



Kerry L. Russell

JUDGE, SEVENTH JUDICIAL DISTRICT COURT
100 N. BROADWAY AVENUE, ROOM 203
SMITH COUNTY COURTHOUSE
TYLER, TEXAS 75702

Terry Cockrum
Court Coordinator
Toni R. White
Assistant Court Coordinator

Jennifer Lowrance, CSR
Court Reporter
903/590-1947
Facsimile
903/590-1641
Office Phone
903/590-1640

ORDER REGARDING MEDIATIONS

MARCH 18, 2020

This Order is in response to the recent outbreak of a novel coronavirus in the United States and the State of Texas. The World Health Organization has declared the disease it causes, COVID-19, a global pandemic, having spread across more than 120 countries. The Centers for Disease Control and Prevention ("CDC") has provided guidance about appropriate community response to COVID-19, including multiple types of mitigation strategies generally aimed at reducing or avoiding exposure to infected individuals.

Governor Greg Abbott has declared a state of disaster in all counties of the State of Texas. The Texas Supreme Court and Court of Criminal Appeals have issued a joint order regarding modification of court proceedings. Smith County has cancelled all jury trials until April 13. It is unknown whether jury trials will be able to resume at that time. Further, the Office of Court Administration ("OCA") has recommended that all non-essential hearings be cancelled or conducted by video or teleconferencing. The courts are also encouraged to limit or do away with large docket calls.

As of the date of this Order, there have been confirmed cases of COVID-19 in Smith County, Texas. The CDC and NET Health have recommended social distancing to further limit community spread of COVID-19. This Court is concerned with the health and safety of the public, Court employees, staff of other entities with whom Court personnel interact, litigants, counsel, interpreters, law enforcement officials, and jurors who must sit in close quarters to be selected, hear evidence, and deliberate.

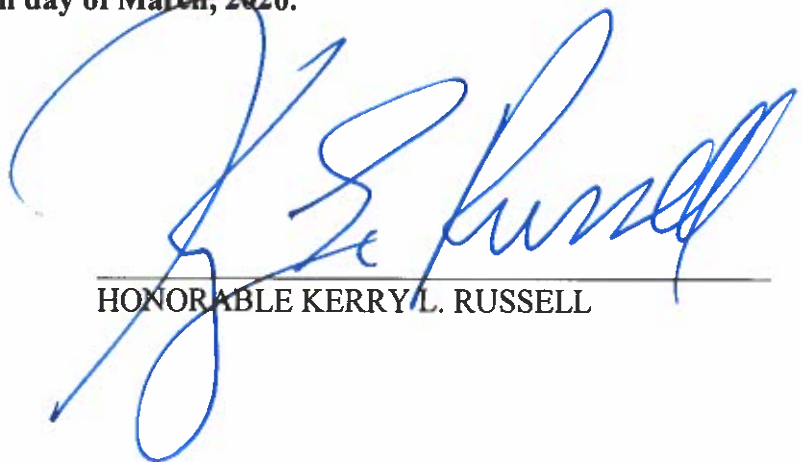
This Court has previously entered orders referring civil cases filed in this Court to mediation. Those orders almost exclusively required:

All parties shall attend mediation in person or through a corporate representative, where applicable. In addition, all parties shall have a person at mediation with final settlement authority. All persons who are required to attend mediation are ordered to attend in person unless prior court approval is obtained.

In light of the recent events identified above, the Court issues the following orders:

1. All mediators in Seventh District Court cases have the authority to conduct mediations by telephone, videoconferencing, or other method deemed by the mediator to be appropriate to the situation.
2. All parties are required to attend the mediation whether in person or by alternate methods chosen by the mediator. The Court's preference is telephonic or videoconferencing where available.
3. All mediators have the authority to reschedule mediations if the mediator believes that there is a hazard involved in conducting the mediation. No deadlines to hold mediation may be waived or extended without Court order at this time. Parties seeking to extend a mediation deadline should efile an appropriate motion with the Court.
4. Unless extended or superceded, this Order will remain in effect through April 12, 2020.

ORDERED AND SIGNED this 18th day of March, 2020.



HONORABLE KERRY L. RUSSELL