

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

FILED

SEP 23 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

IN RE:
WACO DIVISION
TRIALS

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DIVISIONAL STANDING ORDER REGARDING TRIALS IN WACO

The Waco Division, in accordance with the Western District of Texas's Eighth Supplemental Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic, enters the following order finding this Division may safely conduct trials:

1. The Waco Division serves Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Leon, Limestone, McLennan, Milam, Robertson, and Somervell counties.
2. Since the beginning of July 2020, the counties from which the Waco Division pulls jurors have seen a meaningful decline in newly reported COVID-19 cases. The Texas Department of State Health and Human Services now estimates that the Waco Division counties have just 2.44% of the state's active cases. Collectively, they have fewer cases than any one of the twelve Texas counties with the highest number of estimated active cases. *See* <https://txdshs.maps.arcgis.com/apps/opsdashboard/index.html#/ed483ecd702b4298ab01e8b9cafc8b83> (last visited Sept. 22, 2020).
3. The Division has undertaken great efforts to ensure trials can be conducted safely. Among other things, the Court is prepared to mandate appropriate distancing in the courtroom and around the courthouse, limit the number of individuals in the courtroom, provide face masks or face shields to jurors, supply hand sanitizer, and install plexiglass shields where beneficial and appropriate.
4. The Court in this Division has also sought feedback from other judges and lawyers from both inside and outside this District who have conducted in-person trials since the outbreak of the pandemic. That feedback has informed the Division's procedures for trials.
5. Therefore, the Division is confident that, as things stand today, it can conduct fair trials in a safe manner. Accordingly, bench and jury trials in the Waco Division will resume as early as October 1, 2020.
6. The Chief Judge was notified of this Order on September 22, 2020.

It is further **ORDERED**, effective September 23, 2020, at 12:01 a.m., for the protection of court staff, litigants, attorneys, and observers, the following persons shall not enter the Waco Division Courthouse absent a specific order from the Court:

1. Any person who is currently under the direction of a licensed healthcare professional or public health agency to self-quarantine;

2. Any person who has been diagnosed by a licensed healthcare provider as having COVID-19 or has tested positive for COVID-19 by a source authorized by any State, and who has not obtained written verification from a licensed medical doctor, doctor of osteopathy, hospital, or public health agency professional that he or she is currently not contagious;
3. Any person who lives with, or cares for, a person described in category 1 or 2 above; or
4. Any person who presents currently having a fever, chills, persistent cough, shortness of breath, persistent pain or pressure in the chest, nausea, or loss of the sense of taste or smell.

It is further **ORDERED** that any person seeking entry to the Waco Division Courthouse at any time may be asked by a Court Security Officer (CSO) or a member of the court staff to confirm that none of the exclusions listed above applies to that person.

It is further **ORDERED** that each person, except a witness while testifying, and an attorney while examining a witness or making a statement to a jury, must wear an appropriate face mask or covering while inside the Waco Division Courthouse, unless excused from this requirement by a judge, CSO, or a member of the court staff. Witnesses shall testify unmasked, and attorneys may speak unmasked, while maintaining all social distancing protocols. Persons other than jurors must supply their own mask or face covering. Each person in the courthouse must follow the instructions of the court staff and CSOs to aid in maintaining distance in the courthouse.

It is further **ORDERED** that all CSOs, following substantive guidance provided by this Order and administrative guidance from the United States Marshal for the Western District of Texas, shall deny entry to anyone attempting to enter, or remain in, the Waco Division Courthouse in violation of these protocols. In the event of any uncertainty as to whether a person should be denied entrance to the courthouse, the CSOs shall immediately contact the U.S. Marshal or the designated Deputy Marshal for a determination, which shall control.

It is finally **ORDERED** that, unless extended by subsequent order, these restrictions shall remain in place until October 31, 2020, at 11:59 p.m., when they shall automatically expire.

SIGNED this 23rd day of September, 2020.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE