

387TH DISTRICT COURT'S ZOOM PROTOCOLS

The following policies and procedures apply to the 387th District Court and are effective April 1, 2020, and will expire on May 8, 2020, unless extended.

For the time being and **ONLY BY AGREEMENT OF ALL PARTIES**, the 387th District Court is now conducting non-essential hearings that cannot be heard by submission, via Zoom video conference. To appear and participate in a hearing via Zoom, you must have an electronic device with an internet connection. You may use a smart phone, iPad/tablet, or desktop/laptop computer with a built-in webcam/microphone. It shall be the responsibility of counsel and self-represented parties to download the Zoom App prior to a proceeding and to ensure that all hearing participants have the ability to participate. Zoom is a **FREE DOWNLOAD** at: <https://zoom.us/download>

I. STEPS TO OBTAIN A HEARING for a Non-Essential matter (that cannot be heard by submission):

1. Obtain an **AGREEMENT FROM ALL THE PARTIES** to have a hearing via Zoom.
 - a. **DO NOT** set a non-essential hearing without prior agreement of the other party/parties to conduct the hearing via Zoom.
 - b. A Rule 11 agreement shall be filed with the court to show said agreement was made prior to the scheduling of the hearing.
2. Schedule a Zoom Hearing Date and Time by contacting the Court Coordinator. You must indicate in your hearing request
 - a. the type of hearing requested
 - b. whether an interpreter is necessary and the required language; and
 - c. the anticipated time length of the hearing.
3. If approved by the Court, you will receive a confirmation email with Zoom Meeting Details (link and Meeting ID).
4. Upon receiving the Zoom Meeting Details (link and Meeting ID) from the court coordinator, the scheduling party is responsible for noticing other party/parties.
 - a. Notice of hearing must be efiled.
 - b. Notice must state the parties **AGREE** to have their non-essential hearing occur via Zoom, and must contain the Zoom conference details (link and Meeting ID), generated by the court coordinator, so that there is proof of service of the hearing details on all parties entitled to notice.

II. PROCEDURES FOR ZOOM HEARING

1. The scheduling party is responsible for noticing other party/parties.
2. The scheduling party is responsible for canceling the setting with the court if a hearing is no longer necessary, and shall notice other parties of cancelation.
3. Local rules and family code requirements for filings and pre-exchange of materials/exhibits still apply. E-file your exhibit list prior to the date of Zoom Hearing.
4. **PARTIES ARE REQUIRED TO NOTIFY THE COURT AT LEAST 3 DAYS PRIOR TO THE SCHEDULED HEARING IF A RECORD IS REQUESTED.**
5. Parties are responsible for the logistics of their remote appearance, technical difficulties, that are not timely resolved, may result in a hearing being passed or, if the inability to participate is due to a lack of familiarity with Zoom, considered a failure to appear.
6. Exhibits must be submitted to the Court Reporter and all opposing parties at least 24 hours prior to the hearing via email to Laurin.rainer@fortbendcountytexas.gov. The only formats that will be accepted are PDF for documents, JPG and PNG for images, and MP4 for audio and videos. No DOC formats or executables will be accepted. Please ensure the cause number and style of your case appear in the email subject line when submitting your exhibits. **DO NOT E-FILE EXHIBITS, ONLY THE EXHIBIT LIST.** Counsel should attempt to reach stipulations regarding exhibit admissibility before the hearing. **FAILURE TO FOLLOW THIS PROCEDURE MAY RESULT IN EXHIBIT EXCLUSION.**
7. Scheduling of a Non-Essential hearing is only allowed AFTER respondent has appeared and mediation (if required) has been conducted.

III. PARTICIPATING IN THE ZOOM VIRTUAL COURTROOM

1. You will join the virtual courtroom at the scheduled time by clicking the link in the email "e-vite."
2. When you join a virtual setting, you will be appearing in a virtual waiting room with all other parties, attorneys, and witnesses. When your case is called, the court will bring you into the virtual courtroom.
3. Because the Zoom app works on all modern smart phones, tablets, and computers, each attorney is expected to appear by video, rather than merely by voice.
4. When you enter the virtual courtroom, your video is automatically activated and your audio muted, until the hearing begins.
5. Hearings will be transcribed by an official court reporter upon request, or at the discretion of the court. If requesting a record, please notify the court reporter via email at least three

days prior to the scheduled hearing. Please ensure the cause number and style of your case appear in the email subject line when requesting a record.

6. Witnesses will be called as in any case, and the court will bring them in one at a time from the waiting room. Remember, only people on video will be permitted to testify.

7. Notes may be passed between lawyer and client, using the private chat feature. To do so, hit the "CHAT" button, and at the bottom of the chat window, pull down the recipient arrow and select your lawyer's name. However, such communication is prohibited during taking of client testimony. You are also prohibited from using the chat feature to communicate with witnesses. Witnesses are only permitted in the virtual courtroom while they are testifying. You are not to hold notes or paperwork in your hands while testifying, just as though you were on the witness stand.

8. You may, upon request, confer in private with your attorney. You should "slip a note" via chat feature to your lawyer, request a moment to confer. If your request is granted by the court, you will be moved into a confidential video room to confer for a few moments.

9. Zoom proceedings are actual court proceedings conducted in a virtual courtroom. Hearings will be live streamed to the public, so participants must treat Zoom proceedings with the same respect as in-person court proceeding. **All of the usual in person courtroom decorum, demeanor and dress code rules shall apply.**

10. Participants in the Zoom proceedings should minimize outside noise and distractions. Any children the subject of the litigation shall not be present in the same room as the parties while a hearing is being conducted.

11. Attorneys and participants shall enter the hearing Waiting Room at least 10 minutes prior to the hearing start time.

12. All Zoom proceedings are streamed to the Court's YouTube Channel for live viewing only. Witnesses placed under "the Rule" are prohibited from accessing the Court's YouTube Channel at any time while placed under "the Rule". Live streaming may be viewed at:

Presiding Judge YouTube Channel –

<https://www.youtube.com/channel/UCZx6VkConcbeYmA1CNITy5g/live>

Associate Judge YouTube Channel –

<https://www.youtube.com/channel/UC2HuXbllmzb24S8Af6ZH5IA/live>

OCA Directory - Court YouTube Channels – <https://www.txcourts.gov/programs-services/electronic-hearings-with-zoom/youtube-channel-directory/>

13. IT IS ORDERED THAT RECORDING OF REMOTE ZOOM PROCEEDINGS IS STRICTLY FORBIDDEN. Attorneys, self-represented parties, witnesses and attendees participating in remote hearings, or members of the public viewing a live stream, are prohibited from recording, capturing, saving, broadcasting, televising, or photographing the proceeding in any manner. **FAILURE TO ABIDE BY THIS ORDER MAY RESULT IN CONTEMPT OF COURT PROCEEDINGS.**

14. All hearings conducted via Zoom app are subject to additional instructions as deemed appropriate by the court during the time of hearing.