

MEMORANDUM FROM COUNTY COURT AT LAW #2

To: Lawyers, parties and witnesses in County Court at Law #2

From: Lynn Marie Johnson, Judge Presiding, County Court at Law #2

Date: 3/20/2020

Re: COVID-19 management covering March 23 – May 8, 2020

As most of you are aware, Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. The Supreme Court of Texas and the Texas Court of Criminal Appeals have issued emergency orders in response to this pandemic. In addition, as of this date, the Office of Court Administration has issued guidelines for court operations and docket management.

In response to these emergency orders and in accordance with OCA guidelines, jury trials scheduled in CCL2 on March 30 and April 13 are cancelled. The cases set on these dates will be rescheduled. A decision about the jury trial on April 27 will be made at a later time.

Additionally, for this limited time, the Court has changed how it's handling civil and criminal dockets in order to minimize the number of people in the courtroom. These changes are listed below.

CIVIL DOCKETS:

The Court will temporarily change its am and pm dockets so that matters are staggered. Cases will be given a specific time for hearing. Although this is inefficient, this will minimize the number of people in the courtroom at one time. You will be required to be on time. If a party or their attorney is not present at the stated time, the matter will be passed.

The Court will proceed with uncontested matters by submission of affidavit(s) or written stipulation of evidence if one party is represented by counsel. Personal appearance is not required. These include divorce or child custody prove-ups, name changes, etc.

Pro Se divorce and SAPCR prove-ups and name changes will be handled in court with in-person testimony and will be scheduled by the court coordinator.

Motions for Default or Summary Judgment will be handled by written submission, unless a hearing is requested.

All non-evidentiary hearings will be handled via phone conference or Zoom app.

In Court contested matters (e.g. temporary orders, motions to enforce, bench trials) will be limited to attorneys, parties and witnesses. Contested matters may also be handled via Zoom app but certain procedures will need to be followed.

Protective Orders will be limited to attorneys, parties and witnesses. The County Attorney's Office will be limited to 2 persons in the courtroom in total, including the victim's coordinator.

Adversary Hearings in CPS cases will be limited to attorneys, parties and witnesses. The County Attorney's Office will be limited to 2 persons in the courtroom in total. Only 1 CASA will be permitted to attend.

All other CPS hearings, excluding trials, such as Status Hearing, Permanency Hearings, and Monitored Return Requests, will be conducted via Zoom app, unless specific request is made for an in person hearing.

This Memorandum does not affect mediations or discovery which will continue as ordered or scheduled.

CRIMINAL DOCKETS

First Appearance: Defendant's appearance is waived if represented by counsel and counsel has requested discovery. Defendants without attorneys will appear as scheduled. Scheduling may be staggered depending on numbers.

Attorney docket: Applications for Court Appointed Attorney will be completed by each defendant and submitted to their bondsman by 10:00 am on the Thursday before the scheduled Attorney Docket. By agreement, the bondsman will submit the Applications to the Court for consideration by Thursday at 10:00 am and the Court will approve, deny or request additional information. If additional information is needed, Defendant will be required to appear at the scheduled attorney docket. Defendant will not be required to appear if the Court approves or denies the application.

PreTrials: Appearance by defendants and their attorneys is waived if a statement is filed in the case stating that the attorney has an offer and discovery in the case. Pro Se defendants will be required to appear.

DWLI Pre Trials: Defendants will be required to appear as scheduled.

Trial Call: Cancelled on April 8, 2020 trial.

Jail Run: We are tentatively scheduled to handle pleas via Skype or Zoom for those defendants incarcerated in the Parker County Jail. The jail run attorney will be present at the jail with the Defendant. Defendant's signature and thumb prints will be handled by jail personnel and the original paperwork couriered to the county clerk's office. The County Attorneys and Jail Run Attorney will have all waivers and Judgments and other required paperwork completed by Thursday afternoon.

Plea Docket: Pleas docketed at 9:00 am on March 27, 2020 will go forward as scheduled. Future pleas will be scheduled at 9:00, 9:30, 10:00, etc. on every other Friday.

In order to minimize the number of people in the courtroom and to expedite the pleas, the following procedure is required: The County Attorney will submit the plea waiver to Defense Counsel on or before the Tuesday preceding the plea. Defense Counsel will be required to review the waiver with their client and then sign and return the waiver to County Attorney by Wednesday. The County Attorney will prepare the Judgment on Thursday and the plea will be taken on Friday.

Defendants will not be permitted in the Courtroom unless accompanied by their attorney. Defendants and Attorneys will need to be on time.

MTR, Admin, Bond Admin, Bond Reduction Hearings, etc.: These will go forward as schedule.

Plea negotiations should occur remotely between counsel and the Court encourages cooperation in this regard in order to avoid future docket crowding.

County Attorney's Office should limit their attendees at the above dockets.

MISCELLANEOUS:

If parties, witnesses, and/or counsel are uncomfortable with personally appearing in court because of current health concerns, such personal appearances may not be required. Please inform the court if these circumstances apply to you, and arrangements may be made for appearance by telephone or other means.

Attendance is limited at court proceedings to attorneys, parties, and witnesses. Attendance by extraneous, nonessential persons at court will be interpreted as a "social gathering." However, the Court will endeavor to include as many persons in the courtroom as permitted under the OCA guidelines.

Please keep in mind that the Court may change the procedures outlined above if these prove to be unworkable, if other technology becomes available, or if OCA guidelines change, etc.

Thank you for your patience and cooperation as we navigate these interesting times!