

**First Amended Travis County Associate Judges’
Procedures for Remote Hearings and In-Person Hearings
as of June 17, 2020**

These are the Travis County Associate Judges’ procedures for in-person hearings, remote hearings by Zoom conference, and telephone hearings during the COVID-19 pandemic.

These Procedures are in addition to the Texas Rules of Civil Procedure, Texas Rules of Evidence, Travis County Local Rules, and the Court’s instructions during the hearing, all of which are applicable in remote hearings. Violations of these Procedures may be punishable by contempt.

1. Procedures for In-Person Hearings

A. Attendance at Courthouse

- i To the greatest extent possible, attorneys, parties and witnesses should not physically appear at the courthouse more than 30 minutes prior to the time the hearing is set to begin.
- ii While at the courthouse, attorneys, clients, and witnesses shall wear facemasks.
- iii Everyone shall practice social distancing to the greatest extent possible, including while in the courtroom.

B. Exhibits

- i To the greatest extent possible, the “Exhibits” procedure contained below for remote hearings should be used for in-person hearings in order to eliminate paper documents being handled by anyone in the courtroom, by using the technology in the courtroom or other means.
- ii If there are paper exhibits, to the greatest extent possible, the exhibits should be pre-marked using the same naming convention as set out in the “Exhibits” procedure below for remote hearings. If the technology in the courtroom allows, exhibits should be shown via a projection device so as to minimize paper documents being handled by anyone.

2. Procedures for Remote Hearings

A. Zoom Software / App.

- i The Court will utilize Zoom videoconferencing for remote hearings. It is free to download at <https://zoom.us>, or the app can be downloaded directly to a mobile phone. Each person utilizing Zoom should ensure that their computer or mobile phone has working internet access, video camera, and microphone or headset with microphone. If exhibits will be used during the hearing, attorneys / self-represented litigants should learn, and practice, how to “share screen” in Zoom so that the exhibits can be shared for everyone to see during the hearing. Additionally, Zoom has the capability for a person to call in using a telephone for audio-only participation if they do not have access to a device with a video camera.

B. Communications with the assigned Court.

Once a setting is confirmed by the Court Administrator and assigned to a particular judge, then all communications regarding the Zoom hearing should be sent by email to the submission email address for each Judge as follows:

1. Associate Judge Hathcock: TCAJ1.submission@traviscountytexas.gov
2. Associate Judge Arth: TCAJ2.submission@traviscountytexas.gov
3. Associate Judge de la Lata: TCAJ4.submission@traviscountytexas.gov

All communications must have the following reference: *"HEARING;" cause number, case style, subject matter*. All counsel of record and self-represented parties must be copied on correspondence with the Court. Any questions about a scheduled hearing, these procedures, or information requested herein also should be directed to this email address, with this reference.

C. Zoom Hearing Link Emailed.

The assigned Court will email attorneys / self-represented litigants a link to the Zoom hearing. It is the responsibility of each attorney or self-represented litigant to ensure that all witnesses they intend to call receive notice of how to join the Zoom hearing. Only counsel, parties (and their spouses), one paralegal or legal assistant for each attorney, and witnesses should be provided the Zoom link and permitted to attend the Zoom hearing. Any person who receives the Zoom link is prohibited from disseminating the link to anyone other than those listed here, absent express permission from the Court.

D. VIDEO OR AUDIO RECORDING OF ALL OR ANY PART OF A HEARING BY ANYONE OTHER THAN THE OFFICIAL COURT REPORTER IS PROHIBITED.

E. Prior to a Zoom Hearing.

i Filings

1. Any pleadings/responses/requests for affirmative relief must be e-filed with the District Clerk pursuant to the time frames required by any applicable rule or statute. Please note: emailing these documents to the Court is not the same as e-filing them; they must be e-filed with the District Clerk, as usual.
2. For temporary orders hearings, or other hearings where a proposed disposition of issues and/or proposed support decision would be required under the Local Rules other than for final merits trials, please e-file all pretrial forms such as Proposed Disposition of Issues and Proposed Support Decisions **at least 48 hours** prior to the hearing to ensure they are processed prior to the hearing. For final merits hearings, follow the Travis County Local Rules regarding deadlines to file pretrial forms.

ii Exhibits

1. Applicability

These procedures apply to any hearing where a party will be offering exhibits into evidence.

2. Box Link

- a An email link to Box will be sent to the attorneys / self-represented litigants *after the case is assigned to a particular judge. Any exhibits that will be offered will need to be pre-marked and uploaded to Box in conformity with these procedures.*
- b The following link provides information on how to upload documents to Box: <https://support.box.com/hc/wn-us/articles/360044196633-Upload-to>

3. Pre-Marked Exhibits Naming Convention and other Rules

- a Exhibits shall be pre-marked with “P” for Petitioner and “R” for Respondent; dash; numbers starting with 1. (i.e. “P-1”, “P-2”, “R-1”, “R-2”). This means the actual document itself should have an exhibit sticker on the document’s first page, handwritten, or in some way marked on, the first page with the appropriate letter and number. If there is an Intervenor, the exhibits shall be marked with “I” for Intervenor using the same naming and numbering convention (i.e. “I-1”).
- b The pages of each pre-marked exhibit must be separately numbered so that the Court can quickly access specific pages of each exhibit. These can be handwritten if the pages do not already have page numbers.
- c Each pre-marked exhibit must be saved separately in PDF format (unless the document is an audio or video recording). Pre-marked exhibit file names shall be labeled with “P” for Petitioner and “R” for Respondent; dash; numbers starting with 1. (i.e. “P-1.pdf”, “P-2.pdf”, “R-1.pdf”, “R-2.pdf”). There should be no other descriptive language in the file name of the exhibit. Descriptive language can be used in the Exhibit List referenced below.
- d **USE THIS FORMAT REGARDLESS WHO IS THE MOVING PARTY. The party who filed the lawsuit should be designated “Petitioner” and the opposing party “Respondent”. An intervenor may be designated “Intervenor.” If there is more than one party with the same designation, use last names, e.g., Respondent Smith, Intervenor Jones, etc.**

4. Time Periods to Upload Documents

- a Absent good cause to the contrary, in order for the Court to consider an exhibit, and the court reporter to maintain the exhibit if offered, all pre-marked exhibits shall be uploaded to Box prior to the commencement of the hearing.
- b If there are technical difficulties, the party wishing to offer exhibits shall ensure that the pre-marked exhibits are exchanged with all other parties via email, or other agreed upon method, within the time frame allowed to upload pre-marked exhibits to Box. Failure to exchange the documents will be taken into consideration by the Court for any “good cause” argument regarding failure to timely upload pre-marked exhibits and requests for admission regarding such exhibits.
- c The Court will hear argument on any request to upload rebuttal evidence to Box after the case has already begun if such evidence actually could not have been anticipated prior to the hearing beginning and if such evidence is proper rebuttal evidence.

5. Exhibit List

Each party who will be offering exhibits shall upload an exhibit list to Box along with their pre-marked exhibits, and email a copy of the exhibit list to all other parties, and to the Court that the case is assigned to once the case is assigned to a particular Court. The exhibit list shall list all exhibits to be offered, along with a short description of what the exhibit is (i.e. “P-1, Petitioner’s Support Decision”, “P-4, Credit Card Statement 4/1/20”)

6. Offering Pre-Marked Exhibits

Uploading pre-marked exhibits to Box does not constitute an offer or admission of the exhibit. Any pre-marked exhibit not offered during the hearing will be deleted and not included in the record. Any exhibit offered and admitted will be moved to the “offered and admitted” folder, and will be part of the record. Any exhibit offered and denied will be moved to the “offered and not admitted” folder, and will be part of the record.

7. Miscellaneous Box

Uploading documents to Box does not constitute filing with the District Clerk’s Office. Any document required to be filed must be filed with the District Clerk’s Office.

- a Please ensure that any pretrial documents that you want the Court to consider, such as a Proposed Support Decision, are among your uploaded exhibits.

iii **Test Zoom Setup**

Prior to the hearing, every party and attorney should test their internet connection, camera, and microphone with Zoom through a test meeting at <https://zoom.us/test>.

F. Conduct and Rules for Zoom Hearing

i **Format Your Name Before Entry**

Either prior to the Zoom hearing or while in the waiting room for the hearing, all attorneys and parties shall format their respective names that appear on their zoom picture so that it reads: Full Name, Position (e.g. Attorney for Mr. X; Witness; etc.), Party (e.g. Petitioner, Respondent). *Such can be done by moving the mouse cursor over the person's picture, clicking on the three dots that appear on the top right, and then clicking on the option to change name.*

ii **Wear Appropriate Attire**

Although the hearing is conducted remotely, the Court expects participants to dress appropriately. Attorneys are expected to wear business attire while others may wear business casual clothing.

iii **Speak One at a Time**

During the hearing, participants must speak one at a time and pause prior to speaking, in case there is any audio/video lag, and so that the court reporter can make a clear record.

iv **Use Mute When Not Speaking**

Participants shall mute themselves when not speaking in order to avoid any potential background noise. If an attorney will be objecting to a question, please wait until the question is completely asked before lodging an objection.

v **Headphones**

All participants are *strongly* encouraged to use headphones to avoid potential echoing, feedback, and others (including children) from hearing the proceeding.

vi Witnesses

1. Date/Time and Access to Zoom

It is the attorney's responsibility to notify their respective witnesses of the date and time of the hearing, providing them the information to log into the Zoom hearing. The attorneys may have their witnesses log in before it is their time to testify and the witnesses can wait in the waiting room, or the attorneys may have the witnesses on standby so that the attorney (or assistant) will call them when it is their turn to testify and the witness can log into Zoom at that time.

2. Real Names

Witnesses shall be required to log into Zoom with their real names or they will not be allowed to testify. The respective attorneys shall notify their respective witnesses of this requirement.

3. No Notes Except as Directed

Witnesses shall not have anything in their hands while they are testifying, shall not look at any notes or communications, and shall only testify from memory except that they may look at documents as requested by the attorneys or the Court.

4. No Other Communication During Testimony

Other than the Court, the attorney examining a witness is the only person who may communicate with that witness while they are giving testimony and the attorney may only do so by oral questioning. No one else shall communicate with any witness in any manner while they are giving testimony. To be clear, there should be no texting, calling, emailing, using Zoom private chat, or other forms of communication with the witness during their testimony. This also includes any private communication to the parties while the parties are testifying. There is no restriction in using the "private zoom chat" function between an attorney and their client if the client is not currently testifying.

5. Objections

Witnesses shall stop testifying if they hear someone say "objection." The witness must wait for the Court to rule on the objection before speaking.

6. Notifying Witnesses of these Rules and Procedures

The Court expects the attorney / self-represented litigant who will be calling the witness to explain these rules and procedures to the witness prior to the day of the hearing, unless impossible.

vii **Exhibits**

Any references to exhibits during the hearing should be using the “share screen” function of Zoom. The only exhibits that may be shown are pre-marked exhibits uploaded to the Box link provided by the Court or that are in the “offered and admitted” folder.

viii **Breakout Rooms**

If anyone needs to converse privately, they may request the Court set up a “breakout room.” If the Court does so, it will transition the conversants into a private video conference without other participants in the hearing present. The Court will not be present for this private video conference, the conference will not be recorded by the Court, and the conversants may not record their conversation through Zoom, or by any other means, without the express permission of the Court.

3. **RIGHT TO DE NOVO HEARING: All parties are notified that, pursuant to Texas Family Code Sec. 201.007, if a case is assigned to an Associate Judge, the parties have the right to request a De Novo Hearing before a District Judge as set out in the Texas Family Code.**