



ANGELA GRAVES-HARRINGTON
JUDGE, 246TH JUDICIAL DISTRICT COURT

246th DISTRICT COURT POLICIES FOR REMOTE PROCEEDINGS

IT IS ORDERED that all parties, attorneys, witnesses, and any other persons attending remote proceedings held by the 246th District Court shall comply with the following procedures:

1. Remote Hearings, per [Texas Supreme Court Seventeenth Emergency Order](#)

Effective immediately until further notice of the Court, all hearings (with the exception of Enforcement with Contempt and Writ of Habeas Corpus hearings) will be set either by submission or by Zoom. Zoom settings **DO NOT** require agreement of the parties. For good cause, a party may move for an exception to the Zoom-appearance requirement.

2. Obtaining a Setting and Zoom Meeting ID

To request a date for a hearing or uncontested matter, please email your request to 246hearings@justex.net. The subject line of the email shall state the following:

- full cause number,
- case name,
- the type of setting requested,
- three options for hearing date.

For example, “*Cause No. 2020-12345; Jones v. Jones; Temporary Orders; May 1, May 2 or May 3.*”

The Court will review your request to determine if your motion meets statutory requirements. Then the clerk will send an email containing your Zoom meeting ID if the Court grants your request for a hearing.

All requests for a Temporary Orders hearings must state is the parties have mediated. Mediation is required prior to a Temporary Order hearing.

3. Notice of Remote Hearing

The scheduling party shall notice all necessary parties, per local and state rules, and file a certificate of service for each remote hearing.

A notice of a Remote Proceeding must include the date and time of the hearing, as well as instructions for joining the Zoom Meeting. The Court recommends the following language:

NOTICE OF REMOTE HEARING

This matter is set for a remote hearing on the following: [name of motion] on: [date] at [time].

To participate in this remote hearing, please complete the following steps:

- (1). first, navigate to <https://justex.zoom.us/>,
- (2). then click on the “Join” button, and
- (3). finally, when prompted to “Join a Meeting”, enter Meeting ID:

_____ - _____ - _____

To join the Zoom meeting with both video and audio you will need to have an electric device with an internet connection. You may use a smartphone, iPad/tablet, or webcam with sound and video capabilities. You will also need to install the free Zoom App before the proceeding begins.

To join the Zoom meeting using a phone (audio only) dial 346-248-7799 and enter the Meeting ID listed above.

4. Use of Real Names for all Adult Participants

In all communications with the Court and during the Remote Proceeding, each adult party, attorney, witness, or other person attending the proceeding shall use that person’s real name when identifying himself or herself.

5. Use of Children’s Initials During Remote Proceedings

During all remote proceedings, each party, attorney, witness or other persons attending the proceedings shall only use initials when identifying or referring to a child.

6. Necessary Hardware and Software

At least forty-eight hours before the proceeding, each party, attorney, witness, or other person attending the proceeding shall create a Zoom account at <https://zoom.us/home>. The person shall create the account using the person's real name and email address. Each attorney shall use the same email address as the one described in [Tex. R. Civ. P. 21\(f\)\(2\)](#).

At least forty-eight hours before the proceeding, each person shall download and install the Zoom app on the device (for example, computer, tablet, smart phone) the person will use to communicate with the Court during the proceeding. The device must have functional speakers, video camera, and microphone and must have a stable Internet connection.

If a person, including a witness, knows he or she cannot attend the proceeding by video, that person, or if represented, the person's attorney shall contact the court coordinator as soon as possible before the proceeding. **Each attorney shall show good cause for his or her failure to appear by video at the proceeding.**

7. Exhibits and Documents Required by Local Rules: Submission to Court and Exchange between Parties

To be potentially admissible into evidence in a Zoom hearing, all exhibits, except rebuttal exhibits, must be pre-marked and emailed sent to the court reporter and all other parties before the hearing.

7.1. Deadline.

The deadline for submitting and exchanging exhibits and an exhibit list is no later than 2:00 p.m. the day before the proceeding. If the day of the proceeding is a Monday or court holiday, the deadline will be 2:00 p.m. on the weekday that is not a court holiday and that immediately precedes the day of the proceeding.

7.2. Cloud Transfer.

To transmit your documents to the Court, please email a link to a Dropbox folder (or other common file-sharing platform) to the Official Court Reporter, Delores Johnson at delores_johnson@justex.net. The subject line of the email shall state the following:

- full cause number,
- your client's party identification, and

- the date of the court proceeding.

For example, “Cause No. 2020-12345; Petitioner’s Exhibits; May 8, 2020.”

NOTE: Do not e-file your exhibits.

7.3. Format of Exhibits.

The only acceptable formats for exhibits are PDFs and MP4s. Each exhibit shall be a separate file, and the title of each file shall state the name of the exhibit and a brief description. For example, “*Petitioner Ex. 1 – 2018 Tax Return.*”

7.4. Marking Exhibits.

You must pre-mark your documents, using numbers only. Please do not mark your documents with letters.

For example, “*Petitioner Ex. 1,*” but not “*Petitioner Ex. A.*”

7.5. Exhibit List Required.

You must e-file an exhibit list no later than 2:00 p.m. the day before the proceeding.

7.6. Exhibits with Rebuttal or Unanticipated Evidence

During a Remote Proceeding, with the permission of the Court, a party may offer an exhibit with rebuttal evidence or an exhibit with evidence that the party could not have reasonable anticipated or submitted prior to the proceeding by emailing the Court and all parties (through their counsel if represented). The Court may take a brief recess for this purpose.

7.7. Documents Required by Local Rules for Family Law Proceedings

Not later than 2:00 p.m. the day before the court proceeding as defined above in section 7.1, each party shall submit to the court (via cloud transfer) and to all parties all documents required by this Court’s local rules for family law proceedings (e.g., financial information statement, pay statements, and tax returns). The titles of these files shall name the party and the documents (for example, *Petitioner’s Financial Information Statement*).

7.8. Submission of Late Responses and Replies

Each party shall email to the court coordinator and each other party any responses or replies the party e-filed with the district clerk less than forty-eight hours before the Remote Proceeding. Emailing such a document with the court coordinator is not a substitute for e-filing the document with the district clerk. **No party shall include the judge or court coordinator as a service contact when e-filing a document.**

7.9. Submission of Case Law, Statutes, and Similar Documents

If a party wants the Court to consider any case law, statute, regulation, or similar document, the party shall email the document to the court coordinator and the other parties no later than 2:00 P.M. on the day before the Remote Proceeding.

7.10. Failure to Comply with Procedures

Failure to comply with the procedures in this section of the order without good cause may result, in the exclusion of the exhibits, the Court not considering the documents, or other sanctions as provided by the Court's local rules or inherent powers.

8. Using the Zoom App

The Court prefers that each participant use the Zoom app rather than the plug-in browser version of Zoom, as the Zoom app contains features that the browser version does not, such as private breakout rooms for confidential client communication.

9. Joining Proceeding by Zoom before its Scheduled Start

At least five minutes before the Remote Proceeding is scheduled to begin, the parties, attorneys, witnesses, and all other persons attending the proceedings shall join the proceeding by navigating to <https://justex.zoom.us/> and entering the Meeting ID contained in the *Notice of Remote Proceeding*. Participants who are appearing by audio only shall join by calling (346)-248-7799 and entering the Meeting ID when prompted.

10. Virtual Waiting Room

The Court will automatically place all participants in the virtual waiting room when they join the meeting. Do not navigate away from this room. When the Court is ready to call your case, the meeting host will allow each participant into the virtual courtroom from the virtual waiting room.

11. Requirements for Witnesses to Be Able to Testify Remotely

The Court will only allow witnesses who appear by video to take the oath and testify, unless the witness is in the presence of a notary public. The notary public shall identify himself or herself to the Court and verify the identity of the witness, in which case the witness may testify through Zoom-audio or telephone.

12. Witnesses Treated as Though in a Physical Courtroom

Unless permitted by the Court or as provided below, a witness may not have access to any electronic information or physical notes while testifying, just as if the witness were on the witness stand in the courtroom. Except during a recess in the proceeding, no person shall communicate, verbally or nonverbally, with a witness through any method except the audio-visual or audio means shared with all the participants in the proceeding who are present in the virtual courtroom. If “the Rule” (rule 267 of the Texas Rules of Civil Procedure and rule 614 of the Texas Rules of Evidence) is invoked, no one may communicate in any manner, including by telephone, text message, or email, with any witness placed under the Rule, except as permitted by the Rule and then only during a recess in the proceeding. While placed under the Rule, witnesses are prohibited from observing the proceeding through the Court’s Live Stream channel and from communicating with anyone who is observing the proceeding through the Court’s Live Stream channel.

13. Muting Microphones and Telephones

All persons participating in the proceedings except the judge, the witness, and the questioning attorney or questioning self-represented party shall keep their Zoom microphone or telephone, as applicable, on mute unless speaking. The Court recognizes that there may be a slight delay in an attorney or partying unmuting their microphone or telephone to make an objection. If attending the proceeding by telephone, a participant shall not put the telephone on hold at any time during the proceeding.

14. Communications between Attorneys and Clients during Proceedings

If the Court is holding the proceeding through Zoom, the attorneys may communicate with their clients using the private chat feature, hitting the “CHAT” button and, at the bottom of the chat window, pulling down the recipient arrow and selecting the client’s name. Attorneys shall not privately communicate with their clients while the clients are testifying, including through text message, email, or the Zoom chat function. All communications between an attorney and a testifying client shall be through Zoom or by telephone, as applicable, in a manner that all participants can

hear and that a record may be made. All participants are prohibited from sending private chats to the Judge.

15. Recesses

The Court may recess the proceeding for breaks or to allow attorneys to confer with their clients. If an attorney wishes to confer with a client, the attorney shall make that request to the Court, identifying the client by name. The Court will send those video streams into a confidential breakout room to confer for a period set by the Court. In a similar manner, attorneys or self-represented parties may ask the Court to confer privately with one another. An attorney or self-represented party may ask the Court to allow them to confer privately with a witness.

16. Prohibition on Recording of Virtual Court Proceedings

NO PERSON, OTHER THAN THE COURT REPORTER, MAY RECORD OR BROADCAST THE COURT'S VIDEO OR TELEPHONIC COURT PROCEEDINGS WITHOUT THE COURT'S EXPRESS PERMISSION. THIS PROHIBITION APPLIES TO ALL PERSONS, INCLUDING MEMBERS OF THE PUBLIC AND MEDIA WHO ARE VIEWING OR LISTENING TO COURT PROCEEDINGS.

Please see the Court's [STANDING ORDER PROHIBITING ELECTRONIC RECORDINGS](#).

17. Policies Apply to Agents

No party, attorney, or witness may circumvent the terms of these policies by having another person perform a task prohibited for that party, attorney, or witness. For example, if the policy prohibits an attorney from communicating with a witness during a proceeding, the attorney's legal assistant or other agent of the attorney may not communicate with that witness during the proceeding.

18. Additional Instructions

All hearings conducted via the Zoom app are subject to additional instructions as the Court deems appropriate.

Effective June 17, 2020.

HONORABLE ANGELA L. GRAVES-HARRINGTON
PRESIDING JUDGE, 246TH DISTRICT COURT