

**345th District Court's
Procedures for Remote Hearings
as of April 29, 2020**

The 345th District Court will conduct remote hearings by Zoom conference or telephone in appropriate cases during the COVID-19 pandemic. Any requests for an in-person hearing during the pandemic will be considered, but are likely to be postponed pursuant to the current Emergency Orders. The Court reserves the right to decide appropriate matters by submission, without a hearing.

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 are punishable by contempt.

- 1. Communications with the Court.** All communications regarding scheduling a hearing in this Court should be directed to 345.Submission@traviscountytexas.gov with the following reference: "*HEARING;*" *cause number, case style, subject matter, and whether or not a record is requested.* 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.
 - a. Videoconferencing.** The Court will utilize Zoom videoconferencing. It is free to download at <https://zoom.us>, or you can download the app directly to your mobile phone.
 - b.** Ensure your computer or mobile phone has working internet access, video camera, and microphone or headset with microphone.
- 2. Open Courts.** The Open Courts provision of the Texas Constitution allows public access to most Court proceedings, but **VIDEO OR AUDIO RECORDING OF ALL OR ANY PART OF A HEARING BY ANYONE OTHER THAN THE OFFICIAL COURT REPORTER IS PROHIBITED.**
 - a.** Hearing Schedules will be posted on the District Courts' website each Friday for the following week.
 - b.** Hearings, unless access is limited, will be livestreamed on the Court's YouTube channel at: <https://www.youtube.com/channel/UCKdFnenOVA1tHns21Vb04g>.
 - c.** Hearings will not be available for viewing after the conclusion of each hearing.

- d. The public may view and/or listen to proceedings on YouTube, but may not record them.

3. Prior to the Hearing.

- a. **Objections to Livestreaming.** If counsel or a self-represented litigant seeks to limit public access to a hearing or portions of a hearing, the request should be made to the Court as soon as possible, and if the Court finds that the evidence or subject matter is of such a nature that the protection of the evidence overcomes the presumption of public presentation, the livestream will not be activated or will be interrupted or terminated.
- b. **Three Days before the Hearing.**
 - i. **Responses, replies and other pleadings.** Any responses, replies, or other pleadings must be efiled with the District Clerk by this deadline. Please note: **emailing documents to the Court is not the same as efilng them; all pleadings must be efiled with the District Clerk, as usual.**
 - ii. Ensure the Court has your email address.
 - iii. Notify the Court if you request a record of the proceeding. If no record is requested, then a Court Reporter will not be present for the hearing.
 - iv. If you, a litigant, or a witness can only participate by telephone, notify the Court.
- c. **Hearing Links Emailed.** This Court will email hearing participants a link and password to the Zoom hearing and links and passwords to Box, the program they will use to upload exhibits for the hearing. It is the responsibility of each lawyer or 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 if they are individuals, or one representative of each organizational party), and witnesses should be provided the Zoom link and password and permitted to attend the Zoom hearing. Any person who receives the links and passwords is prohibited from disseminating them to anyone other than those listed here without express prior approval of the Court. Such non-participants may be given the link to the Court's YouTube channel.
- d. **Exhibits.** If you intend to offer any exhibits during the hearing, you **must utilize the Box link sent by the Court and upload an Exhibit List and pre-marked exhibits to the designated folder in Box AND email the Exhibit List to the Court and other parties at least 12 hours before the hearing.** (Note: if you have questions on how to upload documents, go to <https://support.box.com/hc/wn-us/articles/360044196633-Upload-to->)
 - i. You may upload *only* to your designated "Pre-Marked Exhibit and Ex. List" folder and "Other Materials" folder. Do not create new folders or sub-folders. You each have permission to see the contents of all folders in Box for your case.

- ii. Pre-mark your exhibits with the following convention: P for plaintiff or petitioner, D for defendant, or R for respondent; dash; numbers starting at 1. (P-1, P-2, D-1, D-2, R-1, R-2, etc.) Add a short (1- to 3-word) description of each item, e.g., “P-1 Family photos” or “D-1 Smith’s CV.”
 - iii. Each exhibit must be saved separately in PDF format.
 - iv. The pages of each exhibit PDF must be separately numbered so that the Court can quickly access specific pages of each exhibit.
 - v. Absent good cause, the Court will not consider and the court reporter will not maintain in the record any exhibits not provided to the Court by uploading them to Box at least 12 hours before the hearing.
 - vi. Uploading an exhibit to Box does not constitute an offer or admission of the exhibit. Any exhibit not offered during the hearing will be deleted from the “Pre-Marked Exhibits” folder and not included in the record. Exhibits offered and admitted will be moved to the “Offered - Admitted” folder; exhibits offered and not admitted will be moved to the “Offered – Not Admitted” folder, and these will all be part of the record.
 - vii. Please ensure that all pretrial documents that you want the Court to consider, such as a Proposed Support Decision in a divorce case, are included among your exhibits.
- e. **Other Materials.** Non-evidentiary materials, including demonstratives, presentations, trial briefs, proposed orders, and cases for the judge’s reference should be **uploaded to the designated “Other Materials” folder in Box AND emailed to the Court and other parties, preferably before the hearing.**
- f. **Witness Lists.** If a party intends to call witnesses, a witness list should be **uploaded to Box AND emailed to the Court and other parties at least two hours before the hearing.**
- g. **Test Your Setup.** Prior to the hearing, you should test your internet connection, camera, and microphone with Zoom through a test meeting at <https://zoom.us/test>.

4. During the Hearing.

- a. **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.
- b. **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.
- c. **Use Mute When Not Speaking.** Participants shall mute themselves when not speaking in order to avoid any potential background noise.