

394TH DISTRICT COURT INFECTIOUS DISEASE PROTOCOL

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 394th District Court 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 pre-trial hearing *must appear telephonically*, or not at all. Telephonic testimony in a bench trial requires agreement of counsel. No telephonic testimony will be permitted in jury trials except as specifically authorized by statute. 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. A Covered Person who is an attorney of record may appear telephonically for nonevidentiary hearings, only; evidentiary hearings involving Covered Person attorneys must be rescheduled as provided below.

3. FELONY CRIMINAL CASES

Defendants in felony criminal cases must appear in person as summoned for each setting unless their appearance has been waived by signed court order. Approved forms for waivers of appearance, arraignment, 28.01 hearing, and plea deadline may be obtained via e-mail from the Court Coordinator. Any Covered Person who is a defendant in a felony criminal case must contact the court coordinator prior to the setting and report the basis for concern.

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.

In lieu of personal appearance and oral argument, any motion or request may by agreement of the parties be submitted for consideration by submission. The Court may consider such motions upon written briefs and affidavits.

5. CONTACT INFORMATION

Questions and requests for waiver forms should be directed to Lori Hoaglin, 394th District Court Coordinator, at 394th.jud.dist.court@gmail.com, or 432-837-5831.

Signed and Effective on March 10, 2020.



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AT 394th DISTRICT COURT
MAR 10 2020
JENNIFER WRIGHT
CLERK OF DISTRICT COURT
JEFF DAVIS COUNTY, TEXAS
BY DEPUTY