

County Court at Law Number 2
Nueces County, Texas

LOCAL RULES OF ADMINISTRATION ORDER 05312023-1

**GOVERNING COURT HEARING PARTICIPATION BY VIDEO CONFERENCE
IN COUNTY COURT AT LAW NUMBER 2 OF NUECES COUNTY, TEXAS**

1. **Application.** The following rules govern appearances and participation in court hearings by video conference in Nueces County Court at Law Number 2.
2. **Purpose.** To provide parties, witnesses, attorneys and the public the greatest access to justice; to reduce costs to litigants; to accommodate witness testimony; to foster greater efficiency for lawyers and the Court; to safely provide timely access to justice; to avoid case backlogs and unnecessary delays; and in the interest of the safe and efficient administration of justice, Nueces County Court at Law Number 2 hereby adopts these local rules.
3. **Authority.** Pursuant to Rules 3a and 21d, Texas Rules of Civil Procedure, Nueces County Court at Law Number 2 hereby adopts these local rules allowing, but not mandating, court hearing participation by video conference.

In court proceedings in which oral testimony is heard, the Court will allow a court proceeding by video conference where good cause is shown considering factors such as:

- a. Case type;
- b. Court proceeding type;
- c. The number of parties and witnesses;
- d. The complexity of the legal and factual issues;
- e. The type of evidence to be submitted, if any;
- f. Technological restrictions such as lack of access to or proficiency in necessary technology;
- g. Travel restrictions such as lack of transportation, distance, or inability to take off work;
- h. Whether a method of appearance is best suited to provide necessary language access services for a person with limited English proficiency or accommodations for a person with a disability; and
- i. Any previous abuse of a method of appearance

or the agreement of the parties.

4. **Remote Participation.** Subject to constitutional limitations and review for abuse of discretion, Nueces County Court at Law Number 2 may allow any person; including but not limited to a party, attorney, witness, court reporter, court coordinator, probate assistant, interpreter, district clerk, county clerk, or other Nueces County employee providing

judicial support to the court, involved in any hearing or other proceeding of any kind, to participate remotely by video conference.

- a. To participate by video conference, lawyers, parties, and witnesses must appear on camera while the case is called and heard. Appearances by witnesses solely by audio means are not allowed.
 - b. Counsel, whose clients or witnesses appear by video conference, shall provide adequate instructions on video conference technological requirements prior to the commencement of the hearing. Failure to prepare clients and witnesses prior to the hearing may waive their appearances or may result in the proceeding being reset or rescheduled for an in-person proceeding.
 - c. No person shall operate a motor vehicle while a case is called and heard.
5. **Sworn Testimony.** Nueces County Court at Law Number 2 may consider as evidence sworn testimony given remotely, outside the courtroom, by video conference.
 - a. Witnesses appearing by video conference must be connected to audio and video. Witnesses must be on camera. Witness testimony solely by audio means is disallowed.
 - b. Witnesses shall not communicate with any person, including by text message, during their testimony. Failure to adhere to this rule may waive the witness's testimony.
6. **Online Evidence Sharing.** Any exhibits a party intends to offer as evidence at the video conference hearing shall be e-filed and pre-marked in a PDF format with the District Clerk prior to the commencement of the court proceeding and as soon as possible after receipt of the video conference hearing invitation with copies transmitted to all parties and Tillie Serna, the court reporter at tillie.serna@nuecesco.com.

If the exhibits are not e-filed in time for the hearing, the hearing may be postponed until said exhibits are e-filed.

A party offering any audio or video recordings shall upload the file to a folder in Dropbox, or similar cloud storage service, and shall include a link to the folder in the party's e-mail exhibit. All audio and video recordings shall be submitted in MP4 format.

During the proceeding a party may offer rebuttal evidence not previously e-filed. The Court will address said exhibit at the time it is offered as evidence. To avoid any delays during the hearing, e-file all exhibits.

7. **Hybrid Court Hearing Policy.** Unless otherwise directed by the Court in writing, attorneys, parties, and witnesses may participate in court hearings or other court proceedings either by video conference or in person at the Nueces County Court at Law Number 2 courtroom, 901 Leopard Street, Room 702, Corpus Christi, Texas.

- a. Persons participating by video conference should log in to the court session at least 10 minutes before the court setting to be admitted before the court session begins. Otherwise, participants will be admitted into the video conference when their case is called not when the general court session begins and other cases are called.
- b. Persons participating by video conference should be correctly identified in their screen name.
- c. A participant experiencing problems with the internet or with the video conference connection during the hearing, should call the court manager who will be on the video conference hearing at (361) 888-0596 or the court clerk at (361) 888-0630.
- d. Members of the public and non-participating court attendees are not permitted into the video conference session (i.e., the electronic well of the court) but may view court proceedings live, consistent with the open courts mandate of the Texas Constitution, either in person at the Nueces County Court at Law Number 2 courtroom or on Court's YouTube channel: Nueces CC2@nuecescc2590.

The Court's YouTube channel may also be accessed through the Court's Nueces County website:

<https://www.nuecesco.com/courts/county-courts-at-law/county-court-at-law-2>

8. **Interpreter.** Advise the court whether an interpreter is needed.
9. **Jury Trials and Criminal Cases.** Jury trials and criminal pleas shall be held in person.
10. **Recordings.** All persons attending or viewing court proceedings are ordered not to record any portion of the court proceedings. Only the court reporter can record court proceedings and provide the official record. Any violation of this order is subject to contempt hearings.
11. **Other Provisions.** Subject to further orders by the Texas Supreme Court and/or the Texas Court of Criminal Appeals, all other statutes and rules governing the procedures for civil and criminal court appearances and participation remain unchanged.

ADOPTED, SIGNED and ORDERED on May 31, 2023.



Judge Lisa Gonzales

Nueces County Court at Law Number 2