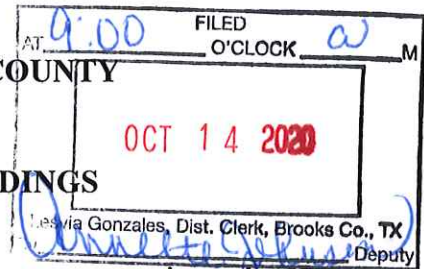


79<sup>TH</sup> JUDICIAL DISTRICT COURT SITTING IN BROOKS COUNTY

SECOND AMENDED  
GENERAL STANDING ORDERS FOR REMOTE PROCEEDINGS  
REGARDING COVID-19 STATE OF EMERGENCY



These General Standing Orders were not requested by any party but were unanimously adopted by the 79<sup>th</sup> Judicial District Court sitting in Jim Wells County and the Jim Wells County Court at Law. These General Standing Orders apply to every case now pending in the 79<sup>th</sup> Judicial District Court sitting in Brooks County, Texas. These General Standing Orders supplement the 79<sup>th</sup> Judicial District Court Standing Order of January 6, 2020 and is effective immediately. The First Amended General Standing Orders for Remote Proceedings Regarding Covid-19 State of Emergency signed June 5, 2020 is hereby rescinded.

Having considered the current situation with Coronavirus (COVID-19), the Disaster Declaration by the Texas Governor, and the Emergency Orders issued by the Supreme Court of Texas and the Court of Criminal Appeals of Texas, the Court FINDS that good cause exists for the entry of this Order.

IT IS ORDERED that all non-jury hearings and trials will be held via teleconferencing using the Zoom application until further order of the Court. The Court may conduct an in-person hearing, if permitted by law, upon motion of a party showing good cause. The Motion must be supported by affidavit establishing the infeasibility of conducting a remote hearing.

IT IS FURTHER ORDERED that:

- (1) All setting requests for non-jury hearings and trials shall be emailed to:

District Court: [ocarbajal@co.brooks.tx.us](mailto:ocarbajal@co.brooks.tx.us)

- (2) All hearings on Motions for Summary Judgment shall be by submission only.
- (3) All exhibits a party intends to offer into evidence and all orders and other documents a party intends to present to the Court for consideration shall:
  - (a) Be placed in a Dropbox Shared Folder before the hearing no later than 4:00 p.m. the day before the scheduled hearing. If the date falls on a Monday, the

exhibits shall be placed in the Dropbox folder no later than 4:00 p.m. the previous Friday.

Please contact the following to be included on a Dropbox Shared Folder:

District Court: [sgtrevino@co.jim-wells.tx.us](mailto:sgtrevino@co.jim-wells.tx.us)

- (b) Be in PDF searchable format;
- (c) Be clearly labeled with the exhibit number (utilizing Arabic numerals in numerical order) and cause number; and,
- (d) An exhibit that contains multiple pages shall be Bates stamped or numbered at the bottom of each page. If an exhibit contains multiple photographs marked as one exhibit number, each photograph shall be marked by a letter of the alphabet in alphabetical order.

IT IS FURTHER ORDERED that the following guidelines shall be implemented:

- (1) Attorneys, parties, witnesses, and other attendees shall attend the video hearing through Zoom by using a desktop computer, laptop, tablet, iPad, or smartphone that has video and audio capability. If a party or witness does not have access to any of these electronic devices, the party or witness may attend the hearing by telephone.
- (2) All witnesses shall be alone in the physical room where they are testifying. The witness prior to testifying and at the conclusion of testimony, at the request of the Court, shall scan the room with his or her camera to ensure that this rule is complied with. All electronic devices, other than the webcam being used to broadcast the Court's proceeding under the Open Courts Provision shall be turned off. Attorneys or other interested parties shall not be allowed to pass the functional equivalent of notes by electronic means to the witness while testifying.
- (3) The attorney calling the witness shall be responsible for ensuring that the witness has a separate video and audio source. Attorneys shall be prohibited from sharing a connection with a witness. It shall be the responsibility of the attorney offering the witness to provide the link to the court proceeding and that the witness has all of the exhibits being offered into evidence.
- (4) All attorneys, parties, witnesses, and other attendees shall download and familiarize themselves with the Zoom software at [www.zoom.us](http://www.zoom.us) prior to all hearings.
- (5) All pro se litigants who are unable to join the teleconference but would like to make other arrangements to make an appearance by phone must contact the appropriate court within seventy-two (72) hours in advance of the scheduled hearing to make other arrangements.

For the District Court, call 361-325-5604 or email: [ocarbajal@co.brooks.tx.us](mailto:ocarbajal@co.brooks.tx.us)

All court proceedings shall be televised live on YouTube. These proceedings may be viewed by the general public on the following YouTube channel:

District Court: <https://www.youtube.com/channel/UC90iekrRu11mlv0KxJyNDYw>

## NOTICE

UNDER THE OPEN COURTS PROVISION OF THE TEXAS CONSTITUTION, ALL COURTS ARE REQUIRED TO MAINTAIN PUBLIC ACCESS. IN GENERAL, COURT PROCEEDINGS ARE PRESUMPTIVELY OPEN TO THE PUBLIC IN TEXAS STATE COURTS. TO COMPLY WITH THIS PROVISION, LIVE PROCEEDINGS WILL BE BROADCAST ON EITHER YOUTUBE OR FACEBOOK LIVE. HOWEVER, RECORDING OF THESE PROCEEDINGS IS STRICTLY PROHIBITED. PARTICIPANTS AND VIEWERS ARE HEREBY ADMONISHED THAT VIOLATORS ARE SUBJECT TO THE COURT'S CONTEMPT POWERS. THE PUNISHMENT FOR CONTEMPT OF A COURT ORDER IS A FINE OF NOT MORE THAN \$500, OR CONFINEMENT IN THE COUNTY JAIL FOR NOT MORE THAN SIX (6) MONTHS, OR BOTH SUCH A FINE AND CONFINEMENT. (TEXAS GOVERNMENT CODE SEC. 21.002)

These orders shall remain in full force and effect until set aside.

SIGNED on the 16<sup>th</sup> day of September, 2020.



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HON. RICHARD C. TERRELL  
JUDGE PRESIDING  
79<sup>TH</sup> JUDICIAL DISTRICT COURT