

328th ZOOM HEARING ORDERS AND PROCEDURES

During the COVID -19 state of disaster, the 328th District Court will conduct certain hearings via Zoom video conference. Zoom Hearings may be set by agreement of all parties or by the Court following a “Motion for Use of Emergency Procedures”. The procedure to set a Zoom Hearing is set forth below.

The Family Law Section of the State Bar of Texas has promulgated a “**Motion for Use of Emergency Procedures**”. You may use this form to request different types of relief from the courts during a state of emergency affecting the county in which a case is pending. The Family Law Section also promulgated an “**Order on Motion for Use of Emergency Procedures**”. Among other features, the order contains a model of detailed procedures for remote proceedings. The 328th will generally follow the procedures for remote proceedings set forth in the “Order on Motion for Use of Emergency Procedures”, except as noted herein or as may be determined by the Court. You may download the motion and order forms at:

<http://texasbar.informz.net/z/cjUucD9taT03ODY1MjUzJnA9MSZ1PTc1MzE0NDMwOCZsaT02NDM1ODIxNA/index.html>

328th PROCEDURE TO SCHEDULE A ZOOM HEARING (PLEASE READ CAREFULLY):

1. **Scheduling a Hearing** – email all Zoom Hearing requests to: 328th@fortbendcountytexas.gov with a copy of your request to all counsel and self-represented parties. Hearing requests **SHALL** include the following:
 - a. Name of the requesting attorney and party they represent;
 - b. A statement regarding whether the request for a Zoom Hearing is **AGREED** by all counsel/parties. (If agreed, a remote proceeding may be set. If contested, a “Motion for Use of Emergency Procedures” may be filed, which shall be heard by Zoom Hearing);
 - c. Type of hearing requested;
 - d. Whether an interpreter is necessary and the required language; and
 - e. **Total** time anticipated for the Zoom Hearing (for all parties).
2. **Daily Dockets** – the 328th conducts a Docket Daily via Zoom, Monday – Friday. **ALL ZOOM HEARINGS ON A DAILY DOCKET MUST BE SCHEDULED IN ADVANCE WITH THE COORDINATOR.** There will be no “sign-ups”. Docket Call commences promptly at 8:30 a.m. Please arrive in the Virtual Courtroom at least 5 minutes before your hearing and remain in the Waiting Room until the Court calls your case.
3. **Logging in For Your Hearing** – on the day of the Zoom Hearing, log-in using the appropriate link provided to you by the Court Coordinator. NOTE: You will be prompted to download the Zoom App, which you must do to participate in the hearing.
4. **Zoom Hearing Link and Meeting ID** – in order to participate in the Zoom Hearing, you will need the meeting LINK and MEETING ID. The LINK and MEETING ID can be obtained from the Court Coordinator via email. They will also be provided to you via email by the Court Coordinator when the scheduling of your hearing is confirmed. **IMPORTANT:** keep the LINK and MEETING ID confidential, providing them only to necessary participants for the hearing, including counsel, self-represented parties, clients, witnesses, etc.
5. **Exhibits** – hearing/trial Exhibits, except for rebuttal or those that cannot be anticipated, **SHALL** be premarked, exchanged with counsel/self-represented parties, and **EMAILED** to the Court Coordinator as separate PDF files **at least three (3) days prior to the Zoom Hearing**. Exhibits shall be saved as **separate files**, in PDF, MP4 or JPEG format, named and marked using the following FORMAT:

Cause Number – Party Designation – Exhibit Number – Hearing Date

EXAMPLE: **20-DCV-123456 – Petitioner – Exhibit 12 – 03-25-2020**

- a. Counsel should attempt to reach stipulations regarding Exhibit admissibility **before** the hearing.
- b. **FAILURE TO FOLLOW THIS PROCEDURE MAY RESULT IN EXHIBIT EXCLUSION.**

328TH PROCEDURES AND RULES APPLICATION TO ZOOM PROCEEDINGS:

1. The 328th will generally follow the procedures for remote proceedings set forth in the “Order on Motion for Use of Emergency Procedures”, except where they differ herein or as may be determined by the Court.
2. **NO SIGN-UPS** – there will be no “sign-ups” during the Zoom Hearing Daily Docket. Agreed Divorce proveups may be submitted as an Agreed Decree/Order, with signatures of all counsel and parties. Agreed Divorce prove-up testimony must be submitted via Affidavit or Declaration, attached as an exhibit to the Decree.
3. The Court will not hear Motions to Enforce seeking contempt by Zoom Hearing, but will hear enforcements seeking a money judgment only.
4. Zoom proceedings are actual court proceedings conducted in a Virtual Courtroom. Hearings will be live streamed to the public, so participants must treat Zoom proceedings with the same respect as in-person court proceedings. All of the usual in person courtroom decorum, demeanor and dress code rules shall apply.
5. Participants in Zoom proceedings should minimize outside noise and distractions.
6. Attorneys and participants shall enter the hearing Waiting Room at least 5 minutes prior to the hearing start time. Attorneys and participants will remain in the Waiting Room until the Judge takes the bench and commences docket call.
7. Audio will be muted in the Waiting Room until the Judge calls the docket or commences your hearing. Video will be active upon entry in the hearing Waiting Room. Attorneys may privately chat with each other. **Chatting with (and text messaging) witnesses while they are testifying is strictly prohibited.**
8. If requested, counsel and parties may be moved by the Court into a Breakout Room for private conferences, settlement discussions, etc. Breakout Room discussions are not recorded or live streamed, and only persons in the Breakout Room are able to hear the discussion. The Court is also unable to hear what is being said.
9. During Zoom Hearings, the Court will use a DropBox folder for each case’s pre-filed hearing Exhibits. If admitted, those Exhibits will become part of the record. The Court will not review Exhibits prior to proveup and admission into evidence. Attorneys should maintain their own copies of hearing Exhibits for use during the hearing. Counsel are encouraged to try and reach agreements regarding admissibility of Exhibits.
10. SUBPOENAS – all witness subpoenas should direct the witness to appear in the Virtual Courtroom and must include the web address (link) for the Zoom Hearing and the Meeting ID.
11. RECORD – the Court will make a record of the Zoom proceeding. The Court will not provide copies of the hearing video or audio. As with any hearing or trial, transcript requests must be directed to the Official Court Reporter for the 328th District Court.
12. All Zoom proceedings will be streamed to the Court’s YouTube Channels for live viewing only. Witnesses placed under “the Rule” are prohibited from accessing the Court’s YouTube Channel at any time while placed under “the Rule”. The Court’s YouTube Channels can be accessed via the OCA directory at:

OCA - <https://www.txcourts.gov/programs-services/electronic-hearings-with-zoom/youtube-channel-directory/>
13. **IT IS ORDERED THAT RECORDING ZOOM PROCEEDINGS IS STRICTLY FORBIDDEN.** Attorneys, self-represented parties, witnesses and attendees participating in remote hearings, or members of the public viewing a live stream, are prohibited from recording, capturing, saving, broadcasting, televising, or photographing the proceeding in any manner. **FAILURE TO ABIDE BY THIS ORDER MAY RESULT IN CONTEMPT OF COURT PROCEEDINGS.**

The 328th District Court suggests you incorporate the following language into Notices of Hearing for proceedings conducted via Zoom. While not required, this language is suggested to ensure that all counsel, parties and self-represented litigants receive sufficient notice and are able to participate in the hearing.

NOTICE OF HEARING

This matter is set for hearing on the ____ day of _____, 2020 at ____: ____ am/pm.

The hearing will be conducted via Zoom Video Conference.

To appear and participate in this hearing via Zoom, you must have an electronic device with an internet connection. You may use a smart phone, iPad/tablet, or desktop/laptop computer with a built-in webcam/microphone. It shall be the responsibility of counsel and self-represented parties to download the Zoom App prior to a proceeding and to ensure that all hearing participants have the ability to participate. Zoom is a FREE DOWNLOAD available at: <https://zoom.us/download>

Meeting ID: _____ - _____ - _____

To join the hearing via Zoom:

Please go to: <https://txcourts.zoom.us/join>

Then type in the above referenced Meeting ID.

To join the hearing by Audio/Phone:

Dial by your location or find your local number at <https://txcourts.zoom.us/u/abnprcyMQz>

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 929 205 6099 US (New York)

+1 253 215 8782 US

+1 301 715 8592 US

+1 312 626 6799 US (Chicago)

Then type in the above referenced Meeting ID.

Disclaimer:

Use this service at your own risk. Please be aware that some video conferencing software have a security risk and face issues with disclosure of private information.