

**Travis County Associate Judges
Procedures for Remote Hearings
as of April 10, 2020**

The Travis County Associate Judges will conduct remote hearings by Zoom conference, or telephone in appropriate cases, during the COVID-19 pandemic. Except with regard to certain essential matters, such as Family Violence Protective Orders, where an in-person or hybrid method may be used at the Court's discretion, there will be no in-person hearings during this pandemic until such time as the District Courts amend the current Emergency Orders to reflect same. The Court will also consider matters agreed upon by the parties to be submitted via submission without a hearing.

These Procedures are in addition to the Texas Rules of Civil Procedure, Texas Rules of Evidence, Travis County Local Rules, and the Court's instructions during the hearing, all of which are applicable in remote hearings. Violations of these Procedures may be punishable by contempt.

1. Settings.

- a.** For **cases previously assigned** to a specific Associate Judge, requests for a video or telephonic hearing may be made to the Judicial Executive Assistant for the respective Associate Judge, as follows:
 - i.** Judge Arth: Charles Upshaw at Charles.Upshaw@traviscountytexas.gov or (512) 854-9881
 - ii.** Judge de la Llata: Elizabeth Lozano at Elizabeth.Lozano@traviscountytexas.gov or (512) 854-9425
 - iii.** Judge Hathcock: Patsy Ybarra at Patricia.Ybarra@traviscountytexas.gov or (512) 854-9783
- b.** **FOR ALL OTHER FAMILY LAW CASES**, all telephonic or video hearing requests must be made through Court Administration at (512) 854-2484 or Travis.CivilCourts@traviscountytexas.gov. With regard to family law matters, the Court Administrator, after consultation with the Associate Judge(s), will notify the person requesting the hearing if a hearing will be set and with which Associate Judge it will be set. Thereafter, all communication regarding the hearing will be through the Judicial Executive Assistant for the Associate Judge to whom the case has been referred.

2. Notice of Hearing and Communications with the Court. Once a setting is confirmed by the Associate Judge, then the party requesting the hearing can send a notice of hearing via email to all parties/counsel as applicable and send a courtesy copy to the Court. All communications regarding hearings with the Associate Judge should be sent by email to the submission email address for each Associate Judge as follows:

- a.** Judge Arth: TCAJ2.submission@traviscountytexas.gov
- b.** Judge de la Llata: TCAJ4.submission@traviscountytexas.gov
- c.** Judge Hathcock: TCAJ1.submission@traviscountytexas.gov

All communications must have the following reference: *“HEARING;” cause number, case style, subject matter, and whether or not a record is requested.* All counsel of record and self-represented parties must be copied on correspondence with the Court. Any questions about a scheduled hearing, these procedures, or information requested herein also should be directed to this email address, with this reference.

3. **Videoconferencing.** The Court will utilize Zoom videoconferencing. It is free to download at <https://zoom.us>, or you can download the app directly to your mobile phone. Ensure your computer or mobile phone has working internet access, video camera, and microphone or headset with microphone. If there will be exhibits used during the hearing, please learn, and practice, how to “share screen” in Zoom so that the exhibit can be shared for everyone to see it during the hearing.
4. **Hearing Link Emailed.** After receipt of the Notice of Hearing, **with all applicable counsel/parties having their email addresses shown**, this Court will email attorneys / self-represented litigants a link to the Zoom hearing. It is the responsibility of each attorney or self-represented litigant to ensure that all witnesses they intend to call receive notice of how to join the Zoom hearing. Only counsel, parties (and their spouses), one paralegal or legal assistant for each attorney, and witnesses should be provided the Zoom link and permitted to attend the Zoom hearing. Any person who receives the Zoom link is prohibited from disseminating the link to anyone other than those listed here, absent express permission from the Court.
5. **VIDEO OR AUDIO RECORDING OF ALL OR ANY PART OF A HEARING BY ANYONE OTHER THAN THE OFFICIAL COURT REPORTER IS PROHIBITED.**
6. **Prior to the Hearing.**
 - a. **Filings**
 - i. Any pleadings/responses/requests for affirmative relief must be e-filed with the District Clerk pursuant to the time frames required by any applicable rule or statute. Please note: emailing these documents to the Court is not the same as e-filing them; they must be e-filed with the District Clerk, as usual.
 - ii. Regardless of hearing (meaning even for Temporary Orders), please e-file all pretrial forms such as Proposed Disposition of Issues and Proposed Support Decisions **at least 48 hours** prior to the hearing to ensure they are processed prior to the hearing.
 - b. **Information for the Court**
 - i. Ensure the Court has your email address.
 - ii. Notify the Court if you request a record of the proceeding. If no record is requested by any party, then a Court Reporter will not be present for the hearing.
 - iii. If you, a litigant, or a witness can only participate by telephone, notify the Court.

- c. **Exhibits.** If you intend to offer any exhibits during the hearing, you **must email an exhibit list, with brief descriptions of each exhibit (e.g. “P-3 Mother’s Budget Form”; “P-4 “Credit Card Statement 4/1/20”)** to all other parties and the Court and the Court Reporter. You should also utilize the Box link sent by the Court to upload exhibits at least 12 hours prior to the hearing. (Note: if you have questions on how to upload documents, go to <https://support.box.com/hc/wn-us/articles/360044196633-Upload-to->) and:
- i. Ensure that you pre-mark your exhibits with the following convention: P for Petitioner, R Respondent; dash; numbers starting at 1. (P-1, P-2, R-1, R-2, etc.). This means that the actual document itself should have an exhibit sticker on the first page marked “R-1” (or the applicable label) or, handwrite or in some way mark the first page with the appropriate letter and number. **USE THIS FORMAT REGARDLESS WHO IS THE MOVING PARTY. The party who filed the lawsuit should be designated “Petitioner” and the opposing party “Respondent”. An intervenor may be designated “Intervenor.” If there is more than one party with the same designation, use last names, e.g., Respondent Smith, Intervenor Jones, etc.**
 - ii. Each exhibit must be saved separately in PDF format with the file name being the exhibit letter and number, for instance the file name for Petitioner’s Exhibit 1 would look like “P-1.pdf”. The exhibit list is to be circulated can have a more descriptive description of each exhibit.
 - iii. The pages of each exhibit PDF must be separately numbered so that the Court can quickly access specific pages of each exhibit.
 - iv. The Court will not consider any exhibits not provided to the Court by uploading them to Box at least 12 hours before the hearing. If you fail to follow this requirement, absent good cause, the Court will not consider them and the court reporter will not maintain these documents in the record.
 - v. Uploading exhibits to Box does not constitute an offer or admission of the exhibit. Any exhibit not offered during the hearing will be deleted from the pre-marked folder and not included in the record. Any exhibit offered and admitted will be moved to the “offered and admitted” folder, and will be part of the record. Any exhibit offered and denied will be moved to the “offered and denied” folder, and will be part of the record.
 - vi. Uploading documents to Box does not constitute filing with the District Clerk’s Office. Any document required to be filed must still be filed with the District Clerk’s Office.
 - vii. Please ensure that your pretrial documents that you want the Court to consider, such as a Proposed Support Decision, are part of your exhibits.
- d. **Other Materials.** Non-evidentiary materials, including demonstratives, presentations, proposed orders, and cases for the judge’s reference should be **emailed to the Court and other parties at least two hours before the hearing.**
- e. **Test Your Setup.** Prior to the hearing, you should test your internet connection, camera, and microphone with Zoom through a test meeting at <https://zoom.us/test>.

7. During the Hearing.

- a. **Format Your Name Before Entry.** While in the waiting room for the hearing, please format the name that appears on your zoom picture so that it reads: Full Name, Position (e.g. Attorney for Mr. X; Witness; etc.), Party (e.g. Petitioner, Respondent). Do so by moving your mouse cursor over your picture, click on the three dots that appear on the top right, and then click on the option to change your name.
- b. **Wear Appropriate Attire.** Although the hearing is conducted remotely, the Court expects participants to dress appropriately. Attorneys are expected to wear business attire while others may wear business casual clothing.
- c. **Speak One at a Time.** During the hearing, participants must speak one at a time and pause prior to speaking, in case there is any audio/video lag, and so that the court reporter can make a clear record.
- d. **Use Mute When Not Speaking.** Participants shall mute themselves when not speaking in order to avoid any potential background noise. If an attorney will be objecting to a question, please wait until the question is completely asked before lodging an objection.
- e. **Witnesses.**
 - i. **The Rule.** The Court is *sua sponte* invoking The Rule for every hearing. It is the attorney's responsibility for notifying their respective clients and their witnesses regarding The Rule.
 - ii. **Date/Time and Access to Zoom.** It is the attorney's responsibility for notifying their respective witnesses of the date and time of the hearing, providing them the information to log into the Zoom hearing. The attorneys may have their witnesses log in before it is their time to testify and the witnesses can wait in the waiting room, or the attorneys may have the witnesses on standby wherein the attorney (or assistant) will call them when it is their turn to testify and the witness can log into Zoom at that time.
 - iii. **Real Names.** Witnesses shall be required to log into Zoom with their real names or they will not be allowed to testify. The respective attorneys shall notify their respective witnesses of this requirement.
 - iv. **No Notes Except as Directed.** Witnesses shall not have anything in their hands while they are testifying, look at any notes, and shall only testify from memory except that they may look at documents as requested by the attorneys for the Court.

- v. **No Other Communication During Testimony.** The attorney examining a witness is the only person who may communicate with that witness while they are giving testimony and the attorney may only do so by oral questioning. No one else shall communicate with any witness in any manner while they are giving testimony. To be clear, there should be no texting, calling, emailing, using Zoom private chat, or other forms of communication with the witness during their testimony. This also includes any private communication to the parties while the parties are testifying. There is no restriction in using the “private zoom chat” function between an attorney and their client if the client is not “on the stand.”
- vi. **Objections.** Witnesses shall stop testifying if they hear someone say objection. The witness must wait for the Court to rule on the objection before resuming testimony.
- vii. **Exhibits.** Any references to exhibits during the hearing should be using the “share screen” function of Zoom with the only exhibits shown being those that are contained in the pre-marked Box folder that were uploaded to the Box link provided by the Court or in the “offered and admitted” folder.
- viii. **Breakout Rooms.** If anyone needs to converse privately, they may request the Court set up a “breakout room.” If the Court does so, it will transition the conversants into a private video conference without other participants in the hearing present. The Court will not be present for this private video conference, the conference will not be recorded by the Court, and the conversants may not record their conversation through Zoom, or by any other means, without the express permission of the Court.

8. De Novo Hearing. As set out in Texas Family Code 201.007, all parties have the right to request a De Novo Hearing before a District Judge.