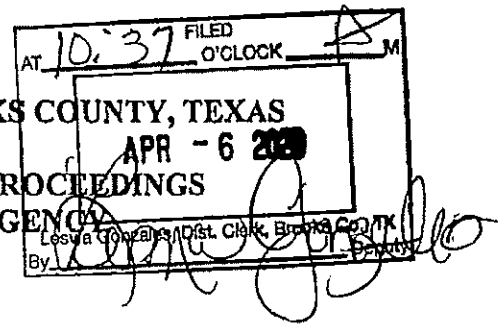


79TH JUDICIAL DISTRICT COURT SITTING IN BROOKS COUNTY, TEXAS
GENERAL STANDING ORDERS FOR REMOTE PROCEEDINGS
REGARDING COVID-19 STATE OF EMERGENCY



These General Standing Orders apply to every case now pending in either the 79th Judicial District Court sitting in Brooks, Texas. These General Standing Orders supplement the current Standing Orders issued by this Court and are effective immediately.

Having considered the current situation with Coronavirus (COVID-19), Governor Abbott's Proclamation declaring a state of disaster for all Texas counties on March 13, 2020, the Supreme Court of Texas and the Court of Criminal Appeals of Texas' First Emergency Order Regarding the COVID-19 State of Disaster, requiring measures to help mitigate the spread of COVID-19 to protect the health and welfare of all, the Office of Court Administration's proactive approach in testing and procuring licenses with the Zoom application, and the Order to Stay Home adopted in Brooks County, the Courts FIND that good cause exists for the entry of this Order.

IT IS ORDERED that all essential hearings will be held via teleconferencing using the Zoom application until further order of the Court.

IT IS FURTHER ORDERED that for the 79th Judicial District Court:

- (1) All setting requests for both essential and non-essential hearings shall be emailed to districtcourt@co.jim-wells.tx.us;
- (2) All non-essential hearings shall be by submission only;
- (3) All motions and responses that are the basis for the hearing shall be emailed to districtcourt@co.jim-wells.tx.us no later than 4:00 p.m. the day before the hearing. If the hearing is scheduled for a Monday, the motions and responses will be due no later than 4:00 p.m. on the Friday preceding the hearing and shall include in the subject line the cause number and name of party submitting documents;
- (4) All exhibits shall:
 - a) Be emailed to districtcourt@co.jim-wells.tx.us, sgtrevino@co.jim-wells.tx.us, and to all parties no later than 4:00 p.m. the day before the hearing. If the hearing is scheduled on a Monday, the exhibits will be due no later than 4:00 p.m. on the

Friday preceding the hearing;

b) Be in PDF searchable format;

c) Be clearly labeled with the exhibit number and cause number.

d) Include in the subject line of the email the cause number and name of party submitting the exhibits;

e) Be e-filed with the District Clerk's office;

(5) All hearings shall be limited to thirty (30) minutes; and

(6) All cases assigned to a visiting judge will follow same protocol.

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

(1) All 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;

(2) All parties shall email the court coordinator and all counsel of record, at least twenty-four (24) hours in advance of the scheduled hearing, a list of all witnesses, with full names, email addresses, and cell phone numbers who intend to testify at the video hearing. If a witness is not listed, the Court reserves the right to not allow the undisclosed witness to testify;

(3) All witnesses shall be placed in an electronic waiting room until called to testify. At the conclusion of the testimony of that witness, he/she will be dismissed from the live video hearing;

(4) 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;

(5) 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;

(6) All parties are encouraged to confer prior to the hearing. If necessary, parties will be afforded the opportunity to confer via a Zoom Breakout Room prior to the start of the hearing;

- (7) All attorneys, parties, witnesses, and other attendees shall download and familiarize themselves with the Zoom software at www.zoom.us prior to all hearings;
- (8) 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 361.219.6959 or email: districtcourt@co.jim-wells.tx.us; and,
- (9) All attorneys and parties shall wear attire that is at the minimum business casual.

Public Access to the court proceedings may be viewed at:

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


IT IS FURTHER ORDERED that in compliance with the Open Courts Provision of the Texas

Constitution:

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 6 day of April, 2020



HON. RICHARD C. TERRELL
JUDGE PRESIDING
79TH JUDICIAL DISTRICT COURT