

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
COVID-19: A MEDICAL EXPERT'S PERSPECTIVE
EPISODE 102
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HOSTED BY: DONALD A. MYERS, JR.

(Music)

NARRATOR: Welcome to another episode of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

And now here’s your host, Chief Judge Don Myers.

CHIEF JUDGE MYERS: Hello, and welcome to Open Ninth. Joining me today is the Medical Director for the Orange County Emergency Medical Services system, Dr. Christian Zuver. Dr. Zuver is the leading expert on the COVID-19 pandemic in Orange County, and he’s at the forefront of navigating our community’s response.

It’s great to have you here, Dr. Zuver. Thanks for finding some time to join us.

DR. ZUVER: Thank you for having me. I’m more than happy to be here.

CHIEF JUDGE MYERS: Well, I just -- I can’t help but begin by saying thank you to you for the tremendous resource that you have been to the court system as we’ve walked this journey of managing the virus and talking about plans for reopening the building to bring some people in for some in-person hearings. And the input that you’ve given to us has really just been invaluable in the process, so just start out by saying thank you.

DR. ZUVER: Thank you. It’s my pleasure. You know, we’re going through a lot of uncertainty in the past several months, and it’s my pleasure to try to help out wherever I can.

CHIEF JUDGE MYERS: Well, we’re grateful. And so we’re going to have some conversation today a little bit around the courthouse and the virus and how it’s been impacting us.

And let’s start with, I think, a little bit about the current state of our community. Your assessment? I mean, I know you have the privilege of seeing the numbers every day -- or the

responsibility, is probably better, of seeing the numbers every day. What's your sense of how are we doing as a community?

DR. ZUVER: I think we're adjusting, and I think we're doing relatively well, I think, overall. As you know, here in Orlando, in Orange County, we're getting ready to enter Phase 2 of our reopening process. So we've been through months of essentially lockdown, where we've had extreme restrictions on all the things where we used to take advantage of and take for granted so much, even going to the store.

I think here we have been -- I won't say luckier than some other communities. I think that we were blessed that some important decisions were made very early, which affected how COVID and the SARS CoV virus really affected our community. I think the early shutdown of -- I don't want to say county government, but of all but the most essential parts of government was a big help. And another big part of that, even more so, was the action by our tourism industry, specifically our parks, to decide early on to curtail business during the real heat of the outbreak and as it was rising.

So we've -- we went through Phase 1, and once we were past our peak and, you know, into May, we've seen -- and our numbers had dropped off dramatically over the past, you know, month or so -- we've seen a little bit of an uptick in our cases, which is fully to be expected. We're out doing more things, we're having more interaction, more congregation of folks, so -- but the numbers -- the rate at which the rise has been going, and it's not been sustained, so I think that puts us in a good part -- a good position heading into Phase 2.

CHIEF JUDGE MYERS: And so in Phase 2, as I understand, at least as it's come down from the Governor's Office for us, is to open other types of businesses that have previously been closed. Bowling alleys, gyms, maybe even some bars open now, is that right?

DR. ZUVER: Um-hum.

CHIEF JUDGE MYERS: And that's -- this is imminent. We're on the eve, really, of all of that reopening. And businesses have remained open -- many of them have remained open. I mean, I've been to Costco --

DR. ZUVER: Um-hum.

CHIEF JUDGE MYERS: -- with the crowd, wearing my mask, and in some smaller numbers, I guess, originally, but now increasing numbers. So it seems that we are moving forward and continuing to take steps.

Your observations about the community's response? I mean, do you see folks generally being responsible and following along with the plan, or are you -- are there things that you see that are concerning?

I mean, we've seen in the national news, for example, some events that have occurred where it looks like there's just masses of people, no face coverings, very close proximity, long periods of time. Is that your observation?

DR. ZUVER: I'm seeing that, yes. You know, so with the recent protests, I do -- when I see news and the reports and I see people congregating closely with no masks, that concerns me. I think we have to be careful. Now is not the time to let off of those social distancing things and the personal hygiene steps that we're taking, because that's going to make a big difference on what the next phase looks like for us.

When I see folks out without masks on, the medical side of me gets a little -- I don't want to say uneasy, but makes -- I can see how easily it can be to forget what we're trying to prevent. And so I'm watching for that. I think time will tell. And I think the messaging has to be the same, that although we're opening up and doing more, we have to accept a new norm, and that

new norm, at least until we have a vaccine available or a good treatment for COVID, is masks, it's handwashing, all the usual things.

CHIEF JUDGE MYERS: We hear conversations sometimes about this idea of herd immunity to -- first of all, tell us what that means.

DR. ZUVER: So herd immunity is a concept where -- and kind of the basis of a lot -- a way to vaccinations, in that if you get a certain percentage of the population to where they are not susceptible to a disease, the disease can't spread. So, for example, polio; with a polio vaccine and a sufficient number of people adequately vaccinated, polio doesn't spread; measles; all the usual ones that we vaccinate our children for.

So that could happen in one of two ways. It can happen because the population gets exposed to the virus and enough people get immunity naturally to it, or it can be done via a vaccination. We're nowhere near herd immunity in this country. I think the last I saw we were even less than, you know, ten percent of folks who could potentially be immune. And you need, you know, over fifty, sixty-plus percent of the population to really, I think, get a good protection from herd immunity.

CHIEF JUDGE MYERS: You mention vaccines, and I know obviously we all hold out tremendous hope of an early vaccine that is effective. And we've heard some news reports, again, of some drug manufacturers that appear to be making some progress toward a vaccine.

Realistically, what kind of time frame are we looking at to get through trials and research and to accumulate all of the information that's necessary to determine if we have a vaccine that's effective, that it is indeed effective and will work for the vast majority of the population?

DR. ZUVER: You know, vaccines usually take years to develop. Every, you know, major, probably, lab and university in the country that works on infectious disease is probably

working on some sort of a vaccine. And the tough part, like you said, is how do we know it's effective.

The CDC, Dr. Fauci, I think recently hoped that we would have some numbers available by the beginning of the year. That's kind of what's been said, I think, as this started; about a year after the outbreak started, we may have a vaccine. I'll keep my fingers crossed. That's a hard task to get to.

And then the other part is really making sure that it provides immunity. And for what period of time, is the other question. You know, we have flu vaccines every year, but you also need a flu vaccine every year. And other viruses -- think of one of the common cold viruses; we aren't able to make a vaccine for them. So it's a daunting task, but from the reports I've read, we're optimistic that at the end of the year, beginning of the new year we should hopefully have something.

CHIEF JUDGE MYERS: Talk to me about the flu vaccine. That's an interesting issue. I think I had always assumed the reason that we have to get a new flu vaccine or shot every year is because of new strains associated. But is it true that it only has a limited lifetime of effectiveness, as well?

DR. ZUVER: It does. The flu virus is a -- it's a pretty amazing virus. But it changes itself every year. And you target certain proteins in your vaccine, so if those proteins change, then the -- one, the vaccine may not be as effective.

But we also do target it based on strains. And in the U.S., typically, we're looking at the year previously and what's happening also in the -- in -- towards Australia and the Southern Hemisphere to -- because their seasons are flipped from us, and to guide us in helping determine what are the strains that are coming out, and we manufacture based on that.

CHIEF JUDGE MYERS: This has been such an interesting time to lead the courts through as we talk about the idea of potentially restoring access to our buildings and having people inside the courthouse, because I've found that there are two just completely opposite views.

I mean, we have some people who say we should just open up and we need to get people back in here and we need to be doing these things; the cure can't be worse than the illness. And on the flipside of that, I have close friends who would say, I'm not ready to go out in public yet, I'm not leaving my home still; I'm still -- DoorDash and I are good friends, Grubhub and I -- or whatever your service of choice is -- and I'm happy to just stay inside and just think that when it's time we'll know it's time. That's the public reaction.

How do you navigate that with the science and with the data? Tell me what your thoughts are about that.

DR. ZUVER: So I -- you know, I have a couple different thoughts. I think that in a perfect world, I -- and this is what I tell family and friends who ask me my take on it. If you're older and have risk factors, you probably don't need to be going out. And that's not just because we have a high incidence of COVID here. There's still spread. I mean, it's just smart. It's -- we don't -- because there's a lot of unknown and we don't have a good treatment or a, you know, vaccine yet. So whenever possible, I tell people, if you don't have to go out, you still shouldn't go out.

Now, people want to go out and they want to, you know, engage in commerce and do the other things that are part of their daily activities. And I think that's where I differ from those that say we should just be wide open. I think we can open. I think we should open; we have to. As a society, we have to return to some degree of normal activity. But we can do it smartly and -- if

that's a word -- we can do it in a manner that is -- that protects as well as facilitates the reopening. And I think that's what -- that's the hard part, is how to make that work with our life, because we're not used to that here.

CHIEF JUDGE MYERS: Sure. So let's talk a little bit about the challenges we have in the court system. And I am friendly with a number of the chief judges around the state, and we talk about our courthouse facilities and the way that they differ.

I think I'm a little envious of some of our smaller counties and the smaller buildings right now. Because as you and I are having this conversation, we're on the 21st floor of a 23-story tower, accessible from the 5th floor up only by elevator, and only six of those, that cause these logistical challenges for us as we try to move people up into courtrooms and hearing rooms and things.

You've had a chance to tour our building with us and to look at some of those ways that we move people around the building. What are your -- what do you see, I guess, from that outsider's perspective but also from the medical perspective about the issues that are challenges for us here?

DR. ZUVER: You know, when we toured, in some ways it was a little bit of an eye-opener for me because I'm used to medical facilities where we have a different kind of a process. And with the courts there's some different challenges, as you mentioned. So obviously a 23-story building, a choke point is elevators. It's -- social distancing cannot be done all the time here. If you're open for regular business and the courthouse is fully open, it's impossible.

So I think doing the little things to -- I wouldn't say little -- the big things that we're -- undertake to minimize exposure. I think as we went -- going through, into the building, first choke points are Security, coming in. And how do you social distance when you have a line of

people that often need to be in at certain times, that it's not easy to stagger so much, whether it's court workers or the jury or -- so I think that's a big issue.

And I was -- as I came in today, to see a lot of the things we had talked about in terms of making switchbacks that have room for social distancing and points for symptom checks as you walk in, I think that's huge. It's -- your -- the goal is to try to minimize without hindering your ability to do what you need to do here.

So the entryway was one, you know, big thing. And I think that's just something that we have to understand, there's choke points, and putting extra hand sanitizer there, making sure people wear masks; that is, knowing that we recommend they wear masks, but not everyone can wear a mask.

I think the other thing which I really didn't think about was the jury pool and where the jury pool goes. They need to be in an area that is -- I don't want to say constrained but someplace where you can find them when you need them and they're not kind of roaming around. And that's just a -- that's the room -- it's a big room and you get enough people in there, suddenly your social distancing is more difficult.

I think -- so a lot of it -- you know, the challenges come down to, I think, just number of people and then how well we can have them separate, I think. I mean, from what I've seen coming in, it's a totally different -- when I first walked in, I was like, how is this going to happen. And then coming in today, I have a totally different feel about -- I know how this is going to happen and it's -- so it's reassuring.

CHIEF JUDGE MYERS: Well, largely in part to your contributions, again, so thank you for that. But we have tried to really tackle some of those challenges. And you mentioned the symptom screening. There's now a requirement in place that anybody who is coming into

the courthouse building has to undergo that health screening to answer the questions about their potential exposures to the virus, or their current status, symptoms, or things like that.

Temperature checks for everybody that's coming in. I hope you were temperature-checked.

DR. ZUVER: I was, and I had my screening.

CHIEF JUDGE MYERS: Good. All right. Great. And of course the requirement that we wear masks. And we are optimistic that, through that, we're trying to keep the sickest people out of the building. And we have this requirement from the Supreme Court that everyone, without exception, who enters the courthouse has to wear a mask. And I do appreciate that there are some people who cannot physically do that.

And I'll just tell you, we've had to make a decision that if you're not well enough to come into the courthouse with a mask, we're going to find a way to make a remote appearance possible for you. We just think that we're better off not having -- exposing people in that physical condition to the potential for the virus that might exist here in the building.

You know, we've been alone here in the building as judges and court staff now for several months, so the building itself is in great shape. It's -- if it's not virus free, I'd just be totally shocked.

DR. ZUVER: Yeah.

CHIEF JUDGE MYERS: But that is one of our challenges. The other is sheer numbers. And we talked a little bit about jury. The Supreme Court has not yet decided that it's appropriate for us to resume jury trials, and so we're not bringing jurors into the courthouse. But we are very sensitive to that idea that there's going to come a time when we're going to have to try all of those cases that have been building up now for the last two-and-a-half months and to overcome the challenges.

And so sheer numbers is one. On a typical Monday, that jury assembly room that you saw might have 300 people in it, sitting in chairs next to each other. That won't happen anymore. I think we're seeing just some new ways to do things -- to have to find to do things to make things work for us.

One of your pieces of input for us was that we just can't have that number of people in a room, obviously. Masked or not, I mean, it's just too many folks. And so we've already put into place plans to stagger our jury calls, for example. So you'll call -- we might call a group of people to be here at 7:30 in the morning, which would be the typical call time. But then that would be less than maybe a fifth or a sixth in order to accommodate social distancing of that size. Call another group at 10:30, call another group in the afternoon, all in reduced numbers in an effort to try to do that.

And you said something to me as we were touring that triggered that we need to be looking offsite for spaces too, and so we've been evaluating the opportunities that we have in the community. School settings, for example, over the summertime. We can go into a school cafeteria and pick a jury, and everybody could have as much room as they want in that pool. Right? It makes sense.

DR. ZUVER: It does. You know, this is our new norm. And it's amazing to see -- you know, we're all going to look back and -- even generations after us will -- you know, will be talking about pre-COVID and post-COVID and how we lived differently before and after. So it will affect everyone.

And so those kinds of things, you're exactly right that being creative and proactive by staggering jury times, it just -- it means -- it's what you have to do, unfortunately.

CHIEF JUDGE MYERS: It is. It is. We -- let's talk a little bit about the future.

DR. ZUVER: Sure.

CHIEF JUDGE MYERS: All right. We have some designs and plans, and one of the things, obviously, that's played a huge role in this for us is technology. We found that the easiest answer to social distancing is not to bring people into the courthouse unless we just have to. And so we've been handling many of our hearings through remote technology, utilizing the videoconferencing platforms that are out there; the things that you've been doing in medicine, probably, for some time, the Teladoc, right?

DR. ZUVER: Yeah. Absolutely.

CHIEF JUDGE MYERS: Great solutions. And we are a little archaic, I think, in some of our views on progress as it relates to the court system; oh, no, I have to be in the same room in order for this to work. But that's not necessarily true.

What do you think the future holds for us as a consequence of COVID? Will we ever return back to the way things were before?

DR. ZUVER: You know, I don't know if we'll -- I don't -- I, personally, don't think so. I think we will always have some sort of post-COVID world as it is. I think that -- a couple of things that I think. You know, we have -- pandemics aren't common. The last big one was in the early, what, 1900s, I believe.

CHIEF JUDGE MYERS: 1918, the Spanish Flu, right.

DR. ZUVER: Yeah, the flu, exactly. And so it's been quite a while. And so it's just that no one has had any experience with pandemics in this country. You know, we see things like the emerging infectious diseases that come out, like Ebola and such, and they tend to produce a short-term change in the way we do things.

COVID I think will, I think, change us to the extent that we're going to have to review and decide in the future what is essential and what is not. And when I say that, I'm thinking particularly about brick-and-mortar employment. So building -- you know, having workers in the office working in close quarters. Will we decide, moving forward, that sticking with this remote platform may be more helpful to increase productivity in the workforce because you're not exposed to all the sick, you know, consequences.

I think the short term, one of the first things I bet we will see is, you know, in this country we have a -- at least -- and I speak from medicine and other fields -- but a pretty strong work ethic, that most of us still come to work sick. Just think about how often we come to work with maybe a low-grade fever and cold symptoms and we just power through it.

I think if -- one thing that we probably will see is people will start to revisit that. I worry that we will get into the post-COVID era where we have a vaccine and we kind of forget a little bit about what we've all been through these past five months or so. But I think that in the long term, we're going to realize we're going to have to be a little smarter in terms of exposure.

CHIEF JUDGE MYERS: Do you -- I mean, gosh, we take for granted, I think, so many different things. I -- as a young man, I set a goal that I wanted to make it to the finals events of all of the major sports. So an NBA final, a Super Bowl, those major Masters Golf Tournaments and things like that, where we gather large crowds together in confined -- not the Masters as much -- but the -- you know, the NBA Finals, we gather this huge crowd into a confined space and take for granted that we're going to be fine when we walk out, having just experienced maybe an incredible view or opportunity.

Do you see us returning to those types of things? It's just so hard for me to imagine not.

DR. ZUVER: Yeah. I -- my guess is we will return to those type of things. I think it will just have to be a [sic] internal risk-benefit evaluation. I think if you look around the country, we are pretty diehard sports fans in this country. Pick the sport that you want. So I think people will still come out. I think that we may wear masks. Maybe it's not so much the social distancing throughout the stadium, but maybe it is there's, like, more access to hand sanitizer, masks are required.

In the short term I think you'll see that. I'm -- I think in the long term, you know, we'll -- I don't know how it will fully, you know, play out, but I really -- I do think that's one thing that we'll return to, is sports.

CHIEF JUDGE MYERS: Hard -- again, just too hard to imagine not. Let's talk about the closer future.

DR. ZUVER: Yes.

CHIEF JUDGE MYERS: And we hear talk about second or third waves of COVID and its impact. Is that real?

DR. ZUVER: It's real. I think if you look at the modeling from the Spanish Flu, there were definite waves of the Spanish Flu. And if my memory serves me from history, it usually wasn't the places that were hit hard to begin with. It was the places that were not hit as hard. They had, you know, worsening -- they had a little bit more -- a lot more difficulty in the second waves and so on.

So it's real to be concerned about. I think there's kind of a double threat if you -- if this becomes more like a seasonal issue this year and so we start to see a peak in COVID around the time we see a peak in flu and in pneumonia, I worry about that double threat. Even our triple threat with the various pneumonias, because, you know, you've got multiple members of the

population with very similar illnesses, and pretty much we're right back where we were in terms of isolation and the concern about the health care system.

It's not specifically for, you know, Orlando or Orange County, but nationwide. I think one of the ways we can help to prevent the second wave is not to get too ahead of ourselves in the reopening phases. And it goes back, again, to masks. It goes back to social distancing when appropriate and avoiding mass gatherings as much as you can. And then all the hygiene stuff that I have been driving people crazy about since this all started. I think those are ways to help with the potential second wave.

CHIEF JUDGE MYERS: Yeah. I'm sure it's in a meme form somewhere but, you know, we've heard that expression, everything I needed to know I learned in kindergarten. And here we are, back to many of the things we should have learned in kindergarten; how to wash our hands, not to be kissing strange people, you know, all the things -- the social distancing, all the principles that I know you're talking about when we talk about hygiene.

Here we are just having come into Hurricane Season on top of the virus. Does that raise any concerns or implications that we should be preparing for?

DR. ZUVER: Well, it does for me because, you know, as part of my other job is my office is responsible for -- with the Department of Health for the public -- the people with special needs, so the medically needy sheltering for hurricanes. So that's on our mind. Any time we have potential -- where there's still an infectious pathogen out there and we have the possibility for sheltering and mass gathering in sheltering, that wakes us up a little bit.

So I think it's true -- I think this year, like every year, it's really important that everyone has a good plan for Hurricane Season going into it. We're busy already. We've got the tropical storm, I think, out in the Gulf as we speak today, so it's here. It's not going to slow down on us.

And I think we have to be really prepared this year, and that includes make -- getting your water, enough medications, all the things that we were telling people to do actually before COVID came. Go to the pharmacy, get several weeks extra of your medications, make sure you have some water and some other -- your necessities. As we're into it, it still continues. We're kind of preaching the same mantra again with Hurricane Season, but it holds true.

CHIEF JUDGE MYERS: A lot of the fundamentals of just taking care of life, makes sense to be prepared.

DR. ZUVER: Yeah, preparedness, which is kind of what the other aspect of, I think, what I do is making sure that, you know, you're always prepared for whatever could happen. And that -- whether it's a natural disaster, whether it's a pandemic, whether it's anything, and so we're just preaching that to the public as well.

CHIEF JUDGE MYERS: So as you in your role prepare for Hurricane Season, does that mean structurally that you consider maybe we need to add shelters to try to thin people out, spread them out some?

DR ZUVER: So we're looking at that. That's one of the things we're actively looking at is -- and preparing for is how to ensure social distancing in our shelters. And then you really have two options; you have more shelters, or you have bigger shelters where you can, you know, have more people in. So we're looking at all the different options for both and planning for both.

CHIEF JUDGE MYERS: That's great. Well, we're sitting here on the eve of the court moving from Phase 1 to Phase 2 itself, and for us that day will be tomorrow. And we'll be allowing some in-person contact. This week was preparing us for all of the health screenings, temperature checks and the lines associated with that. I think we've worked through, structurally, some of those issues.

We'll have some folks here in the courthouse tomorrow, and I'm optimistic. I think, like you, I appreciate that our community is well-positioned right now. We do have a relatively low case count, relatively low percentage of positive tests, great hospital capacities, ventilator capacities, ICU beds, all the things you hope to have in place.

And I just, again, want to tell you, we could not be here as a court system today prepared to make this move without the input that you've given to us. And so, Dr. Zuver, thank you for your time in helping us to prepare for that transition, and thank you again for visiting with us today.

DR. ZUVER: Well, it's my pleasure. And thank you. And I look forward to tomorrow and the weeks coming forward to be just the best they can possibly be for you and for all the staff here.

CHIEF JUDGE MYERS: I appreciate that. And we'll make sure we get your jury summons out to you.

DR. ZUVER: I'll be waiting.

CHIEF JUDGE MYERS: All right. Thank you.

NARRATOR: You've been listening to "Open Ninth: Conversations Beyond the Courtroom" brought to you by Chief Judge Donald A. Myers, Jr., and the Ninth Judicial Circuit Court of Florida. For more information about the Ninth Judicial Circuit Court, follow us on Twitter, Facebook, Instagram and LinkedIn.

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