



**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

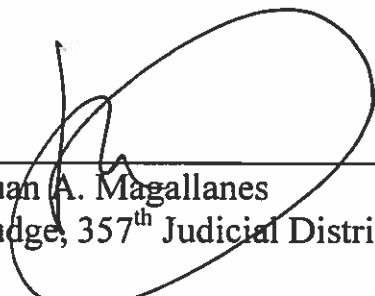
TO: ALL DISTRICT JUDGES
FROM: JUDGE JUAN A. MAGALLANES
DATE: NOVEMBER 18, 2020
RE: JURY CANCELLATION

10:05
FILED o'clock M
ELVIRA S. ORTIZ - DISTRICT CLERK

NOV 18 2020

DISTRICT COURT OF CAMERON COUNTY, TEXAS
By *[Signature]* Deputy

Juries for the remainder of December 2020 and January 2021 are cancelled. This action is being taken pursuant 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 advise.



Juan A. Magallanes
Judge, 357th Judicial District Court

Copies to:
District and County Court Coordinators
District Clerk

From: Office Of Court Administration Announcements <OCA.Announcements@txcourts.gov>
Sent: Friday, November 13, 2020 5:08 PM
To: Office Of Court Administration Announcements
Subject: COVID-19 UPDATE #18

Judges, Clerks, and Court Staff:

Supreme Court Issues Two New Emergency Orders Regarding Jury Trials & Eviction Proceedings

This week the Supreme Court issued two emergency orders:

- The Twenty-Ninth Emergency Order that renews the Twenty-Sixth Emergency Order and sets out the limitations and criteria for jury trial proceedings through February 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.**
 - **In-person jury trials must not be held prior to February 1, except as noted below:**
 - **Justice and municipal courts are prohibited from holding an in-person jury proceeding prior to February 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 court 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 court 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, courts 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 court may not permit or require a petit juror to appear remotely unless the court 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. Four are scheduled in district courts and municipal courts next week. 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 courts to modify or suspend deadlines and procedures through February 1, 2020, and for a period not to exceed 180 days from the date of the order for a dismissal date in a CPS case.
- Permits courts to continue conducting proceedings remotely away from the court's usual location with reasonable notice and access to the participants and the public.

- The Twenty-Eighth Emergency Order renews the Twenty-Seventh Emergency Order establishing the Texas Eviction Diversion Program. The Texas Eviction Diversion Program assists tenants and landlords under a statewide housing-assistance program intended to avoid evictions for tenants behind on rent. The order allows an eviction proceeding to be abated by agreement for 60 days, requires courts to provide tenants with information about the program, and makes court records for participants confidential while eviction cases are delayed. The order also outlines procedure for reinstating evictions. Without such reinstatement, eviction cases will be subject to dismissal. **The order expires 2/1 and is effective 10/12 for "pilot" counties established by the Office of Court Administration (OCA) (or on the date that OCA designates them for counties identified after 10/12) and 1/1/21 for all other Texas counties.** The Texas Eviction Diversion Program is supported by Gov. Greg Abbott's commitment of \$171 million in federal money for landlords to provide an eviction alternative. Eligibility for rental assistance under the program will be administered by the Texas Department of Housing and Community Affairs.

Webinar on Status of the Pandemic and Vaccine

Yesterday, the National Center for State Courts hosted a webinar with public health officials detailing the current status of the pandemic and release of the vaccine. The public health officials provided information detailing how courts are likely to be in the same position of conducting business with precautions until next summer. Courts interested in an update on the pandemic or vaccine are encouraged to watch at the link above.

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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