

# **Harris County Family District Court's Policies and Procedures for Hearings via Zoom**

The following policies and procedures apply to the 311th District Court and is effective April 1, 2020, and will expire on May 8, 2020, unless extended.

For the time being, Non-Essential Matters (that cannot be heard by submission) may be set, BY AGREEMENT OF ALL PARTIES, via Zoom.

## **I. STEPS TO OBTAIN A HEARING for a Non-Essential matter (that cannot be heard by submission):**

1. Obtain an AGREEMENT FROM ALL THE PARTIES to have a hearing via Zoom.
  - a. DO NOT set a non-essential hearing without prior agreement of the other party/parties to conduct the hearing via Zoom.
  - b. Rule 11 agreement can be filed with the court to show said agreement was made prior to the scheduling of the hearing.
2. Schedule a Zoom Hearing Date and Time by contacting the Court.
3. Upon receiving a confirmation email, please contact the court coordinator to obtain your Zoom Meeting Details (link and Meeting ID).
4. Upon receiving the Zoom Meeting Details (link and Meeting ID) from the court coordinator, the scheduling party is responsible for noticing other party/parties.
  - a. Notice of hearing must be efiled.
  - b. Notice must state the parties AGREE to have their non-essential hearing occur via Zoom, and must contain the Zoom conference details (link and Meeting ID), generated by the court coordinator, so that there is proof of service of the hearing details on all parties entitled to notice.

## **II. POLICIES AND PROCEDURES**

1. THE SCHEDULING PARTY IS RESPONSIBLE FOR NOTICING OTHER PARTY/PARTIES.
2. Cancel setting online if hearing no longer needed and notice other parties of cancelation.
3. Local rules and family code requirements for filings and pre-exchange of materials/exhibits still apply. Efile your exhibit list prior to the date of Zoom Hearing.
4. Parties are responsible for the logistics of their remote appearance, technical difficulties, that are not timely resolved, may result in a hearing being passed or, if the inability to participate is due to a lack of familiarity with Zoom, considered a failure to appear.
5. SCHEDULING PARTY IS RESPONSIBLE FOR INCLUDING ZOOM CONFERENCE DETAILS IN NOTICE OF HEARING TO OTHER PARTIES.
6. Scheduling of Non-Essential hearing only allowed AFTER respondent has appeared and mediation (if required) has been scheduled to occur prior to the date being requested.
7. Do not e-file exhibits, it does not make them part of the record except for a summary judgment motion.

8. Exhibits needed for a Zoom hearing, should be sent to the court reporter for download. See each Court's justex website for specific instructions.

### III. PARTICIPATING IN THE ZOOM VIRTUAL COURTROOM

1. You will join the virtual courtroom at the scheduled time by clicking the link in the email "evite."
2. 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.
3. 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.
4. When you enter the virtual courtroom, your video is automatically activated and your audio muted, until the hearing begins.
5. Hearings will be transcribed by official or deputy court reporter upon request, or at the discretion of the court. If requesting a record, please complete the record request form available on the court website (in fillable format).
6. Witnesses will be called as in any case, and the court will bring them in one at a time from the waiting room. Remember, only people on video will be permitted to testify unless they are in the physical presence of a notary public.
7. Notes may be passed between lawyer and client, using the private chat feature. To do so, hit the "CHAT" button, and at the bottom of the chat window, pull down the recipient arrow and select your lawyer's name. However, such communication is prohibited during taking of client testimony. You are also prohibited from using the chat feature to communicate with witnesses. Witnesses are only permitted in the virtual courtroom while they are testifying. You are not to hold notes or paperwork in your hands while testifying, just as though you were on the witness stand.
8. You may, upon request, confer in private with your attorney. You should "slip a note" via chat feature to your lawyer, request a moment to confer. If your request is granted by the court, you will be moved into a confidential video room to confer for a few moments.
9. Exhibits must be submitted to the coordinator and court reporter at least two business days prior to the hearing. The only formats that will be accepted are PDF for documents, JPG and PNG for images, and MP4 for audio and videos. No DOC formats or executables will be accepted. Please ensure the caption and style of your case appear in the email subject line when submitting your exhibits.
10. All exhibits should be named in number format only, i.e., P-1, for petitioner's exhibit one, and R1, for respondent's exhibit one. Please ensure all exhibits are delivered at least 2 days in advance of your zoom hearing. Evidence not anticipated or submitted prior to the hearing may be submitted during the hearing through the Chat/File feature in Zoom.
11. Should your hearing require a volume of combined exhibits of 50 pages or more, please make arrangements with the court to ensure they are physically delivered to the court (per courthouse availability).
12. Exhibits shall be accompanied by record job request form (if a record is requested), which may be obtained on the court's web site in fillable format.
13. All hearings conducted via Zoom app are subject to additional instructions as deemed appropriate by the court during the time of hearing.