VIDEO CONFERENCING POLICIES AND PROCEDURES FOR HEARINGS IN COUNTY COURT AT LAW NO. 1 OF FORT BEND COUNTY, TEXAS

County Court at Law No. 1 of Fort Bend County, Texas is now conducting non-essential hearings via video conference through the Zoom application. The following policies and procedures apply to County Court at Law No. 1and are effective immediately until further order of the Court.

County Court at Law No. 1 will conduct non-essential hearings by video conference using the Zoom platform. To participate in a Zoom hearing, you must have an electronic device with an internet connection. You must 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. In accordance with the Open Courts Provision of the Texas Constitution, ALL hearings are livestreamed to the Court's YouTube Channel.

HEARINGS THAT CANNOT TAKE PLACE BY VIDEO CONFERENCE:

1. **Criminal Plea/Non-Issue Dockets;**
2. **Mental Health Court Docket;**
3. **Civil and Criminal Jury Trials;**
4. **Document Intensive Civil, Probate, Guardianship or Criminal Hearings; or**
5. **Hearings with More than Ten (10) Witnesses.**

I. STEPS TO OBTAIN A HEARING:

A. FOR ALL CIVIL HEARINGS, JUVENILE HEARINGS OR CRIMINAL MOTIONS:

1. Request a hearing date and time by contacting the Court Coordinator, Regina Green, at regina.green@fortbendcountytx.gov. You MUST indicate in your hearing request the following:

   a. The type of hearing requested;

   b. Whether an interpreter is necessary and the required language;

   c. The anticipated length of the entire hearing; and

   d. The names of all those (attorneys, litigants/defendants, and witnesses) who will be participating in the hearing.

2. You will receive a confirmation email from Ms. Green with the Zoom meeting details (link/Meeting ID), which may be saved to your calendar.

3. The scheduling party is responsible for noticing other party/parties of the video conference hearing and details for login. Additionally, in all civil matters:

    a. The Notice of Hearing MUST be eFiled; and

    b. The Notice shall state:

        1. The hearing is taking place by video conference, and

        2. MUST contain the Zoom conference details (Meeting ID) generated by the Court Coordinator.

B. FOR PROBATE, GUARDIANSHIP & CIVIL MENTAL HEALTH HEARINGS:

1. Request a hearing date and time by contacting the Probate Auditor, Anita Ayala, at anita.ayala@fortbendcountytx.gov. You MUST indicate in your hearing request the following:

    a. The type of hearing requested (i.e. uncontested prove up, contested motion, etc.);

    b. Whether an interpreter is necessary and the required language;

    c. The anticipated length of the entire hearing; and

    d. The names of all those (attorneys, litigants/defendants, and witnesses) who will be participating in the hearing.

2. You will receive a confirmation email from Ms. Ayala with the Zoom meeting details (link/Meeting ID), which may be saved to your calendar.

3. The scheduling party is responsible for noticing other party/parties of the video conference hearing and details for login. Additionally:

    a. The Notice of Hearing MUST be eFiled; and

    b. The Notice shall state:

        1. The hearing is taking place by video conference, and

2. MUST contain the Zoom conference details (Meeting ID) generated by the Court Coordinator.

II. PROCEDURES FOR ZOOM HEARING:

1. The scheduling party is responsible for noticing all parties.

2. The scheduling party is responsible for cancelling the setting with the Court if a hearing is no longer necessary, and shall notice all other parties of cancellation.

3. **PARTIES ARE REQUIRED TO NOTIFY THE COURT AT LEAST 3 DAYS PRIOR TO THE SCHEDULED HEARING IF A RECORD IS REQUESTED.**

4. Official Exhibits must be submitted to Stephanie Webb, Official Court Reporter, no later than three (3) days prior to the hearing via email at stephanie.webb@fortbendcountytx.gov and regular mail by flash drive to Stephanie Webb, Official Court Reporter, County Court at Law No. 1, 301 Jackson St., Richmond, Texas 77469. The only formats 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 eFILE EXHIBITS. eFILE ONLY THE EXHIBIT LIST**. Parties/Counsel should attempt to reach stipulations regarding exhibit admissibility **before** the hearing. **FAILURE TO FOLLOW THIS PROCEDURE MAY RESULT IN EXHIBIT EXCLUSION.**

5. Parties are responsible for providing exhibits to opposing counsel/parties prior to the hearing.

6. During the hearing, the Court will not be responsible for displaying exhibits through the Zoom app. The attorneys will be responsible to ensure their exhibits are capable of being displayed via the 'Share Screen" feature of the Zoom app, and will be expected to do so without delaying the hearing.

7. Parties are responsible for the logistics of their remote appearance. Technical difficulties that are not timely resolved, may result in a hearing being passed.

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 "eVite" or by entering the meeting ID.

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 application 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. Witnesses will be called as in any case, and the Court will bring them in one at a time from the waiting room. Only people on video will be permitted to testify.

6. 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. They are not to hold notes or paperwork in your hands while testifying, just as though they were on the witness stand.

7. You may, upon request, confer in private with your attorney. You should "slip a note" via the chat feature to your lawyer who will request time to confer. If your request is granted by the Court, you will be moved into a confidential breakout room to confer for no more than 5 minutes.

8. Zoom proceedings are actual Court proceedings conducted in a virtual courtroom. Hearings will be livestreamed to the public; therefore, 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.**

9. Participants in the Zoom proceedings should minimize outside noise and distractions.

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

11. 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." Livestreaming may be viewed at:

    Presiding Judge Christopher G. Morales YouTube channel –

    https://www.youtube.com/channel/UCH78cuOArJw7qkjtun3p1VQ

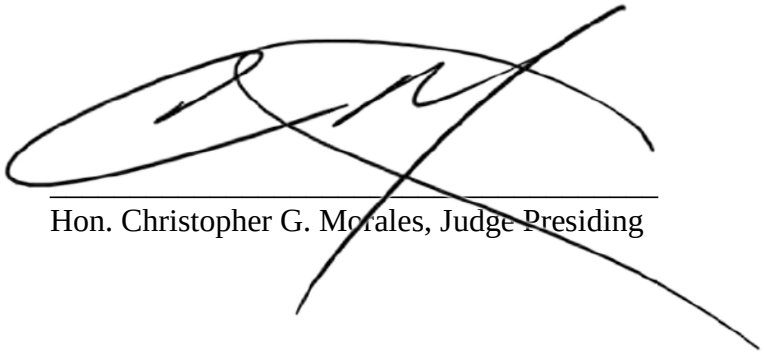
    OCA Directory – Complete Court YouTube channels Directory –

    https://www.txcourts.gov/programs-services/electronic-hearings-with-zoom/youtube-channel-directory/

12. **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 livestream, 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.**

13. All hearings conducted through the Zoom platform are subject to additional instructions as deemed appropriate by the Court during the time of hearing.

Executed on 13th day of May, 2020.



Hon. Christopher G. Morales, Judge Presiding