

To All Counsel Practicing in Nueces County Court At Law 5:

As everyone is aware, the Courts of this County and throughout the State are making numerous changes in response to the COVID-19 pandemic. I have attached the Supreme Court of Texas and Court Of Criminal Appeals of Texas's Emergency Orders for your review. I have also attached correspondence from the Office of Court Administration (OCA) wherein they offer guidance on handling the current situation. I would stress that this situation is fluid and things are changing daily. As you are aware, many non-essential matters are simply being cancelled in most courts. However, the majority of matters heard in Court 5 are considered essential by the OCA and Supreme Courts and must be heard. In response to these Orders as well as both state and federal mandates regarding the COVID -19 pandemic, Court 5 will be implementing policies and procedures to maintain compliance with State and Federal Orders and also insure everyone remains healthy.

I understand these are stressful times for everyone, especially your clients. I would ask for your patience and understanding. I assure you we are doing all we can to accommodate everyone.

1. County Court 5 will be following the recommendations of the CDC that restricts the number of people in any given area to no more than 10 individuals including the Judge and Court staff. When entering Court you will be instructed to maintain a distance of at least 6 feet from the next person and follow all Orders of the bailiff regarding contact with other individuals.
2. The Court will not be bringing children in CPS cases or proposed wards in guardianship cases to court unless absolutely necessary. If the Court needs to visit with a child I will do so by telephone or video conference.
3. The Court will do its very best to adhere to all statutory deadlines.
4. The Court will be reviewing its dockets and cancelling any hearings that are not essential. I ask for your patience and understanding regarding these matters.
5. If you have a hearing that you believe can wait, please assist the Court and confer with all parties. If everyone is in agreement, inform the Court so we can reset the matter.
6. The Court is asking all attorneys to confer by phone prior to each case. If there is a matter that can be handled by submission or all parties are in agreement, I would ask that you inform the Court so that we may take the hearing off the docket. For example, many CPS permanency hearings as well as other statutory hearings are simply status quo recommendations. If that is the case and all parties are in agreement, inform the court and orders can be entered by submission.
7. The Court will allow attorneys and parties to appear by phone if necessary. The Courts and the OCA are in the process of implementing tools that will make this process easier.
8. The Court will be utilizing the fourth floor courtroom downtown on some days with busy dockets. Judge Huerta will hear the dockets downtown. This will make it easier for the parties to maintain their "social distance" and maintain the 10 person maximum referenced above.

I appreciate everyone's patience and understanding in this difficult time. I will send further correspondence if things change. If you have any questions feel free to contact me.

Thank You,  
Judge Tim McCoy