



**280th JUDICIAL DISTRICT COURT
HARRIS COUNTY TEXAS
ZOOM PROTOCOLS AND PROCEDURES**

The following policies and procedures apply to the 280TH Judicial District Court and are effective April 1, 2020, and will continue in effect until further Court Orders. Please read these procedures in conjunction with the other Court procedures that may not be included in the Zoom procedures.

An Essential Matter:

An essential matter is the show cause or trial setting for the protective order case, including A Motion to Vacate. It is not a Motion for Continuance, Motion to Substitute an Attorney, Motion for New Trial or Motion to Confer with child or other such ancillary matters. Please ask the Court if you are in doubt as to whether it is an essential matter or non-essential matter.

Non-essential matters:

Non-essential matters are ruled on by submission- they are set for a ruling 10 days from the date the motion was filed. Any *response* to said motion shall be filed at least 3 days before the submission ruling date. Any amendments, exhibits, or responses filed within 24 hours of the submission date are not deemed timely filed. Any specific questions regarding such should be directed to the Court for further information and clarification.

Motions to Vacate and other ancillary motions

All Motions to Vacate and other ancillary motions are heard via Zoom on the first *available* Friday setting where the Court has time to hearing such motions unless there is good cause for another day.

Live Streaming:

Due to the safety and confidential nature of the proceedings the 280th does not live stream the Court proceedings. This is in compliance with 18 US 2265.

If anyone wishing to view the court proceedings in compliance with the open courts act may come to the 280th Court located in the JJC, 1200 Congress Ave, 7th Floor Houston Texas 77002 and they may view the Zoom proceedings in our courtroom. Appropriate PPE is required and screening for Covid prior to entry into the courtroom.

Confidentiality of Zoom information:

No party, attorney or witness shall give the Zoom meeting identification to any other person. **Only** an attorney of record, party to the case or properly identified witness is allowed to participate in the Zoom court proceeding or be allowed to view the proceedings via Zoom. Any other person wishing to view the proceedings may come *in person to the 280th Court in compliance with the Open Court's Act.*

NO other persons are allowed to view the proceedings unless written permission has been given by the Court. Failure to adhere to this requirements may result in contempt of court which could be incarceration in the county jail and/or a fine.

Prior to entering the Courtroom:

The Court requires all persons be screened for Covid-19 prior to entry into the Courtroom, including temperature check and the asking of the Covid-19 questions prescribed by the CDC.

All persons who have reason to believe they may have Covid-19 or have been exposed to such shall not come to the Court in person for any reason. That person shall contact the court coordinator for further instructions on appearing for Court or a potential reset of the case. All persons entering the Court shall wear a facial covering and may be required to wear disposable gloves if the Court deems necessary during the time the individual in the Court. The Court may also take other safety precautions as deemed necessary and appropriate to prevent the spread of the virus.

No paper filings accepted in the Court:

The Court is NOT accepting any paper filings in the Court at this time. All filings shall be efiled or deposited in the afterhours box located on the left side of the entrance to the Civil Court Building at 201 Caroline Street. (The Court will not accept paper filings of applications and related documents).

Contested Trial Settings:

Preferentially set cases are at 1:30 and at designated times on Fridays.

The Court reserves the right to make any changes to these protocols as the Court deems necessary.

ZOOM HEARINGS

I. PROCEDURES FOR ZOOM HEARING

1. The Court will provide the Zoom identification number to all attorneys and self-represented litigants. Each attorney or self-represented party shall contact the Court *at least* 48 hours before the scheduled hearing for the zoom information 280late@justex.net. (Respondents are instructed in their paperwork to contact the Court at least 24 hours before the hearing).

The Court will not send the Zoom information to the attorneys or litigants until they have requested such. Because of the confidential nature of our cases, attorneys who have not filed a Notice of Appearance and an answer will not receive any Zoom information until they have done so. Emails are not motions or properly filed notices with the Court. Attorneys shall follow the proper procedural rules for noticing the Court of their appearance.

2. ALL ZOOM HEARINGS WILL HAVE THE RECORD TAKEN BY THE OFFICIAL COURT REPORTER. **NO OTHER RECORDINGS ARE ALLOWED. NO LIVE**

STREAMING ALLOWED. *Failure to abide by this rule and any other may be subject to contempt of court which may include incarceration in the HC jail and a fine.*

3. There is no recording for docket call during a Zoom proceedings just as though there is no recording for docket call during an in person proceeding.
4. Parties and attorneys are responsible for the logistics of their remote appearance, technical difficulties, that are not timely resolved, may result in a hearing being passed or, if the inability to participate is due to a lack of familiarity with Zoom, considered a failure to appear.
5. Exhibits and witness lists (including any potential rebuttal or potential impeachment) must be submitted to the Court and Court Reporter at least 24 hours prior to the hearing via electronic mail drop Julia_Rangel@justex.net and to 280_exhibits@justex.net **by 2:00 pm regardless of the time of the hearing** Unless good cause is shown these time frames are strictly adhered.

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- If a hearing falls on a Monday the due date is the Friday before either @ 2:00 pm (not Sunday as it is not a business day)
 - If a hearing falls on a Tuesday after a Monday holiday the due date is the Friday before @ 2:00
6. A drop box link is preferable for sending exhibits. The only formats that will be 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 caption and style of your case appear in the email subject line when submitting your exhibits. Please also state the date and time for the hearing.

A paper copy of the exhibits over 50 pages in total must be provided to the Court *in addition to the Dropbox link* to the court reporter. Exhibits must be delivered 24 hours before the scheduled hearing. Exhibits shall also be in a notebook and tabbed accordingly with an exhibit list.

DO NOT E-FILE EXHIBIT LISTS, EXHIBITS OR WITNESS LISTS--- SEND THOSE ONLY VIA EMAIL TO THE EMAILS ADDRESSES ABOVE.

Failure to properly provide the exhibit list, exhibits and witness lists to the Court reporter, the Court and the opposing side may result in the exclusion of those exhibits and witnesses. These rules are strictly adhered to unless there is good cause.

7. If you have audio or video exhibits you may use Egnyte as a link to the files. **If you plan to play the video during your case please make sure you have practiced this skill. Zoom does present some challenges for those who are not familiar with this feature. The same is true for all other exhibits. Please practice, practice, practice.**

¹ An attorney retained the day before the hearing is not good cause. Respondents are Ordered to contact the Court at least 24 hours before the hearing and Ordered to comply with all Zoom and court procedures on the website.

II. PARTICIPATING IN THE ZOOM VIRTUAL COURTROOM

ZOOM PREPARATION:

At least **48 hours** before the proceeding each party, attorney and witness attending the proceeding shall create a Zoom account via <https://Zoom.us/home>.

*******EACH PARTY AND/OR ATTORNEY SHALL CONTACT THE COURT AT LEAST 48 HOURS BEFORE THE HEARING TO OBTAIN THE ZOOM MEETING NUMBER IF THEY DO NOT ALREADY HAVE IT. THE COURT WILL NOT AUTOMATICALLY SEND THIS INFORMATION.**

Each party, attorney or witness who creates the account **SHALL** use their real name and correct email address. *No nicknames or fake email accounts are allowed.*

For each attorney, the email address used for the Zoom account shall be the same as the one described in rule 21 (f) (2) of the Texas Rules of Civil Procedure.

At least 48 hours before the proceeding each party, attorney and witness shall download and install the Zoom app on the device (computer, tablet, smartphone etc.) that person intends to use to communicate with the Court during the proceeding. **That device must have functional speakers, video camera, and microphone, and must have an internet connection.**

Each party, attorney or witness shall provide good cause for their failure to appear by video at the time of the proceeding.

ZOOM VIRTUAL COURTROOM COURT RULES

1. All parties and attorneys shall join the virtual courtroom at least 15 minutes before scheduled time by opening the Zoom app and clicking on “join a meeting” and enter the meeting identification number given to party, attorney or witness. The 280th Court Coordinator or other Court staff member will admit the person to the virtual courtroom setting. Once admitted to the Zoom proceeding the party, attorney or witness will be placed in a virtual “waiting room” until it that person’s time to be called to the virtual courtroom, **ALL PERSONS ENTERING THE VIRTUAL COURTROOM SHALL MUTE THEIR DEVICES. Video shall be on for ALL participants!**

Please ask your witnesses to be on “standby” for logon and to not logon until instructed to do so. If they log on before instructed they will be placed in a waiting room until it is their turn.

2. **All parties, attorneys and witnesses shall have their legal name properly displayed, they cannot have iPhone 10 or Samsung note or initials like D.J. or M. Smith. They must have their full legal name or they will not be admitted into the virtual courtroom until they have done so.**

3. When each case is called, the court will bring those persons into the virtual courtroom to be identified and sworn.
4. All parties, attorneys and witnesses shall appear by video and audio. They need to make sure their equipment is working prior to logging on as explained above. The Court will not unduly delay a proceeding due to the technical issues of a party, attorney or witness device or internet.
5. When each person enters the virtual courtroom, they must have their audio muted until instructed otherwise. Their video must be on and the person shall be looking at the camera. Do not point the camera to the ceiling or another part of the room.
6. Hearings will be transcribed by official or deputy court reporter- NO other recording shall be allowed nor will anyone live stream the proceedings. This includes attorneys, witnesses and courtroom observers. Persons who fail to comply may be subject to contempt of court. (docket call is NOT recorded and never has been)
7. Witnesses will be called as in any case, and the court will bring them in from the waiting room. Remember, only people on VIDEO will be permitted to testify unless they are in the physical presence of a notary public. As noted above ALL witnesses must be sworn in prior to testimony being taken. Once the witnesses are sworn in they may be placed in the waiting room until it is their turn to testify. Other options for witnesses may be discussed with the Court and opposing party/attorney such as putting the witness “on call”. Failure of the witness to appear via the Zoom proceeding may result in the witness not being allowed to testify.
8. All witnesses must have their own device or be at an attorney’s office where there is a designated computer/office for Zoom proceedings. **At no time can 2 witnesses appear in the same video with the same device. PERIOD! WITNESSES CANNOT BE AT THE SAME LOCATION REGARDLESS IF THEY HAVE SEPARATE DEVICES, UNLESS THEY ARE AT AN ATTORNEY OFFICE AND SUCH AS BEEN REVEALED TO THE OPPOSING SIDE AND COURT.**

CHILDREN ARE NOT ALLOWED IN THE ROOM WITH ANY PARTY, ATTORNEY OR WITNESS. IF THIS HAPPENS THE PARTY, ATTORNEY OR WITNESS WILL BE PLACED IN THE WAITING ROOM UNTIL THE CHILD IS REMOVED AND IN ANOTHER LOCATION.

Attorneys PLEASE make sure you go over ALL Zoom procedures with your clients at least 24 hours before the hearing.

If a party or witness is participating via Zoom at the attorney’s location, it is up to the attorney to insure that all devices are working properly, there is no background noise, or reverberation, and that the person can be seen and heard clearly.

No witnesses or other persons are allowed to view or listen in on the proceedings via Zoom unless they are present in the Courtroom.

9. The Court will allow attorneys and clients to share the same device so long as the client can be seen and heard without clearly.
10. Notes may be passed between lawyer and client, using the private chat feature in Zoom. To do so, hit the “CHAT” button, and at the bottom of the chat window, pull down the recipient arrow and select the lawyer’s name. However, such communication is prohibited during 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.

Witnesses are not allowed to have notes in front of them while they are testifying unless it is an exhibit that has been identified and is being discussed by the attorney and witness. NO paperwork or notes are allowed in front of the witness except as noted here.

Attorneys please go over these rules with your clients and witnesses ahead of time!!!

8. A party may, upon request, confer in private with your attorney. You should “slip a note” via the chat feature to your lawyer, to request a moment to confer. If your request is granted by the court, you will be moved into a confidential breakout room to confer for a few moments.
9. Exhibits (including any statutes or cases law) shall be submitted to the court and court reporter by at least 24 hours before the hearing , 12:00 noon is the cut off time regardless of the setting time.

The only formats that will be 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 caption and style of your case appear in the email subject line when submitting your exhibits.

10. All exhibits should be named in number format only, i.e., A-1, for applicant’s exhibit one, and R-1, for respondent’s exhibit one. You must also include on the exhibit the style of case, cause number and zoom i.d. number. NO EXCEPTIONS.

DO NOT USE LETTERS SUCH AS:

A-1 b

A-1 c

Label each exhibit separately

DO NOT GROUP EXHIBITS TOGETHER (SUCH AS PHOTOS) LABEL THEM INDIVIDUALLY?

11. All stipulations to exhibits shall be noted on the Exhibit forms and efiled with the Court at least 24 hours in advance of the proceeding. There will not be time to confer over exhibits once the Court calls the case to trial.
12. Should your hearing require a volume of combined exhibits of 50 pages or more in total exhibits, please make arrangements with the court to ensure they are physically delivered to the court at least 24 hours before the proceeding. Please make sure they are in a notebook and properly tabbed or labeled.
13. Exhibits that are not pre-marked properly and have not been submitted by noon the day before are subject to exclusion. This include rebuttable and or impeachment. **UNLESS THERE IS GOOD CAUSE SHOWN AND GRANTED BY THE COURT.**
14. Attorneys or parties wishing to make an Objection during a Zoom hearing shall raise their hand and say "Objection". The Court will recognize the attorney or party and allow that person to make their objection for the record. All attorneys and parties are asked to be respectful of one another and not talk over each other and to remember that there is a lag time between speakers and to enable the Court Reporter to take an accurate record attorneys and parties need to remember to speak slowly and wait for the Court to respond.
15. Attorneys or parties should inform the Court at least 48 hours in advance of the hearing that a translator/interpreter will be needed or utilized for the hearing. **Respondents are responsible for arranging their own translators/interpreters and the cost of such.** Both parties shall make sure the interpreter/translator has Zoom capability and has all pertinent instructions regarding log on and meeting identification information.
16. Attorneys and parties shall dress appropriately for all Zoom proceedings. All proceedings are official Court proceedings and shall be treated as such. Parties and witness shall not wear graphic t-shirts, beach wear, tank tops, or other overly casual attire. If the Court sees such attire they will not be allowed to testify until they have changed their attire.
17. Attorneys **SHALL** be properly dressed for Court just as though they were appearing for an in-person hearing. This means, ***dress for Court not for happy hour and not business casual***
18. All parties, attorneys and witnesses shall act professional during all proceedings which include staying seated and keeping the video camera still, not getting up and walking around, making sure your face is in the video at all times and not the ceiling, making sure you are in a quiet place with no distractions or noise in the background. **If any person, including attorneys, who are not acting professionally the Court may be admonished and if that person continues may put the person in the waiting room for a time out.** All persons who do not follow Court rules may be subject to contempt of court which may include incarceration in the county jail and/or monetary sanctions, or both.
19. **NO CHILDREN are allowed in the proceeding or in the background of any Zoom proceeding.** Parties, attorneys and witnesses are required to secure proper day care

for any children and if they have pets to please keep them silent as much as possible. If pets become a distraction the person may have to go to the waiting room. IF A PARTY HAS A CHILD IN THE SAME ROOM DURING THE PROCEEDING THE PARTY WILL BE PUT IN THE WAITING ROOM UNTIL THE CHILD IS REMOVED FROM THE COURT. IF A PARTY CANNOT REMOVE THE CHILD THEY WILL NOT BE ALLOWED IN THE COURT.

20. All persons shall not talk over each other and to wait until their turn to speak. This allows the court reporter to transcribe the record correctly. Attorneys should wait their turn to speak and to respect the time of the other side. Failure to abide by this rule may subject the person to being placed in the waiting room for a short time and then brought back to the Court to continue.
21. **Failure to abide by any of these rules may be subject to the Court dismissing the case, limiting the testimony or other sanctions as may be deemed appropriate give the circumstances.**
22. The Court reserves the right to add, amend or change any of these protocols and procedures as necessary for the administration of justice.

/s/ Barbara J. Stalder
Judge Barbara J. Stalder
280th District Court