



## *Reopening Courts Means* **CAREFULLY BALANCING PRIORITIES**

**AS A CRIMINAL DEFENSE LAWYER**, I am mindful of the need to resume criminal court proceedings in a way that balances public health and safety with the constitutional rights of the accused. In June, the State Bar Board of Directors approved my request to form the 17-member Presidential Task Force on Criminal Court Proceedings to support the judiciary's plans to resume operations in light of the COVID-19 pandemic. I'm pleased to report the task force has released a set of recommendations that will help ensure our courts strike that balance.

Following nine weeks of remote meetings, the task force produced an interim report on August 26 containing 14 recommendations. The members included judges, prosecutors, and defense lawyers from across Texas. All agreed that no trial should proceed unless the safety of all participants and the constitutional rights of the accused are adequately protected, and their recommendations guide the way to achieving those goals.

One example of the balancing act is face coverings. The task force supported requiring face coverings (shields and masks) in court, but said witnesses should remove their masks while testifying so practitioners have an unobstructed view of their faces. Another example is the issue of how to safely handle physical evidence. The task force supports the creation of protocols in advance of a trial for the safe handling of evidence—which could include digitizing evidence—but would not limit the right of any party to safely publish admitted physical evidence to a jury. I encourage you to read the task force report at [texasbar.com/president](https://texasbar.com/president), under the “Initiatives” heading.

The recommendations have been well received by the Texas Supreme Court and the Office of Court Administration. The OCA's subsequent recommendations to the court regarding jury proceedings reflect the task force's input. “The work of the task force was extremely beneficial to OCA as we prepared our report and recommendations to the Supreme Court,” said David Slayton, OCA administrative director. “Almost all of the recommendations of the task force were incorporated in our recommendations and will be helpful to courts as they plan to resume jury trial proceedings.”

I want to thank the task force co-chairs—124th State District Judge Alfonso Charles, Texas District & County Attorneys Association President Kenda Culpepper, and Texas Criminal Defense Lawyers Association President Grant Scheiner—and all task force members for their work. This is a great example of lawyer self-governance in action and of the good that comes when various segments of our bar bring their expertise to bear to solve big problems.

### **Eviction Resources for Attorneys and the Public**

As mentioned in my email message on September 3, the State Bar has gathered resources related to the potential eviction crisis for attorneys around the state to access and share with those in need. These resources include free informational videos about COVID-19 and tenant-landlord legal issues, links to social service and legal aid agencies, and information on how to volunteer to take pro bono cases. You can find these resources at [texasbar.com/renterinfo](https://texasbar.com/renterinfo).

### **LARRY MCDOUGAL**

President, 2020-2021  
State Bar of Texas