdles and barriers
2 because the existing courtrooms are a permanent
3 structure and they may not fit with what we're trying to
4 do. So it might even be that we have to use another
5 location.

6 JUDGE STROTHER: Yeah. Plus, this is a
7 historic building, and there are only so many
8 alterations we can make to it, so I don't know how we're
9 going to do this. The City and the County are
10 negotiating about letting us use the convention center
11 for some proceedings, but that entails another -- a
12 whole other set of problems. We've got security issues
13 that we have to consider. We can't do anything
14 differently than we're doing at this moment until after
15 June the 1st. And when we can get this plan put
16 together, if we can get it put together at all, is
17 anybody's guess. And we were going to try to start jury
18 trials, but there is no way that's on the horizon yet,
19 just with all the parts that we have to coordinate. So
20 do you-all have any suggestions or any other guidance
21 you could give us?

22 DR. GRAY: Well, we had a discussion
23 yesterday with our team, and one of the -- one of my
24 team members, who actually scheduled this call, April
25 Snyder, was familiar with some of the limitations around

1 space, and I think when you look at, you know, limiting
2 people inside of there, and I think that the biggest
3 challenge we saw was just where you actually sit the
4 jury, and we don't know how to overcome that obstacle
5 either, because the space is just not available. So
6 outside of moving to another location, which you talked
7 about, where the space would allow you the six-foot
8 distancing, we didn't have any recommendations. But
9 that's clearly one of the biggest challenges you have in
10 some of the older, historic buildings where space is
11 just limited.

12 JUDGE STROTHER: Well, we were -- this
13 building was difficult to operate in under normal
14 circumstances. With these others, it's going to be --
15 it's nearly impossible. So it's going to take a lot of
16 coordination.

17 Do you-all have any idea what has to happen
18 before we just go back to being normal people, like we
19 used to? Have you-all received any indication of an end
20 date for any of this?

21 DR. GRAY: No, and I think mostly -- even
22 the experts -- the national experts are very reluctant
23 to do projections because this is a very novel disease
24 and we're just learning every day as we go and every
25 week more and more about how we need to live our lives

1 and how we need to adjust and having a new normal,
2 basically, where there may be an extended and protracted
3 time where we are living in conditions where we are
4 having to mask and check people before coming into
5 buildings and limited people in spaces until we actually
6 have an vaccination. I know they are in the trial
7 stages, but they are still saying it's at least a year
8 or more out before we get to that place. So this is,
9 you know, our new normal that we are all adjusting to.

10 JUDGE STROTHER: Well, I'm retiring at the
11 end of the year. I don't know why the Good Lord
12 couldn't have done this in January of '21 instead of
13 now.

14 (Laughter)

15 JUDGE FELTON: Well, it wasn't in my job
16 description either, but I've got a suggestion, Judge,
17 and I'd like to get Dr. Gray's feedback on it.

18 JUDGE STROTHER: Can you hear Judge Felton?

19 DR. GRAY: I can. I can hear him.

20 JUDGE STROTHER: Okay.

21 JUDGE FELTON: We have put together a team
22 to deal with people coming in and out of the tax
23 building, the tax collection side, and it has been
24 pretty effective. We put -- we had to utilize CDC
25 guidelines along with our -- all the way to our

1 maintenance of buildings to be able to set it up where
2 people can come in and out of there safely. I would
3 like to recommend we take that same group who has
4 reviewed the OCA's guidelines and with the -- working
5 with the judicial side of McLennan County to come up
6 with a plan that we would come back -- and I'd be
7 working hand in hand with the City of Waco and the
8 Mayor, who I work with every day, and then have a plan
9 that we can bring back to the -- first of all to the
10 local judges to see how it would work and then also to
11 have the Health District review it along with the City
12 of Waco, and it would be a complete plan that's going to
13 entail physical barriers, it might even require other
14 locations be selected, and then also the key thing for
15 us, too, as well, is to manage of flow of people from
16 where they meet to where they end up being assigned to a
17 particular court, and then all of that has to be
18 coordinated with the security side, and I've talked to
19 them briefly about it, and so -- where they may have to
20 pull additional folks out of patrol or wherever to bring
21 them in to the courthouse security to be sure that we've
22 got adequate staffing. I think that we can have a
23 preliminary plan done by around a week from today, and
24 so that would give us some time to look at that and
25 then -- of course, what we get from OCA could change,

1 and more than likely will a time or two, because I
2 understand in Austin they are not in all agreement with
3 the plan as well.

4 The other thing is, I have kind of a legal
5 question, where -- just across the board where cities
6 and counties may be challenged on requiring people to
7 wear face coverings. I'm just wondering in a jury
8 selection process if you can get an agreement to those
9 prospective jurors that they would agree to wear a face
10 mask covering or is there a difference -- could there be
11 a different rule inside a courtroom that is really --
12 you know, an example, you can't open carry in the
13 courtroom here, and that's a separate rule that we got
14 approved by the Attorney General.

15 JUDGE STROTHER: Well, here is part of the
16 practical issue in having participants and jurors and
17 witnesses wearing masks. So much a part of courtroom
18 practice relies on not only verbal communication but
19 non-verbal communication and being able to read
20 witnesses' demeanor, their facial expressions, their
21 nuances that we all are a part of in communicating. I
22 can understand if I had a client that I was
23 representing, I would want to be able to look at jurors
24 and judge their demeanor, their reaction to questions
25 that I ask them, and that includes not only potential

1 jurors but witnesses and other members that are
2 participating. It's just part of the normal procedure,
3 and if we don't afford the litigants and the lawyers the
4 opportunity to do that, I could see it raising all sorts
5 of issues in jury selection and, you know, issues on
6 appeal. It's just very difficult to not be able to
7 operate that way. So I don't know how we're going to
8 manage all that.

9 JUDGE FELTON: I think we can put some
10 recommendations together that you would be satisfied
11 with on that.

12 JUDGE STROTHER: Even if we think we can
13 require masks, I think when a witness or a potential
14 juror is being interviewed, I think they would probably
15 have to unmask just to be able to decipher all the
16 things that I mentioned, the non-verbal communication.
17 So it's a big issue.

18 DR. GRAY: Well, I think, Judge, is where
19 the social distancing will help and maybe increasing
20 that when you're having those conversations and
21 interviews with witnesses, that you do more than six
22 feet as required by CDC, that that be one of the options
23 that you can employ while you're doing that process.

24 JUDGE STROTHER: Another issue -- I think
25 this applies to civil and criminal trials -- I'm a

1 criminal court. You have a defendant and a defense
2 lawyer, and if you have to maintain six feet apart, I
3 don't know how a lawyer could constitutionally
4 adequately represent their defendant when they cannot
5 communicate confidentially, and it's going to be very
6 difficult to accomplish. But that's -- the jury trial
7 issue is another component that we're going to have to
8 deal with later.

9 And while we're on this subject, before I
10 forget it, and I haven't talked with Judge Felton or the
11 County about this, but part of that template requires
12 that people coming into the courthouse have their
13 temperature done.

14 DR. GRAY: Uh-huh.

15 JUDGE STROTHER: I have some issues with
16 County personnel doing that, unless they are health
17 professionals.

18 I don't know, Judge Felton, if you-all have
19 thought about that, whether or not somebody -- a nurse
20 or a public health professional could administer those
21 temperature screenings.

22 JUDGE FELTON: We're checking into that
23 right now.

24 JUDGE STROTHER: Okay.

25 DR. GRAY: And I know one of the hospital

1 systems or one of the -- someone is using an app -- one
2 of the businesses, not the hospital system -- is using
3 the app for the people to do on their phones, to do that
4 kind of assessment, and within the Health District --
5 within the City, we're doing the touchless system where
6 we set up stations where people can do their own
7 reporting of their temperature, and we have that for the
8 EEOC. So that's another option for, you know, assessing
9 people for temperatures before they come in the
10 building, self-assessment or those stand-alone. And
11 that's sort of on the honor system as well too. People
12 have to be honest about that, so that's a consideration
13 too.

14 JUDGE STROTHER: All right. Does anybody
15 else that is either on the Zoom or anybody else here in
16 my courtroom, any of the other judges, have anything --
17 this is going to be a very difficult --

18 JUDGE FELTON: Very.

19 DR. GRAY: Our Public Health Nursing Manager
20 is there.

21 Margaret, I didn't know if you had anything
22 to add to the assessment piece of it.

23 MS. COWART: Yes. I would just say that
24 that's something I've been trying to figure out a good
25 solution to probably since the first of March, of how to

1 do that on any kind of scale, considering HIPAA and --
2 it's just complicated, so -- hopefully you-all will get
3 some guidance from other courts or other people about
4 how they are going to do that and maybe either -- but,
5 really, truly, you wouldn't want to have someone get
6 their temperature taken and then be turned away in front
7 of everybody else, because that would give an indication
8 of their health status. So I don't know. There are a
9 lot of requirements -- or not requirements. Well, on
10 our side there is a lot of recommendations, and we're
11 just still trying to get through that guidance. Yeah.
12 So my initial plan of trying to screen everybody that
13 came into our building, for example, I mean, you would
14 have people out there -- you would have 90 people out
15 there six feet apart waiting to get in, if it's raining
16 or whatever, and then someone has to take their
17 temperature, and if they write it down, then that needs
18 to be protected because it's health information. If you
19 have a check -- there is a lot of different ways of
20 looking at it. I'll be glad to help you work through
21 that. It's kind of a beast, to be honest. It's easy to
22 write and recommend, but it's a lot more difficult to
23 implement.

24 JUDGE STROTHER: well, I'm not sure the word
25 "complicated" is strong enough to describe this.

1 (Laughter)

2 -- but it certainly --

3 MS. COWART: I was going to have to hire
4 people to do it. We would have to hire people just to
5 do that, yeah. So it may be where you-all may limit
6 your hours at first, and maybe that's a way to control,
7 you know. I don't know. We'll be more than happy to
8 help provide feedback and come up with a -- a --
9 something workable.

10 JUDGE STROTHER: One of my -- one of the
11 other district judges, Judge Vicki Menard, is here. She
12 acts like she wants to say something.

13 Judge Menard?

14 JUDGE MENARD: Yeah. I mean, I'm a family
15 and civil court judge, and so, you know, when we have
16 family law hearings, you know, you'll have a bunch of
17 people show up, and they need to talk to their clients
18 just like they do in criminal, even though it doesn't
19 have necessarily the constitutional ramifications. But
20 we're just trying to figure out from a family law court,
21 do you just -- six feet apart, is that the
22 recommendation or --

23 MS. COWART: That's the recommendation.

24 DR. GRAY: Yes, that's the recommendation.
25 That's the recommendation.

1 JUDGE MENARD: Okay.

2 DR. GRAY: And so I think the challenge is,
3 you know, when you're in those intimate settings because
4 of your work, how do you make that work? So part of
5 that social distancing has to be the masks, too, and
6 then there is the challenge of do you mandate it. But
7 if we're going to keep mild spread -- low to mild spread
8 in our community, we're going to have to do those
9 extraordinary measures to keep everybody safe, and the
10 masks and social distancing, those non-pharmaceutical
11 interventions, are our strongest tools for doing that,
12 and so we have to be very creative with that; but
13 understanding, you know, as you say, you're talking
14 about clients [sic] who can't talk out loud to clients
15 and over other people, and so how do you do that? Do
16 they step out of the room, have those conversations at
17 six feet, and then come back in the room? That delays
18 the trial, you know, adds more time to it. So we
19 probably have to be willing to do those types of things
20 to ensure the communication can go between the client
21 and their attorney safely.

22 JUDGE STROTHER: Well, when you factor in
23 some of the emotionally-charged matters that we all
24 hear, civil and criminal, and you factor in
25 constitutional issues like the right to a jury trial and

1 the right to have an open court proceeding, which are
2 constitutionally guaranteed, it makes this pretty well
3 impossible to actually operate, and there is no way that
4 we can -- that I can see that we can meet any kind of --
5 well, "deadline" is not the right word but we can be
6 ready for anything like this for a good while to come.
7 There are just so many moving parts to it and so many
8 different factors that all of us have to consider. But
9 I do appreciate you-all's cooperation and our engaging
10 in this discussion. So we will -- I guess we'll
11 conclude the meeting and try to get together at some
12 other point and see where we are.

13 DR. GRAY: And we'll definitely include our
14 local health authority. And one of the things I
15 think -- I am very -- I am struck and very glad that you
16 guys have been very reflective and contemplative around
17 this issue because it could potentially be one of those
18 spaces we could have sites and cases because of the way
19 this works, so thank you for the reflection, the
20 deliberation, and the thoughtfulness around ensuring
21 that the court, the staff, and the public is safe.

22 JUDGE STROTHER: All right. Well, thank
23 you, Doctor, and we appreciate you-all's cooperation,
24 and I'm sure we'll continue this discussion at other
25 times and other places.

1 MS. COWART: Judge Strother --

2 DR. GRAY: I think Margaret was trying to
3 say something.

4 MS. COWART: Judge Strother --

5 JUDGE STROTHER: Yes..

6 MS. COWART: -- this is Margaret. I just
7 want to say one thing about the masks. What I've been
8 running into in other entities, if someone has an issue
9 that they can't wear a mask, pretty much it looks like
10 that they could just -- it's like any other disability
11 that you don't have to -- I mean, I think they could
12 probably just say, "I can't wear a mask because I
13 have --" and I don't know how that would work. So, just
14 FYI, that's some conversations that are going around in
15 other instances where you may have people that are more
16 cooperative or less cooperative with complying with
17 something like that.

18 JUDGE STROTHER: Some of our proceedings
19 last --

20 MS. COWART: So that's just FYI.

21 JUDGE STROTHER: Some of our proceedings
22 last for hours and days, and when you're sitting there
23 breathing your own carbon dioxide for any length of
24 time, I don't know that that's healthy for you either.

25 MS. COWART: Well, a cloth mask, you'll be

1 fine. I can put that to rest. A cloth mask is no --
2 there is no risk of hypercapnia, of inhaling carbon
3 dioxide. The main thing that cloth mask does is protect
4 everyone from you. The value in that cloth, or if we
5 want to call it a face covering, is if everybody is
6 wearing one, everybody is keeping the majority of their
7 germs to themselves. But that's a whole -- I'm totally
8 willing to, like I said, look at options you may have.
9 And I don't know. Other things that have happened with
10 this disease -- they come up -- today the government
11 comes up with a process, and then two weeks later they
12 say, "Well, we really can't do that. We're going to do
13 something else." So I think you're right when you
14 say --

15 JUDGE STROTHER: I know. I have so much
16 guidance, I don't know what I'm going to do with it.

17 MS. COWART: Right. And so we may solve it,
18 and they say, "We're not going to do it that way." But
19 we're more than happy to be a partner; and I echo
20 Dr. Gray, I'm really glad you-all are being proactive,
21 because you certainly don't -- yeah, you don't want to
22 be an epicenter of this where you get a bunch of people
23 in there that are emotional and breathing on each other,
24 so thank you very much.

25 JUDGE STROTHER: All right. Well, we'll

1 sign off, and thank all of you, and it was a pleasure
2 meeting all of you.

3 DR. GRAY: Thank you. And it was nice to
4 meet you-all too.

5 MS. COWART: Thank you, Judge.

6 DR. GRAY: Bye.

7 (Meeting concluded)

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REPORTER'S CERTIFICATE

THE STATE OF TEXAS)

COUNTY OF MCLENNAN)

I, Rachell D. Karr, Official Court Reporter in and for the 19th District Court of McLennan County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of the meeting, all of which occurred in open court and were reported by me.

WITNESS MY OFFICIAL HAND this the 19th day of May, 2020.

/s/ Rachell D. Karr

Rachell D. Karr, Texas CSR 2020
Expiration Date: 2/28/2021
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Coronavirus Disease 2019

COVID-19

Citizens with COVID-19 report mild to severe respiratory illness.

Symptoms can include:

Fever



Cough



Shortness
of breath



- Symptoms may appear 2-14 days after exposure.
- Seniors and those with medical conditions are at higher risk and should pay extra attention for these symptoms.
- If you have these symptoms visit do not enter this facility and seek medical screening

COVID-19
CORONAVIRUS DISEASE 2019



TEXAS
Health and Human
Services

Texas Department of State
Health Services

updated 03/11/20
8:35 am

For updates and more information, visit dshs.texas.gov/coronavirus