

From: [Rebecca Moneyhon](#)
To:
Cc:

Subject: 452nd Judicial District Court Proceeding Information
Date: Wednesday, March 25, 2020 10:04:11 AM

Good morning everyone.

I hope that this message finds you all safe and healthy. I continue to be thankful for the excellent work you all do in our court system. It simply could not function without the great administration and advocacy that you provide, and it is one of my greatest blessings to work with you all. With the unprecedented challenges we now face, we need the very best from each of you.

DELAYED PROCEEDINGS

Pursuant to direction from The Supreme Court of Texas and Texas Court of Criminal Appeals and guidance from the Texas Office of Court Administration, **non-essential proceedings will generally be delayed until May 11, 2020.**

However, with the introduction of remote proceeding capabilities described below, some of these non-essential proceedings can be conducted remotely prior to that time. Essential proceedings may be conducted remotely or in person with no limitation on the number of participants but with every effort made to ensure proper social distancing and the safety of everyone.

COURTHOUSES AND COURT STAFF

All Courthouses remain open, with each office implementing varying limitations on public access. Our district clerks, adult and juvenile probation officers, and staff at the District Attorney's office remain hard at work. If needed, Grand Juries will meet in a manner which accommodates social distancing and, if necessary, the Regional Presiding Judge, with the approval of the district court, may extend their term during this disaster. The Texas Commission on Jail Standards is working with sheriffs to attempt to reduce the jail population where possible to reduce the risk of coronavirus in our jails.

REMOTE HEARINGS

Due to the risks of the COVID-19 outbreak and the mandates associated with the public health disaster declarations, most hearings can no longer be held in county courthouses. Last week, the Supreme Court suspended the requirement that hearings take place in the county of venue, freeing courts to hold hearings remotely. Additionally, the Office of Court Administration facilitated the implementation of Zoom Cloud Meeting program/app, which is incredibly effective at hosting court hearings. You will be required to use this app for court hearings in most state courts until the restrictions on public gatherings are lifted. So, for the foreseeable future, most hearings in the 452nd Judicial District Court will take place in the virtual courtroom of Zoom Cloud Meeting.

Please visit zoom.us and create an account, using your work e-mail address. You should also download and install the app on your computer, tablet and smart phone. If you cannot figure out how to do it, just remember this -- when you attempt to host or join a meeting from the Zoom webpage, it will ask you whether to open the Zoom app. *Instruct it to open in the Zoom app and allow it to install the program.* (No paid license is required at this time, although full functionality costs only \$15 per month.) *It is crucial that you install the program/app rather than relying on the web browser.* The full program allows for confidential, private breakout rooms, which are not available on the plug-in version. This feature enables you to confer with your client in a completely confidential setting, which means *you and your client do not need to be in the same physical location during the hearing.* Your clients can call-in to the meeting using any telephone.

Typically, however, only those who are visible on camera will be permitted to testify. In some instances, a witness may testify if they call-in on the telephone and are in the physical presence of a notary public who can verify their identity

and properly swear them in. So to clarify, Parties who only CALL in and are not in the presence of a notary public can participate, but cannot testify under oath. Witnesses who are not on camera will not be permitted to testify under most circumstances.

In addition, Zoom allows for real-time Spanish-English interpretation. You must notify the coordinator in advance of the hearing if you will need an interpreter for any party or witness.

Dress codes have not changed. Attorneys, parties and witnesses should dress appropriately. You are responsible for ensuring that your clients and witnesses are aware of and comply with this dress code.

PARTICIPATING IN THE ZOOM VIRTUAL COURTROOM:

1. For each scheduled court setting, you will receive an e-vite, containing links for joining by Zoom or via telephone. You will join the virtual courtroom by clicking the link in the e-vite at the scheduled time. Only the attorneys and self-represented parties will receive e-vites from the court. It is incumbent upon you to forward the setting details to your witnesses and clients and inform them of the setting.
2. When you join the "meeting," you will appear 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 the attorneys and clients into the virtual courtroom, in turn. For that reason, everyone must use their real names in setting up their Zoom accounts.
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. Attorneys must show good cause for failure to appear by video.
4. When you enter the virtual courtroom, your video will automatically be on and your audio muted, until the hearing begins.
5. Hearings will be on the record with the official reporter as usual.
6. Witnesses will be called as in any case, and the court will bring them in one at a time from the waiting room.
7. You may "slip notes" to your clients, 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 client's name. However, you are not to communicate with your clients while they are testifying. 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. Witnesses are not to hold notes or paperwork in their hands while testifying, just as though they were on the witness stand.

8. You may, upon request, confer in private with your clients. You should request a moment to confer, and if granted, identify the client with which you wish to confer, by name. The court will send those video streams into a confidential side-room to confer for a few moments. You will also be permitted to confer with opposing counsel outside the presence of the court, in like manner, should you so desire.

9. Exhibits and plea papers must be submitted to the Court Coordinator prior to the hearing, either through Dropbox or via email at Rebecca.moneyhon@txcourts.gov. If you have voluminous evidence or documentation, you should contact the coordinator for a Dropbox link. The only formats that will be accepted are PDF for documents, JPG for images, and MP4 for videos. No DOC formats or executables will be accepted. Contact the Court Coordinator for more information.

10. All exhibits should be named in the following format: beginning with the first two letter of the County, followed by the cause number and a short description, ie: "MC6023 Plea Papers" for McCulloch County, or "ED2541 Verizon Cell Records" for Edwards County. Evidence not anticipated or submitted prior to the hearing may be submitted during the hearing through the Chat/File feature in Zoom.

Although it may sound complicated, you will find that your comfort level grows quickly with each use. Of course, these instructions may change and develop as we learn more about the system each day. Thank you for your flexibility and willingness to adapt.

ADMONISHMENTS FOR REMOTE HEARINGS

Remote Hearings will be live-streamed on the Court's YouTube Channel TX Dist Court 452, found at the following link: https://www.youtube.com/channel/UCpcqrRpktCoVtJ9dnMoTCiw?view_as=subscriber

It is recommended that you tap GALLERY VIEW in the top of the screen, so that you can see all participants at all times, rather than only the active speaker.

Only counsel of record, clients, clients' spouses (where specifically permitted by the rules), testifying experts, and witnesses (while testifying) will be permitted in the Zoom hearing. Think of the Zoom hearing as the well of the

courtroom, and the livestream as the audience sitting area. Only someone who would be permitted to pass the bar and enter the well may join the Zoom hearing. Everyone else must watch the livestream.

The court's standing rules prohibiting video and audio recording in the courtroom remain in effect. You are prohibited from recording these proceedings in any way. All hearings are being recorded by the court's official court reporter, and transcripts may be ordered from her as with any other hearing.

The Rule as to witnesses may be invoked in the Virtual Courtroom. Witnesses will then only be permitted in the courtroom during their testimony. In that case, do not allow or encourage witnesses to watch the Livestream during the hearing, or assist them in any way in violating the Rule. Also, do not to use the private chat feature with any non-client witnesses.

You may use the private chat feature to slip notes with your client, but you may not chat, text, or in any way confer with your client, during his or her testimony. Wait until questions are completed before announcing an objection. Do not interrupt each other or talk over each other.

If you wish to confer in private with your client, please inform the court and state the identity of the client or clients with which you want to confer, and if allowed you will be excused to a private breakout room for a moment or two. The same will be true if you wish to confer sidebar with opposing counsel, in private. If you are using a web browser for this hearing rather than the Zoom app, you will not have access to the breakout room feature. The Court will not at any time enter a breakout room, and those rooms are not recorded in any way. Tap "Return to Main Session" to exit the breakout room. Do not tap "Leave Meeting."

Again, it is because of our excellent group of the attorneys that make my job so enjoyable and because of the excellent staff who work across the district that make things run so efficiently. Thank you each for what you do in the 452nd Judicial District Court of Texas.

Sincerely, Rh

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