

ORIGINAL



40TH DISTRICT COURT
378TH DISTRICT COURT
443RD DISTRICT COURT
COUNTY COURT AT LAW NO. 1
COUNTY COURT AT LAW NO. 2

FILED
FOR RECORD
APR 15 2020
MELANIE REED, DISTRICT CLERK
ELLIS COUNTY, TEXAS

FILED

APR 15 2020

ELLIS COUNTY COURTS BUILDING
109 S. JACKSON
WAXAHACHIE, TX 75165

COUNTY CLERK
ELLIS COUNTY, TEXAS

**LETTER SUPPLEMENT DATED APRIL 15, 2020
TO THE JOINT COVID-19 MITIGATION AND
DOCKET CONTROL PLAN DATED MARCH 18, 2020**

*Plan Delineating How the Ellis County District Courts and County Courts at Law Will
Function During Various Stages of the Coronavirus Public Health Emergency*

April 15, 2020

Dear Counsel, Members of the Ellis County Bar Association,
and Attorneys & Law Firms Practicing in the Courts of Ellis County:

The President, Governor, our County Judge, and the National CDC have all described this period in history as a global pandemic. It has, to say the least, been a most unusual time.

We are pleased to report that our three District Courts and two County Courts at Law have all conducted court hearings utilizing the Cisco WebEx videoconferencing platform.

During the upcoming weeks, we are positioned to gradually scale-up court operations to match the needs of our legal community. To accomplish this goal, each Judge and Court Coordinator will be working directly with Counsel and their respective law offices to schedule court hearings in a manner, and to a degree that makes common sense under the circumstances. There will be some practical limitations in relation to this scale-up process.

Accordingly, the purpose of this letter is to supplement and revise the Joint COVID-19 Mitigation and Docket Control Plan issued by the Judges on March 18, 2020 as follows:

1. May Jury Trials Postponed. All civil, criminal, and family law jury trials currently scheduled for May 2020 are postponed. We cannot imagine members of the public, summoned to court as part of a large jury panel (often with 75 or more members), feeling safe amid ongoing COVID-19 concerns sitting shoulder-to-shoulder during a lengthy jury selection process, and in fact, such arrangements would violate various mandated social distancing requirements.

Each Court Coordinator will be working with Counsel via email and phone in order to reschedule cases to agreed jury trial dates.

- a. The Judges plan to issue another communication on May 15, 2020 to confirm whether jury trials scheduled to begin with jury selection *after* May 31, 2020 will in fact proceed as scheduled.
2. Grand Jury Resumes. The term of the current grand jury ends on June 30, 2020. Presently, all meetings of the grand jury are postponed through April 30th. The meetings of the grand jury will resume on or about May 1st with the Ellis County and District Attorney being responsible for establishing a responsible meeting schedule, as well as notifying and securing the attendance of the grand jury members. Until further notice, all meetings of the grand jury will be conducted in the large multipurpose room on the main floor of the Courts Building where appropriate social distancing will be arranged. The grand jury will enjoy priority usage of the multipurpose room, and our Law Librarian is requested to work with the Ellis County and District Attorney to avoid scheduling conflicts.
 3. Evidentiary Search Warrants. All evidentiary search warrants including those seeking electronic customer data will continue to be handled in the following manner:
 - a. All the District Court Judges and County Court at Law Judges are on-call for truly urgent and emergency warrants; however, law enforcement officers are encouraged and requested to utilize the following system to obtain evidentiary search warrants which has been working successfully:
 - Monday, Tuesday, and Friday from 9:00 a.m. – 12:00 noon, handled by the 443rd District Court (Judge Ermatinger), either in-person at the Courts Building or by electronic means. The standard protocol for an electronic warrant requires the Peace Officer to send the complete warrant packet to the Judge by email *after* swearing-out and signing the supporting probable cause affidavit in the presence of the Judge via FaceTime.
 - Wednesday, Thursday, and Saturday from 9:00 a.m. – 12:00 noon, handled by the 40th District Court (Judge Carroll), either in-person at the Courts Building or by electronic means. The standard protocol for an electronic warrant requires the Peace Officer to send the complete warrant packet to the Judge by email *after* swearing-out and signing the supporting probable cause affidavit in the presence of the Judge via FaceTime.

4. Other Matters. In addition to the preceding three legal matters (jury trials, grand jury, and evidentiary search warrants), there are numerous other legal subject matters which were previously addressed by the Joint COVID-19 Mitigation and Docket Control Plan issued by the Judges on March 18, 2020.
- a. Pursuant to Sections 12.a.i. and 12.a.ii. of the Plan, each of the Judges and Coordinators have over the past 30 days communicated specialized procedures, policies, and/or orders relating to specific cases or legal practice areas, and we anticipate this will continue.

We trust that the preceding supplement has answered some of your key questions. As you attempt to navigate the changing currents brought on by COVID-19, please feel free to reach out to the Judges and Coordinators for guidance within the courts in which you regularly practice.

The Judges and Coordinators remain fully committed to keeping the courts open and functioning smoothly amid the COVID-19 concerns in order to ensure the administration of justice and the rule of law throughout Ellis County.

Sincerely,

40th District Court



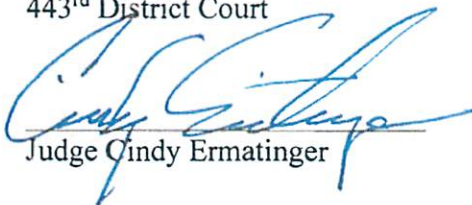
Judge Bob Carroll

378th District Court



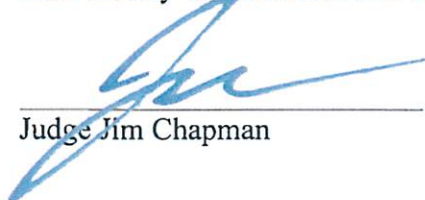
Judge William Wallace

443rd District Court



Judge Cindy Ermatinger

Ellis County Court at Law No. 1



Judge Jim Chapman

Ellis County Court at Law No. 2



Judge Gene Calvert