



**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 10:58 clock A M

**ELVIRA S. ORTIZ** - DISTRICT CLERK

TO: ALL DISTRICT JUDGES  
FROM: JUDGE JUAN A. MAGALLANES  
DATE: SEPTEMBER 25, 2020  
RE: JURY CANCELLATION

SEP 28 2020

DISTRICT COURT OF CAMERON COUNTY, TEXAS  
By Juan A. Ramirez Deputy

Juries for the remainder of October and November 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, 357<sup>th</sup> Judicial District Court

Copies to:  
District and County Court Coordinators  
District Clerk

**From:** Office Of Court Administration Announcements <OCA.Announcements@txcourts.gov>  
**Sent:** Friday, September 18, 2020 6:21 PM  
**To:** Office Of Court Administration Announcements  
**Subject:** COVID-19 UPDATE #17 - Supreme Court Issues Order Regarding Jury Trials

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Judges, Clerks, and Court Staff:

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

Today the Supreme Court issued the Twenty-Sixth Emergency Order (effective October 1) that replaces the Twenty-Second Emergency Order and sets out the limitations and criteria for jury trial proceedings on or after October 1. The key highlights from the order are:

- **In-person jury trials must not be held prior to December 1, except as noted below:**
  - **Justice and municipal courts are prohibited from holding an in-person jury proceeding prior to December 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 on or after October 1 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;
    - 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](mailto:zoomhelp@txcourts.gov) for more information.
  - **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.**

- 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.
- Permits courts to modify or suspend deadlines and procedures through December 1, 2020, and for a period not to exceed 180 days from today's date 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.

In addition, the Court issued yesterday the Twenty-Fifth Emergency Order that renews, as amended, the requirements of the Twenty-Fourth Emergency Order for certain statements in residential eviction pleadings. The order incorporates the CDC's Eviction Moratorium Order provisions into requirements for petitions and notices in citations. The order also permits eviction proceedings to proceed under certain conditions.

**OCA Updates Guidance for All Court Proceedings During the COVID-19 Pandemic for proceedings on or after October 1**

In accordance with the Twenty-Sixth Emergency Order, today OCA updated its Guidance for All Court Proceedings During COVID-19 Pandemic to incorporate the requirements for conducting jury proceedings on or after October 1. Judges wishing to conduct jury proceedings on or after October 1 must submit a plan that addresses the protocols listed in the updated guidance. A template plan will be distributed to local administrative district judges early next week.

**OCA to release guidance on conducting remote jury trials soon**

Consistent with the requirements of the Twenty-Sixth Emergency Order, OCA will soon release guidance on conducting remote jury proceedings. The practical guide will assist courts who wish to conduct a jury proceeding remotely. In addition to the guidance, OCA has devices to allow potential and selected jurors without adequate technology to participate in remote jury proceedings. If you are interested in the devices or have other questions about conducting remote jury proceedings, please contact [zoomhelp@txcourts.gov](mailto:zoomhelp@txcourts.gov).

**Upcoming Webinar on The Pandemic's Permanent Impact on Texas Courtrooms**

Next week, the Hispanic Issues Section of the State Bar will host a webinar entitled "The Pandemic's Permanent Impact on Texas Courtrooms." Included in the one-hour discussion will be information on how the transition to remote proceedings has affected communication, the current status of jury and non-jury proceedings in the state, and the view from the bench. To sign up for the webinar, please visit [https://us02web.zoom.us/meeting/register/tZUkduutri0jG9yNhgCg\\_jciBxU8esp7x6nS](https://us02web.zoom.us/meeting/register/tZUkduutri0jG9yNhgCg_jciBxU8esp7x6nS).

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](mailto: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