

ADMINISTRATIVE ORDER 2023-2

LOCAL RULES § IN THE PROBATE COURT
§
OF § OF
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ADMINISTRATION § HIDALGO COUNTY, TEXAS

FIRST ORDER ON RULES GOVERNING
COURT HEARING PARTICIPATION BY VIDEO CONFERENCE
PURSUANT TO TRCP 21d
IN THE PROBATE COURT OF HIDALGO COUNTY, TEXAS

On this date, Probate Court of Hidalgo County enters this order to adopt rules governing the appearances and participation in hearing by video conference in the Probate Court of Hidalgo County.

The Court finds that changes are necessary in its handling of court proceedings in an effort to provide parties, witnesses, attorneys, and the public the greatest access to justice; reduce costs to litigants; foster greater efficiency for lawyers; to safely provide timely access to justice; and to avoid case backlogs and unnecessary delays.

Therefore, pursuant to Rules 3a and 21d of The Texas Rules of Civil Procedure the Court declares and adopts these local rules allowing, but not mandating, court hearing participation by remote means:

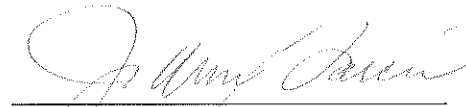
FIRST ORDER ON RULES GOVERNING
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1. **Participant Method of Appearance.** As stated in Texas Rule of Civil Procedure 21d(b)(1), *unless the notice of court proceeding states otherwise* [emphasis added], a person who participates in a court proceeding does so by physical presence in the courtroom.
 - a. A party may request a remote/zoom hearing or in-person hearing by filing an objection to the method of appearance pursuant to Texas Rule of Civil Procedure 21d(d). Good cause must be proven by the party objecting to the method of appearance. The filing of an objection does not stay proceedings, and the method of appearance remains as ordered until the Court rules on said objection.
 - b. Subject to i.a., above, and constitutional limitations, it is the standard practice of the Court that contested hearings shall occur in-person. A hearing shall be considered contested if no agreed order concerning the pending motion or application is signed by all parties who have made an appearance through counsel and filed prior to the commencement of the hearing.
2. **Remote Participation.**
 - a. Any participant to a hearing designated by the court as a “Zoom” hearing in the notice of court proceeding may participate in the hearing by video conference on Zoom or in-person at the courtroom of the Probate Court of Hidalgo County.
 - b. All persons opting to participate by video conference on Zoom must first register on Z-connect.
 - c. Members of the public and non-participating court attendees are not permitted into the video conference session but may view court proceedings in-person at the courtroom of the Probate Court of Hidalgo County.

- d. To participate by video conference, parties, attorneys, and witnesses must appear on-camera while the case is called and heard.
 - e. 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.
 - f. No person shall operate a motor vehicle while a case is called and heard.
3. Sworn Testimony. The Probate Court of Hidalgo County may consider as evidence sworn testimony given remotely, outside the physical courtroom, by video conference.
- a. Witnesses appearing by video conference must be connected to audio and video. Witnesses must be on-camera. Testimony solely by audio means is disallowed.
 - b. Witnesses shall disclose, under oath, on the record, and prior to testifying, who, if anyone, is in the room with them or in their general presence.
 - c. 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.
4. Online Evidence Sharing. All exhibits-including but not limited to documents, photographs, audio recordings, maps, and deeds-shall be uploaded to Thomson Reuters Case Center prior to the commencement of the court proceeding during which said exhibit shall be utilized.
- a. During the hearing, counsel shall request court staff to prompt a document on Case Center by referencing the document number assigned by Case Center or the "bates-stamp" number on Case Center.

5. Recordings. All persons attending or viewing court proceedings are ordered not to record any portion of the court proceedings. Only the court reporter and/or court recorder can record court proceedings and provide the official record. Any violation of this order is subject to contempt hearings.

Adopted and Signed on June 23, 2023. Effective August 21, 2023.



JoAnne Garcia, Judge Presiding