

August 20, 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA AND PECOS DIVISIONS**BY: J. Aguero
DEPUTY§
§
§**STANDING ORDER REGARDING
PROTOCOLS FOR JURY SELECTION AND TRIAL**

The undersigned on behalf of the Midland/Odessa and Pecos Divisions, in accordance with the Western District of Texas' General Order and its supplemental orders regarding court operations under exigent circumstances created by the COVID-19 pandemic, enters the following Order allowing for safely conducted trials:

Based upon data from the Texas Department of Health and Human Services¹, the Court presiding in the Midland/Odessa and Pecos Divisions of the Western District of Texas has determined, subject to continuing assessment and evaluation, that trials may be safely tried during the COVID-19 pandemic. This Order, in conjunction with this Court's Amended Order Relating to Entry into the United States Courthouses in Midland, Pecos and Alpine, Texas, dated June 11, 2020, and found on the Western District of Texas website², formalizes protocols to be used for trials in these divisions until further notice. This Order is not exhaustive, but merely illustrative of measures that will be observed and practiced.

Jury selection will take place in the district courtroom in each respective courthouse applicable under this Order. Prescribed social distancing (a minimum of six feet), hand sanitization, and appropriate face coverings will be strictly practiced at all times as directed by the Centers for Disease Control and Prevention (CDC) guidelines³. Hand sanitation stations placed throughout the courthouse and face coverings will be provided to participants who do not bring their own. Jury panel members, and jurors after selection is completed, will enter and exit the courthouse and courtroom individually and at safe distances

¹ <https://txdshs.maps.arcgis.com/apps/opsdashboard/index.html#/ed483ecd702b4298ab01e8b9cafc8b83>

² <https://www.txwd.uscourts.gov/coronavirus-covid-19-guidance/>

³ <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

from all other participants, including spectators, court personnel, and the parties. Every person's temperature will be taken upon each entry to the courthouse, with any temperature reading over 100 degrees subjecting the entrant to exclusion. Panel members will be encouraged to remain home should they exhibit symptoms of illness.

The jury assembly clerk will inquire of panel members prior to assembly and the Court will inquire of the panel as to issues related to illness or particular vulnerability to illness. Requests for excuse during jury selection will be discussed by the parties with the Court. No more than two people will occupy the elevator at a given time, at appropriate distances. The jury panel will assemble in the courtroom and will sit only in designated seats, marked for that purpose. Likewise, once selected, members of the jury will sit only in designated seats, marked for that purpose. The courtroom will be sanitized before, during, and after trial.

During jury selection and trial, everyone in the courtroom will wear appropriate face coverings, except a testifying witness when allowed by the Court, the attorney questioning a witness or speaking to the Court or jury, and the judge, unless distance requires a face covering, such as approaching a witness or a bench conference. A face covering may also be removed at the direction of the Court. As always, witnesses will testify from the witness stand. Witnesses will enter and exit the courtroom by way of the doorway nearest the witness stand as directed by Court Security to minimize contact with other participants. The witness stand, to include the chair and microphone, will be sanitized between witnesses. The jury will be seated in and about the jury box, at least six feet apart from one another and from all others.⁴

The jury will take breaks and deliberate in a private, spacious, nearby room within the courthouse that will allow jurors to observe appropriate social distancing at all times. A hand sanitation station will be operable in the designated jury room and face coverings will be worn. Exhibits will not be passed to the jury but may be displayed on screens throughout the courtroom. For deliberations, counsel shall provide

⁴ The Court will allow spectators to sit in the gallery if it is possible to do so while maintaining six feet of distance between everyone at all times, with exceptions only for family members. If necessary for appropriate distancing, the Court will make another room in the courthouse available for spectators and will simulcast proceedings to that location.

the Court with a digital storage device containing electronic versions of the exhibits so the jury may display exhibits on a designated screen during deliberations.

The Chief Judge was notified of this Order on August 19, 2020. The Court may make changes to this Order to ensure safety. This Order shall remain in effect until further order of this Court.

It is so **ORDERED**.

SIGNED this 20th day of August, 2020.



DAVID COUNTS
UNITED STATES DISTRICT JUDGE