



309th Family District Court Policies and Procedures for Hearing via Zoom

The following policies and procedures apply to the 309th Family District Court and are effective April 17, 2020, and will expire on May 8, 2020, unless extended.

Non-Essential matters that cannot otherwise be heard by submission may be set **BY AGREEMENT OF ALL PARTIES**, via Zoom.

Scheduling of such non-essential hearings will occur after the parties have mediated, if mediation is required by this court's policies and procedures.

I. STEPS TO OBTAIN A HEARING for a non-essential matter that cannot be otherwise heard by submission:

- A. Obtain an agreement¹ from all the parties to have a hearing via Zoom (if the court has granted a motion for Zoom hearing, move to Step B).
 1. DO NOT set a non-essential hearing without prior agreement of the other party/parties to conduct the hearing via Zoom.
 2. Rule 11 agreement with actual signatures can be filed with the court to show said agreement was made prior to requesting the scheduling of the hearing.
- B. Schedule a Zoom hearing date and time by contacting the Court Coordinator at molly_mai@justex.net.
- C. Court Coordinator will send a confirmation e-mail with the Zoom meeting details (link and meeting ID number).
- D. Upon receiving the Zoom meeting details (link and meeting ID number) from the Court Coordinator, the scheduling party is responsible for noticing the other party/parties.
 1. Notice of hearing must be e-filed.
 2. Notice must state that the parties AGREE to have their non-essential hearing occur via Zoom, or that the court has granted a motion for Zoom hearing, and must contain the Zoom conference details (link and meeting ID number) generated by the Court Coordinator, so that there is proof of notice of the hearing details on all parties entitled to notice.

II. POLICIES AND PROCEDURES FOR ZOOM HEARING

- A. The scheduling party is responsible for noticing all parties of the Zoom hearing, which notice must include Zoom conference details. Additionally, the scheduling party must cancel the

¹ IF PARTIES ARE UNABLE TO REACH AN AGREEMENT - Any party may file a "Motion Requesting Zoom Hearing." Said motion shall state the reason for the request and shall include a certificate of conference indicating the dates and type of contact made with the opposing party regarding said request. The motion shall also include an affidavit from the party stating the reason for the urgency of the hearing. The party opposing the Zoom hearing may file a response stating the reasons for the opposition. The court will review the motion and response by submission and e-mail the order either granting or denying the request.

- hearing if it is no longer needed by notifying the Court Coordinator and the other party/parties as soon as possible of the cancellation.
- B. Local rules and family code requirements for filings and pre-exchange of materials/exhibits still apply.
 - C. Parties are responsible for the logistics of their remote appearance. Technical difficulties that are not timely resolved may result in a hearing being passed. If a party's inability to participate is due to a lack of familiarity with Zoom, such lack of participation may be considered a failure to appear.
 - D. Exhibits needed for a Zoom hearing must be sent to the Court Coordinator molly_mai@justex.net and Court Reporter at ajhs64@gmail.com, for download via Dropbox link at least two business days before the Zoom hearing. Please designate whether any exhibit has been stipulated to.
 - 1. The only exhibit formats that will be accepted are PDF for documents, JPG or PNG for images, and MP4 for audio and video. No DOC formats or executables will be accepted.
 - 2. E-file your exhibit list two days prior to the date of the Zoom hearing. Place the caption and style of the case in the subject line when submitting your exhibits.
 - 3. Exhibits should be named in number format, i.e., P-1 for Petitioner's exhibit one.
 - 4. Do not e-file exhibits. Such e-filing does not make exhibits part of the record except regarding a summary judgment motion.
 - 5. Should your hearing require a volume of combined exhibits of 50 pages or more, contact the Court Coordinator to make arrangements to deliver the exhibits to the court.
 - E. IF A RECORD IS REQUESTED, the party who wants a record must notify the court of the record request at least two (2) days prior to the scheduled Zoom hearing and must list the following information: case number, style of the case, attorneys' names and contact information, and parties' names.

III. PARTICIPATING IN THE ZOOM VIRTUAL COURTROOM

- A. Parties and counsels are required to practice courtroom decorum with proper demeanor of conduct and manners as well as by dressing appropriately.
- B. You will join the virtual courtroom at the scheduled time by clicking the link in the e-mailed "e-vite."
- C. When you join a virtual setting, you will be appearing in a virtual waiting room with all other parties, attorneys, and witnesses. There may be several cases set on the docket at that time. When your case is called, the court will bring you into the virtual courtroom.
- D. Because the Zoom app works on all modern smart phones, tablets, and computers, ***each attorney is expected to appear by video, rather than merely by voice.***
- E. When you enter the virtual courtroom, your video is automatically activated and your audio muted, until the hearing begins.
- F. Hearings will be transcribed by an official or deputy court reporter. Please complete the record request form available on the Court's website (in fillable format).
- G. Witnesses will be called as in any case, and the Court or Court Coordinator will bring them in one at a time from the waiting room. ***Only people on video will be permitted to testify, unless they are in the physical presence of a notary public.***
- H. The "Rule" is invoked in these proceedings just as it would be in in-person court hearing. Counsels should protect the integrity of the Rule with their respective witnesses. DO NOT encourage or allow your witnesses to watch the live streaming of the subject proceeding.
- I. Notes may be passed between lawyer and client, using the private chat feature. To do so, hit the "CHAT" button, then at the bottom of the chat window, pull down the recipient arrow and select your lawyer's/client's name. However, such communication is prohibited during taking of the

respective client's testimony. If the Rule has been invoked, witnesses shall not use the chat feature and will only be permitted in the virtual courtroom while they are testifying. Witnesses on the witness stand may not refer to notes or paperwork while testifying, except as otherwise allowed.

- J. A client may, upon request, confer in private with their attorney. The client should "slip a note" via the chat feature to their attorney, who may request a moment to confer. If the request is granted by the Court, the attorney and client will be moved into a confidential breakout room to confer for a moment.
- K. If you feel that your case has testimony that should not be live streamed, you must file a Motion Requesting a Closed Court for that particular witness, stating why testimony should not be broadcast, along with an Order five (5) days prior to the hearing. You must notice the opposing party who must file a response 72 hours prior to the scheduled hearing.
- L. All hearings conducted via Zoom app are subject to additional instructions as deemed appropriate by the Court during the Zoom hearing.
- M. All Zoom proceedings will be streamed 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". Live streaming may be viewed at:

Presiding Judge Linda Marie Dunson's Channel – <https://video.ibm.com/channel/9x7mLJv2RSt>

Associate Judge Tracy D. Good's Channel – <https://video.ibm.com/channel/nTaUGtVk9eE>

IV. NO RECORDING OF COURT PROCEEDING

NO PERSON, OTHER THAN THE COURT REPORTER, MAY RECORD A COURT PROCEEDING WITHOUT THE COURT'S PERMISSION. THIS PROHIBITION APPLIES TO ALL PERSONS, INCLUDING MEMBERS OF THE PUBLIC VIEWING COURT PROCEEDINGS ON ANY COURT'S LIVE STREAM AND TO PERSONS WITH THE ABILITY TO RECORD ANY VIRTUAL COURT PROCEEDING. ANY PERSON FOUND TO BE IN VIOLATION OF THIS ORDER FACES CONTEMPT PROCEEDINGS, INCLUDING A FINE OF UP TO \$500 AND A SENTENCE OF CONFINEMENT FOR UP TO SIX (6) MONTHS IN JAIL FOR EACH ACT OF CONTEMPT OF COURT.

V. POLICIES APPLY TO AGENTS

No party, attorney, or witness may circumvent the terms of these policies by having another person perform a task prohibited for that party, attorney, or witness. For example, if an attorney is prohibited from communicating with a witness during a proceeding, the attorney's legal assistant or other agent of the attorney may not communicate with that witness during the proceeding.