

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

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

AT 11:00	FILED	00	M
O'CLOCK			
JUN 5 2020			
D. Gonzalez, Dist. Clerk, Brooks Co., TX Deputy			

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 Brooks County. These General Standing Orders apply to every case now pending in the 79<sup>th</sup> Judicial District Court sitting in Brooks. These General Standing Orders supplement the 79<sup>th</sup> Judicial District Court Standing Order of January 6, 2020 and are effective immediately. The General Standing Orders for Remote Proceedings Regarding Covid-19 State of Emergency signed April 2, 2020 are hereby rescinded.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 for the 79<sup>th</sup> Judicial District Court:

- (1) All setting requests for non-jury hearings and trials shall be emailed to [districtcourt@co.jim-wells.tx.us](mailto:districtcourt@co.jim-wells.tx.us);
- (2) All hearings on Motions for Summary Judgment 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](mailto: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](mailto:districtcourt@co.jim-wells.tx.us), [sgtrevino@co.jim-wells.tx.us](mailto: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;

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. 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 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 telephone numbers who intend to testify at the video hearing. If a witness is not listed, the Courts reserve 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](http://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](mailto:districtcourt@co.jim-wells.tx.us).

(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:  
79<sup>th</sup> District Court

<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 4<sup>th</sup> day of June, 2020



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