

419th District Court
Rules for Remote Hearings

Pursuant to the Texas Governor’s declaration of a state of emergency and the emergency orders currently in place from the Supreme Court of Texas and the Travis County District Courts, the 419th District Court will continue to conduct hearings if the parties have the technology and desire to do so. Restrictions and limitations will be similar to those for in-person hearings with the following additions and modifications. These restrictions and limitations are subject to change.

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.

- 1. Communications with Court.** All communications requesting a remote hearing in this Court will be directed to 419.Submission@traviscountytexas.gov and will be entitled: “HEARING;” cause number, case style, and subject matter, and record request (e.g. HEARING; D-1-GN-20-123456, Joe v. The Volcano, Motion for Enforcement, Record Requested). All counsel of record and self-represented parties must be copied on all correspondence with the Court. All requests for a remote hearing should include an explanation of why this issue(s) to be decided necessitate a video or telephonic hearing and cannot be determined on written submission. The Court, in its discretion, may decide matters on written submission.
- 2. Videoconferencing.** This court will utilize Zoom videoconferencing. It is free to download at zoom.us or you can download the app directly to your cell phone. In order to use Zoom a computer must have internet access, video camera and a microphone.
- 3. Open Courts.** The Open Courts provision of Texas law allows all Texans access to Court Proceedings. As a result:
 - a. Hearing Schedules will be posted to the District Court website.
 - b. Hearings, unless access is limited, will be broadcast via the Court’s YouTube channel at: https://www.youtube.com/channel/UCwTKYr37h_40A-TUX_T7ovQ
 - c. **THE PUBLIC MAY VIEW OR LISTEN TO PROCEEDINGS BUT VIDEO OR AUDIO RECORDING IS STRICTLY PROHIBITED, AND SUBJECT TO FINDING OF CONTEMPT OF COURT.**
- 4. 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. Responses and Replies

Any responses or replies must be e-filed with the District Clerk prior to the hearing. Any responses or replies e-filed with the Clerk less than 48 hours before the hearing, should be emailed in PDF format to the Court with the envelope number from E-file. The email should be sent to both

Victoria.Chambers@traviscountytx.gov and
Kathryn.Burnstein@traviscountytx.gov

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.

c. By Noon the day before the hearing.

- i. Ensure the Court has your email address.
- ii. Confirm whether you need a record of the proceeding. If no record is requested then no Court Reporter will be present for the hearing.
- iii. If a litigant, attorney, or witness can only participate via telephone, notify the Court.

- d. Hearing Links Emailed.** This Court will email hearing participants a link and password to the Zoom hearing and links and password 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.

Prior to your hearing, test your connection and setup with Zoom via a test meeting at <https://zoom.us/test>.

- e. 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 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. Ensure that you 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.)
 - ii. Each exhibit must be saved separately in PDF format.
 - iii. The pages of each exhibit PDF must be separately numbered so that the Court can quickly access specific pages of each exhibit.
 - iv. The Court will not consider any exhibits not provided to the Court by uploading them to Box at least 12 hours before the hearing. If you fail to follow this requirement, absent good cause, the Court will not consider them and the court reporter will not maintain these documents in the record.
- f. **Other Materials.** Non-evidentiary materials, including demonstratives, presentations, trial briefs, proposed orders, and cases for the judge's reference should be **uploaded to Box AND emailed to the Court and other parties at least two hours before the hearing.**

Caselaw. Cases for the judge's reference need not be e-filed with the Clerk but should be emailed to the Court noon at least noon before the hearing to allow consideration.

5. During the Hearing.

- a. Although the Meeting is Virtual, the Court expects participants to dress appropriately. Attorneys are expected to wear business attire while others may dress business casual.
- b. During the hearing, participants must speak one at a time and pause prior to speaking in case there is any audio/video lag. This allows the Court Reporter to accurately transcribe the proceedings.
- c. Participants shall mute themselves when not speaking in order to avoid any potential background noise.