

97TH JUDICIAL DISTRICT COURT
RULES FOR REMOTE HEARINGS

The Governor has declared a state of emergency and the Office of Court Administration has suggested that all non-critical court proceedings should be suspended. However, technology and state law allow options for conducting proceedings not previously available. As such, the 97th District Court will continue to conduct hearings if the parties have the technology and desire to do so. The following restrictions and limitations will apply but should be similar to the requirements for an in-person hearing. Any requests for a courtroom hearing will be considered but will likely be postponed. It is anticipated that most parties will agree to a virtual hearing.

PROCEDURES FOR ATTORNEYS/PRO SE LITIGANTS

The 97th District Court will be using Zoom video conferencing for remote hearings. Zoom is free to download at zoom.us, or the Zoom app can be downloaded directly to a cellphone. The Court Coordinator or Court Reporter will email a link to the hearing. Your computer/tablet/cellphone must have internet access, a video camera and a headset with a microphone. **IF YOU CAN ONLY PARTICIPATE VIA TELEPHONE (AUDIO ONLY), YOU MUST COORDINATE IT THE DAY BEFORE THE HEARING WITH THE COURT REPORTER.**

Participants must ensure that the Court (97thdistrictcourt@gmail.com) has his or her email address no later than 4:00 p.m. on the day before any scheduled hearing.

If any participant intends to offer any exhibits during the hearing, he will need to email them to all parties, the Court Reporter (97courtreporter@gmail.com) and the Judge (Judgemcgaughey@gmail.com) no later than 3:00 p.m. on the day before the hearing. The subject of the email should state the full case number and “Petitioner Exhibits” or “Respondent Exhibits”. The documents must be in pdf format and bookmarked. The Court cannot consider any exhibits that are not emailed to the Court Reporter in a timely manner. If this requirement is not followed, the Court Reporter will not maintain these documents in the record.

Any responses or replies must be e-filed with the Clerk no less than 48 hours before the hearing. Otherwise, they will NOT be considered filed. Case law for the Judge’s review need not be e-filed with the Clerk but should be emailed to the Judge at least 4 hours before the hearing to allow for review and consideration. Documents which have been efiled and accepted need not be refiled with the Clerk.

PROCEDURES FOR WITNESSES

Witnesses **MUST** appear by video conferencing. The attorney calling the witness is responsible for ensuring that the witness has a separate video and audio feed at the hearing. Attorneys should not attempt to “share” a connection with the witness. All witnesses should be prepared to present a valid form of identification to verify his or her identity to the Court over the video feed. It is the responsibility of the attorney offering a witness to ensure that the witness has the link to the proceedings and that all exhibits are available to the witness, including those of opposing parties.

SPECIAL RULES FOR CRIMINAL PROCEEDINGS INVOLVING INCARCERATED DEFENDANTS

ARRAIGNMENTS. Incarcerated defendants will remain in the Jail and appear for arraignment via a computer laptop, I pad or iPhone connection. The appearance will be scheduled through Zoom in advance by the Court Coordinator. The District Attorney and Court Reporter will be notified by the Court Coordinator of the scheduled arraignment.

If the incarcerated defendant is seeking the appointment of an attorney because of indigence, he will be expected to have completed a sworn Affidavit of Indigency on forms approved by the Court. A copy of the completed Affidavit must be emailed to the Court by the Jail prior to the arraignment appearance. If an attorney is appointed, the Court will sign a formal order appointing an attorney and forward a copy of the same to the defendant in the Jail; contact information for the attorney will also be provided. The Court will notify the attorney appointed of his or her appointment.

FINAL PLEAS. For the entry of a final plea in a criminal proceedings, the District Attorney shall prepare all “guilty plea” papers in advance of the hearing and forward copies to the Defendant’s counsel and to the County Jail. The Court Coordinator will schedule the plea hearing in advance and will connect all participants for the Zoom hearing.

Prior to the entry of the plea, the Defendant and defense counsel will be sent to a private chat room, where the defense attorney will go over the papers with the defendant and the Defendant will sign the papers in the Jail. The Jail will then send forward the papers to the defense attorney, who will sign them and forward them to the Judge. The Judge will print out the papers, prior to the start of the plea hearing.

The District Clerk will be a participant in the plea hearing. The “plea papers” will be shown to the Clerk through the share feature in Zoom, and the Clerk will confirm with the Defendant that he or she is the person named in the paperwork, that the papers were signed by the Defendant, etc. A detention officer in the jail who is trained in taking fingerprints will take the fingerprints or thumbprint of the Defendant on the “plea papers,” scan them and send them to the Probation Department. The original prints will be maintained by the jail with notation of the detention officer taking the prints. At the end of the hearing, the Judge will sign the “plea papers” and file the final paperwork with the Clerk.

A probation officer will also participate in the final plea hearing. After the entry of the plea by the Defendant, the Judge will send the Defendant and the probation officer to a private chat room to go over the final orders together.

NOTICE TO THE PUBLIC

THE OPEN COURT PROVISIONS OF TEXAS LAW ALLOWS ALL TEXANS ACCESS TO COURT PROCEEDINGS. AS SUCH, ANYONE CAN ACCESS THE HEARING THROUGH YOUTUBE AT

https://www.youtube.com/channel/UCw14fpGiptUaq_R2aQ8IILw?view_as=subscriber

THE PUBLIC MAY VIEW OR LISTEN TO PROCEEDINGS BUT **VIDEO, AUDIO, PHOTOGRAPHIC OR SNAPSHOT RECORDING OF THE PROCEEDINGS IS STRICTLY PROHIBITED .**