

SUPPLEMENTAL LOCAL RULE AND INSTRUCTIONS REGARDING VIDEO HEARINGS & TRIALS

[effective 9/15/2021]

The McLennan County Court and all McLennan County Courts at Law utilize video conferencing. All video hearings will be conducted via Zoom. All participants must download the free Zoom Client application well in advance of the hearing:

- The free app for smartphones is available at the Apple Store for iPhones and Google Play for Androids.
- The free software for your computer is available at Zoom.us. Click on the “Resources” tab in the browser (top right) and select “Download Zoom Client.”
- Please review how to use Zoom and its various features by accessing the following link: <https://support.zoom.us/hc/en-us>

REQUESTING A HEARING DATE:

CIVIL: Civil motions will be set automatically on the Court’s Submission Docket. Parties may request to be removed from the Submission Docket and set for an oral hearing by filing a Motion Requesting Oral Hearing and Proposed Order. Please contact the Court administrator with any questions.

CRIMINAL: Criminal matters will be scheduled for “in person” hearings unless attorneys or *pro se* defendants request, in writing or via email, that the Court administrator schedule the matter for a video hearing. Factors including judicial economy, litigants’ or victims’ rights, availability of participants and the possibility that a defendant may be remanded into custody must be considered, making such requests subject to the approval of the Court.

In all cases, civil or criminal, the Court administrator will supply attorneys and *pro se* litigants with a link and/or a personal identification number (“PID”) for any video hearing.

HEARING PROCEDURES:

All parties and/or witnesses must be at the same physical location as the attorney, unless the Court grants leave in advance allowing the party/witness to appear from a separate location, in which case the attorneys are responsible for assuring that the person

- 1) is effectively equipped for the hearing,
- 2) has installed the necessary software,
- 3) is aware of and complies with the procedures, rules of decorum and dress code governing “in-person” hearings, and
- 4) has been provided with the log-in link and any other necessary information.

Attorneys should also confirm that *pro se* litigants have received all log-in information and have instructions on how to access Zoom.

Parties and witnesses giving testimony on the day of trial must appear by video.

PREPARATION:

- Confirm you are in a private safe location free from outside noise, interference and distractions at the time of hearing.
- Dress properly for Court.
- If you wish to have a record of the proceedings, confirm you have properly requested a record in advance of the hearing.

- On the day of the hearing, click the “Join with Zoom” link at least 5-10 minutes before your hearing to test your system, (speakers and microphone), and to ensure that everything is in working order.
- Ensure the you have identified yourself in Zoom in a manner which allows the host to recognize you, (e.g. “My iPhone” is insufficient).

RECORDING STRICTLY PROHIBITED:

The official Court Reporter’s record is the only official record of the proceedings. The recording of any court proceeding by anyone other than the official Court Reporter is **strictly prohibited by law**. Under penalty of contempt of Court, no person, whether a member of the public simply viewing the proceedings by live streaming or a participant in the proceedings, may record the proceedings conducted by video conferencing.

WHAT TO EXPECT:

You may be placed in a “Waiting Room” or “Breakout Room” until your case is called. DO NOT LEAVE the room unless instructed by the Court. If it is necessary during the proceedings for the parties to seek a recess, break or confer, the parties may be placed in a “Breakout” room in Zoom upon request or at the Court’s discretion.

1. Breakout Room (Joining/Leaving):

These rooms are used by the Court so that parties may confer prior to the hearing and, if expressly authorized by the Court, during a video proceeding. DO NOT leave the breakout room unless instructed by the Court.

- Joining
 - When prompted by the Court click “join”; or
 - On your computer, at the bottom of the screen, select “breakout room,” then “join breakout room”; or
 - On your Smartphone/Tablet, at the top left of the screen, select “breakout room,” then “join breakout room.”
 - On your telephone, when prompted by the audio press the pound button (#)
- Leaving
 - On your computer, at the bottom of the screen, select “leave,” then “leave breakout room”; or
 - On your smartphone/tablet, at the top right of the screen, select “leave,” then “return to main session.”
 - On your telephone, hang-up the phone and then redial into the hearing by dialing the original number you received and re-enter the 10-digit meeting ID.

2. Live Stream

You will not be able to observe the proceedings while you are in the Zoom “Waiting” or “Breakout” Rooms; however, you will be able to monitor the live proceedings via YouTube in most cases. Video hearings conducted by the Court from the public courtroom may be reproduced via YouTube or other live streaming service, at the Judge’s discretion. Video hearings conducted from a location other than the courtroom will be reproduced by live streaming.

3. Request for Record

A request for the hearing to be held on the record must be emailed to the official court reporter at least 24 hours prior to the hearing.

4. Exhibits

All exhibits must be properly identified (e.g. exhibit numbers, Bates numbering) and must be timely provided to the official court reporter and exchanged with all parties prior to the proceeding. If a *pro se* party does not have the ability to e-file, the *pro se* party must email the exhibits to the official court reporter and all other parties at least 24 hours prior to the hearing. Please redact any sensitive material.

Sharing Documents During Zoom: Exhibits for trial are expected to be shared using the screen share function. Documents can be shared in two ways:

- a) **With participants** via the “Chat” tab in Zoom. Use the “To:” drop-down selection to choose to whom to send your document and click the “File” button to upload your document. Zoom can upload documents directly from your computer, Dropbox, Google Drive, and One Drive. Additional set up may be required. See <https://zoom.us/integrations> for more information.
- b) **Screen Share** – The Court requires that those who have evidence they wish to share with the court be familiar with using the share screen feature via Zoom.
- c) Computers/Tablets/Smartphones: See “Share Screen” bottom center of the screen. Ensure you close any private matters before sharing the screen.
- d) Please refer to Zoom Help Center “share screen” tutorials and then watch short “how to” videos: <https://support.zoom.us/hc/en-us>.

5. Interpreters:

Interpreters should have computer access to view documents that need translating. Arrangements for interpreters shall be made at least 24 hours prior to the hearing. Notice of the same should be given to the other parties and the Court via e-filing, or email if the party does not have access to e-filing.

6. Contested Hearings and Trials

- Any documents offered into evidence should be shared with all parties prior to the hearing. To the extent possible, parties should agree on authenticity and, if possible, admissibility in advance. The Court may require a pre-trial hearing for this purpose.
- Parties may invoke the Rule to exclude non-party witnesses. The Judge can move remote witnesses to a virtual meeting room where they will be unable to view the proceedings. However, in the event a proceeding is broadcast on the Court’s live streaming site, the witnesses will be instructed not to view the proceedings, subject to contempt of court.
- Consistent with “in courtroom” procedures, while testifying, witnesses may not confer with, receive communications of any kind (e.g. verbal, non-verbal, written or digital) from, or communicate with anyone other than the person conducting the examination
 - The “chat” function in Zoom may not be used between the witness and another participant during testimony

This rule is supplemental to the Local Rules of the McLennan County Court and Courts at Law.