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**INTERIM PLAN**

**To Ensure**

**JUDICIAL READINESS**

**In Times of Emergency**

**A REPORT FROM THE COMMITTEE TO DEVELOP AN  
INTERIM PLAN**

**TASK FORCE TO ENSURE JUDICIAL READINESS IN TIMES  
OF EMERGENCY**

Interim Plan

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**Essential court personnel** – The minimum amount of staff needed for justice administration in the event of disaster or emergency.

**JCOOP** – The Judicial Continuity of Operations Plan is the plan for the state judicial branch of Texas government to provide essential court services to its citizens in the event of an emergency.

**LAJ** – The Local Administrative Judge as defined in section 74.091 of the Texas Government Code.

**M.O.U.** – Memorandum of Understanding between the Supreme Court of Texas and any county supporting the continuity of court operations of another county in the event of an emergency. (Appendix B - Form MOU attached)

**Necessary court proceedings** – Judicial proceedings, which may require court action or issuance of an order, and must take place within a specific time period to ensure due process of law for all citizens.

**PJ** – The Presiding Judge of an Administrative Region as described in Chapter 74 of the Texas Government Code.

**Supreme Court** – Shall mean the Supreme Court of Texas.

#### **1.4 Applicability and Scope**

This JCOOP, while voluntary in nature, applies to all members of the state judiciary – from trial to appellate courts. When a county LAJ or CJA determines that a disruptive event has occurred that will interfere with essential judicial services, the JCOOP shall be implemented immediately. At the CJA or the LAJ's discretion, the MOU shall be activated to ensure that essential court operations in a designated county can continue with minimal delay and interruption. During the period of disruption, the CJ of the Supreme Court of Texas and/or the PJ of the affected Administrative Region has the discretion to implement such MOUs as necessary to provide essential services to the citizens of the State of Texas.

#### **1.5 How to Use this Plan**

This JCOOP is organized so as to provide notice to judges and officers of the court who wish to provide essential judicial services during periods of disruption. The Supreme Court and specific counties will implement the appropriate MOUs.

#### **2.0 JCOOP Implementation**

To implement this JCOOP, judicial officers within an affected county who wish to provide essential judicial services during a period of disruption shall give such notice in writing. Once the CJ of the Texas Supreme Court or the PJ of the affected region receives such notice, the CJ or the PJ shall make a written designation that the assistance of a specific county is required to ensure the continued operation of the essential business of judges of a designated county.

#### **4.3 Order of Succession**

Each judge shall respond to the instructions of the Supreme Court of Texas or the Presiding Judge of an Administrative Region. Such instructions may modify the order of succession as needed to provide essential juridical services. The Supreme Court or the PJ of the affected region shall give appropriate notice to the subject officer of the court seeking essential juridical functions.

#### **4.4 Delegations of Authority**

Unless delegated to another entity or judge, all administrative authority shall remain with the Supreme Court or the PJ of the affected region.

#### **4.5 Alternate Sites**

As deemed necessary by the implementing authority and/or the local elected judge, alternate court sites shall be identified in accordance with the terms of MOUs.

#### **4.6 Communications**

Communications with a judge shall be maintained through the e-mail addresses published on the subject county website.

#### **4.7 Devolution**

Whenever requested, each judge's essential juridical services shall devolve as directed to the Supreme Court of Texas or the Presiding Judge of an Administrative Region.

#### **4.8 Recovery/Reconstitution**

Transition from designation status to pre-disruptive event status shall be in accordance with the MOU. The implementing entity shall direct resumption of normal services as it deems appropriate.

#### **5.0 Specific Procedure**

##### **5.1 Delineations**

Within the framework of the plan, the necessity arises for specific instructions to be carried out in the event of an emergency. To simplify the process, emergency events have been categorized into with warning and without warning.

##### **5.2 Immediate Actions**

This plan is designed to provide guidance in times of emergency; however, certain preparations must be made before an emergency exists. To fully maximize the potential of this interim plan parties should:

- 5.2.1 Review COOP for county and instruct staff to follow.

- 5.3.5 The judge should instruct staff to provide the parties notice of the time and place essential hearings will be held. In the event staff cannot be located, the judge may rely on the terms of the MOU to have the staff provided by the specific county to give notice to the parties, as well as canceling the remaining docket.
- 5.3.6 If possible, locate the clerk and request the essential files. If clerk cannot be reached, or file cannot be located, acknowledge the court can work from attorney's files and accept any new filings on behalf of the clerk in a previously opened file. Any new files must be opened by the clerk of specific county.
- 5.3.7 Determine if a Visiting Judge is needed for hearing. Judges may:
- (1) Hear their own cases.
  - (2) Request a Visiting Judge to hear cases. (N.B. An elected statutory county court judge cannot be assigned to hear an out of county case.)
  - (3) Request the Elected Judge from the specific county to hear cases. (i.e. exchange of bench)
  - (4) Determine if one Judge of designated county will hear all essential proceedings. (N.B. It is recommended one judge hear **all** essential cases.)
- 5.3.8 Review dockets as far out as expected recovery time. Provide necessary notice to insure due process and to disrupt cooperating county as little as possible.
- 5.4 **Procedure - Loss of Courthouse With Warning**
- 5.4.1 Notify the Supreme Court of Texas and/or the PJ of the anticipated loss of courthouse facilities.
- 5.4.3 Contact the LAJ about an MOU, determining which specific county the designated county is to use as an alternate site for court operations. If unable to contact LAJ, contact the PJ with request to activate the MOU. If unable to contact the PJ, contact the Supreme Court to request activation of the MOU.
- 5.4.4 The judge reviews the docket and cancels hearings except for essential hearings.
- 5.4.5 The judge contacts the specific county, confirms location of borrowed space as well as contact numbers for borrowed location.
- 5.4.6 Provide the parties with notice of new location and time by the most effective means available. (i.e. telephone, e-mail, hardcopy (mail) etc.)
- 5.4.7 Contact the clerk for files related to essential cases on docket. Notify where and when hearing is to be held. (N.B. The judge can accept filings in event of emergency.)

**APPENDIX A**

## Communication Plan Recommendations

During the last few major incidents that have affected the area, there have been some valuable lessons learned with regards to communications and the ability to effectively disseminate critical information to key management personnel. During these times the normal "land line" voice communication is often not available or is over utilized and not reliable, therefore a need exists for a secondary and possibly a tertiary method of communication. One of the more reliable methods is the use of mobile handheld data devices with voice capability. These devices allow the user many different communication options with the same device such as voice, e-mail, and text messaging.

Our recommendation is the use of a Blackberry mobile device. Using Blackberry mobile devices can maintain communications in several different ways. First, you can use the handheld device to send and receive e-mails using the corporate messaging system. Second, you can send a standard text messages using the cellular service provider, possibly with an additional charge by the cellular service provider per text message sent and received. And finally, you can send text messages called PIN Messages using Research in Motion's (RIM) network at no additional fees from RIM or your cellular service provider.

The Blackberry handheld can be utilized for e-mail messaging in one of two ways. You can utilize Blackberry Enterprise Server (BES), or you can use the Blackberry Desktop Manager. To use the Blackberry handheld devices to the fullest capability requires a BES server. When using the BES server you get the functionality of security and manageability, also when using the BES server you can maintain secured communications because all communications between the handheld device and the messaging server are encrypted. Additionally, you have the ability to encrypt the handheld's file system to prevent users from gaining access to locally stored data in the event of theft or loss. You have the ability to manage the handhelds individually or in groups through the BES server as well. You can wirelessly load software updates to the handhelds, change settings, and even completely wipe the file system in the event of theft or loss. To implement the BES server several things are needed; an IT professional with the ability to oversee and manage the BES application, a dedicated server, as well as additional licensing from Blackberry. If you do not have the resources to dedicate to the BES server you can use the Blackberry Desktop Manager software. This is software that the user will install on their workstation PC that will allow users to still be able to send and receive e-mail messages to and from their handheld devices. There is no additional licensing or hardware requirements when using the Blackberry Desktop Manager software.

## Appendix B

MEMORANDUM OF UNDERSTANDING  
 BETWEEN  
 \_\_\_\_\_ COUNTY AND THE SUPREME COURT OF TEXAS  
 FOR  
 SUPPORT OF CONTINUITY OF COURT OPERATIONS  
 IN THE EVENT OF AN EMERGENCY

This memorandum of understanding (MOU) is between Polk County and the Supreme Court of Texas.

**I. PURPOSE AND SCOPE OF MOU**

The purpose of this MOU is to define the assistance and cooperation that Polk County will provide to a county that is designated by the Supreme Court, the presiding judge of the Second Administrative Judicial Region, the Chief Justice of any Appellate Court or a Local Administrative Judge ("designated county") as requiring Polk County's assistance in order to continue the operation of the courts of the designated county.

The Supreme Court's intent in executing this MOU is to provide a framework for the continuity of court operations in any Texas county that has experienced a disaster or unforeseen event that precludes a court from conducting business. This MOU is not limited to assistance to first tier or second tier coastal counties as defined by Sec. 2210.003, Texas Insurance Code.

All counties agreeing to provide assistance under this agreement shall be entitled to receive assistance as described herein from all participating counties

**II. PROCEDURE AND ASSISTANCE**

In the event that the Supreme Court or the presiding judge of the Second Administrative Judicial Region designate in writing that the assistance of Polk County is required to ensure the continued operation of the courts in a designated county, or assistance is requested by any Local Administrative Judge Polk County agrees to provide the following to enable the Appellate, District, Statutory, and Constitutional County Courts of designated county to continue court operations:

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Appendix C

**SAMPLE PUBLIC ANNOUNCEMENT**

**TO:** All Interested Parties

**FROM:** Judge \_\_\_\_\_ ( Name and Court Number)

**DATE:** \_\_\_\_\_

**SUBJECT:** Public Access to Court Information and Operations

Please use the following resources to obtain information during this emergency:

**Supreme Court Information:**  
 Website: [www.supreme.courts.state.tx.us](http://www.supreme.courts.state.tx.us)  
 Clerk's Office: 512-463-1312

**Regional Presiding Judge:**  
 Name: \_\_\_\_\_  
 Court Number (if applicable): \_\_\_\_\_  
 Website and/or General Phone Number: \_\_\_\_\_

**Local Administrative Judge:**  
 Name: \_\_\_\_\_  
 Court Number: \_\_\_\_\_  
 Website and/or General Phone Number: \_\_\_\_\_

**County Clerk:**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Website and/or General Phone Number: \_\_\_\_\_

**District Clerk:**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Website and/or General Phone Number: \_\_\_\_\_