THREE HUNDRED FIFTY SEVENTH JUDICIAL DISTRICT COURT
STATE OF TEXAS

HON. JUAN A. MAGALLANES
DISTRICT JUDGE
Cameron County Courthouse
974 E. Harrison
Brownsville, Texas 78520
(956) 548-9522

FILED 9:22 o'clock a M
LAURA PEREZ-REYES - DISTRICT CLERK

JAN 27 2021

DISTRICT COURT OF CAMERON COUNTY, TEXAS

By _____ Deputy

TO: ALL DISTRICT JUDGES

FROM: JUDGE JUAN A. MAGALLANES

DATE: JANUARY 26, 2021

RE: JURY CANCELLATION

Juries for the remainder of February and March are cancelled. This action is being taken pursuing to the recommendation taken by the office of Court Administration. Attached you will find a copy of the recommendation. If you have any questions, please advice.

Juan A. Magallanes
Judge, 357th Judicial District Court

Copies to:
District and County Court Coordinators
District Clerk

Estela Salas

From: Office Of Court Administration Announcements <OCA.Announcements@txcourts.gov>
Sent: Thursday, January 14, 2021 4:32 PM
To: Office Of Court Administration Announcements
Subject: COVID UPDATE #21 - RENEWED EMERGENCY ORDER EXTENDS GENERAL PROHIBITION ON JURY TRIALS TO APRIL 1

Categories: Red Category

Judges, Clerks, and Court Staff:

Supreme Court Extends General Emergency Order, Jury Trials Generally Prohibited Until April 1

Today, the Supreme Court issued the Thirty-Third Emergency Order that renews the Twenty-Ninth Emergency Order and sets out the limitations and criteria for jury trial proceedings through April 1, 2021. The key highlights from the order are:

- **Requires courts to continue to use all reasonable efforts to conduct proceedings remotely and prohibits courts from conducting in-person proceedings contrary to the *Guidance for All Court Proceedings During COVID-19 Pandemic*.**
  - As a reminder, the most recent OCA Guidance that the Emergency Order requires judges to follow **prohibits in-person proceedings on or after January 11 unless the Local Administrative District Judge or Presiding Judge of a Municipal Court submits a recertification** to the Regional Presiding Judge that certifies: 1) whether the local health authority believes current local pandemic conditions are conductive to in-person proceedings under the approved operating plan; and 2) the objective criteria that will be used to determine when an in-person proceeding is necessary and when all reasonable efforts do not permit the proceeding to be conducted remotely. A template re-certification is available. All submitted operating plans and re-certifications can be found here.
  - **Courts who do not plan to conduct in-person proceedings are not required to submit re-certifications until such time as they plan on conducting in-person proceedings again.**
- **In-person jury trials must not be held prior to April 1, except as noted below:**
  - **Justice and municipal courts are prohibited from holding an in-person jury proceeding prior to April 1.** See below for virtual jury trial options for justice and municipal courts.
  - **District courts, statutory or constitutional county courts, and statutory probate courts are prohibited from conducting in-person jury proceedings unless:**
    - The local administrative district judge for the county in which the court is located has, before the jury proceeding and after conferring with the judges in the county and the local public health authority, submitted an operating plan for conducting jury proceedings consistent with OCA's updated Guidance for conducting jury proceedings (see template or submitted plans);
    - To assist with coordination of local resources and to manage capacity issues, the judge has obtained prior approval for that jury proceeding from the local administrative district judge and Regional Presiding Judge;
    - Not more than five days before the jury proceeding, the local administrative district judge has consulted the local public health authority and verified that local health conditions and plan precautions are appropriate for the jury proceeding to proceed;
    - The judge has considered on the record any objection or motion related to proceeding with the jury proceeding at least seven days before the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding; and
    - The judge has established communication protocols to ensure that no court participants have tested positive for COVID-19 within the previous 30 days, currently have symptoms of COVID-19, or have had recent known exposure to COVID-19.

- Except for criminal cases where confinement in jail or prison is a potential punishment, **judges may conduct remote jury proceedings as long as the court considers on the record any objection or motion related to proceeding with the remote jury proceeding at least seven days before the proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding.**
    - Except for non-binding proceedings, a judge may not permit or require a petit juror to appear remotely unless the judge ensures that all potential and selected petit jurors have access to technology to participate remotely. OCA has resources to assist courts with providing technology to potential and selected petit jurors. Please contact zoomhelp@txcourts.gov for more information.
    - *Several virtual jury trials are scheduled over the next few weeks and most will be streamed online. If you are interested in observing one of the trials, please contact zoomhelp@txcourts.gov to get information on viewing upcoming virtual trials.*
- In criminal cases where confinement in jail or prison is a potential punishment, remote jury proceedings must not be conducted without appropriate waivers and consent obtained on the record from the defendant and prosecutor.

- Permits judges to modify or suspend deadlines and procedures through April 1, 2021, and for a period not to exceed 180 days from the date of the order for a dismissal date in a CPS case.
- Permits judges to continue conducting proceedings remotely away from the court's usual location with reasonable notice and access to the participants and the public.

Texas Eviction Diversion Pilot Program Expanding

The Texas Eviction Diversion Pilot Program created by the Supreme Court and that was announced in September and began operation in October will be expanding to 17 additional counties on February 1. The counties include: Bell, Brazoria, Cameron, Collin, Dallas, Denton, Fort Bend, Galveston, Hidalgo, Lubbock, Nueces, Tarrant, Taylor, Tom Green, Travis, Victoria, and Webb. The 19 original pilot counties include: Brazos, Chambers, Montgomery, El Paso, Harris, Deaf Smith, Potter, Randall, Bexar, Erath, Parker, Palo Pinto, Wise, Fannin, Grayson, Bee, Jim Wells, Klebert, and San Patricio. Through the program, an additional $40 million will be made available to provide rental assistance and eviction diversion in the various eligible jurisdictions. A training was held with the applicable justice courts today.

Through an allocation of over $1 billion through the most recent COVID Relief Bill passed by Congress, the eviction diversion program will be expanding statewide to cover all counties in the Spring.

Legislative Session Begins

Beginning its biennial 140 day session, the Texas Legislature started the 87th Legislative Session on Tuesday. While this session promises to be very unique, it is likely that thousands of bills affecting the judiciary will be introduced. The Texas Judicial Council is monitoring those bills and will provide input to the legislature as appropriate. Should you have questions or concerns about the legislative process or particular bills, please feel free to contact Megan Lavoie, OCA's Director of Public Affairs.

If you have any questions or concerns related to anything in this update, please do not hesitate to reach out by email at coronavirus@txcourts.gov. Thank you for your continued efforts during this difficult time.

David Slayton
Administrative Director of the Courts
Texas Office of Court Administration

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