

COLLIN COUNTY COURT AT LAW #2 – STANDING ORDER #6

The following pertains to Collin County Court at Law #2 only. Attorneys, witnesses, and parties should contact the court where their case is assigned for instructions on how that particular court is conducting remote hearings.

COLLIN COUNTY COURT AT LAW #2 - REMOTE HEARING GUIDELINES UNTIL FURTHER NOTICE

Pursuant to the directive(s) of the Texas Supreme Court and the Court of Criminal Appeals, in order to prevent risk to the general public, parties, and court staff, due to the COVID-19 pandemic, the following Standing Order is in effect. While the Texas Supreme Court has ordered that no “non-essential” hearings can take place “in-person,” they have authorized both essential and non-essential criminal and civil court hearings to take place remotely by use of Zoom videoconferencing.

Parties are strongly urged to make use of this capability now and begin scheduling hearings. Once the courthouse re-opens for “in-person” hearings, safety precautions including, but not limited to, the wearing of face masks at all times and social distancing will be mandatory and strictly enforced.

Until further notice, the attorneys, parties, witnesses and other attendees may attend the Zoom videoconferencing by use of a desktop computer, laptop, tablet, iPad, or smartphone that has video and audio capability. When the Court is hosting the hearing, you will be sent an “Invite” to attend the hearing. There is no cost for the attorneys, parties, or witnesses to attend the hearing through Zoom.

For use on desktop computers and laptops, attendees may download the program at:

<https://zoom.us/download>

For smartphones, attendees may download the application as follows:

Apple Phones:

<https://apps.apple.com/us/app/id546505307>

Android Phones:

<https://play.google.com/store/apps/details?id=us.zoom.videomeetings>

Prior to the scheduled hearing, the Court will email each attendee an invitation with a link which will enable the user to attend the hearing by using Zoom. The Court recommends that at least 24 hours prior to the hearing, all parties familiarize themselves with the Zoom software at: [Zoom.us](https://zoom.us) which offers several simple online tutorials. The software is very user-friendly and people should not feel overwhelmed by using it for the first time. Attorneys are responsible for ensuring that their witnesses are able to access and use the software.

Presentation of Witnesses – at least 48 hours prior to the hearing, each party shall send a list of all witnesses who will testify in an email to both opposing counsel, or pro se litigants, and to the Court coordinator, Mrs. Lisa Todd, at ltodd@co.collin.tx.us. The list must include: the full names, email addresses, and cell phone numbers of all witnesses. If a witness is not listed, the Court reserves the right to exclude the witness from being called.

Invoking The Rule - Should either side “Invoke the Rule” all witnesses will be placed in a waiting room where they will be unable to see or hear what is taking place in the hearing. The witnesses will be permitted to enter the hearing when they are called to testify. Once they have finished testifying, they will be disconnected from the hearing, or placed back in the waiting room if further testimony is anticipated.

Witnesses – each witness, other than a party, must be alone in the physical room where the witness is located during their testimony. The Court reserves the right to require any witness to scan the room with his or her computer or smartphone camera to ensure that they are, in fact, alone. All other electronic devices other than the one for use to connect to Zoom shall be turned off and remain off while testifying. Further, no other programs or windows will be open on the witness’ computer, device, or phone. No one, including attorneys, are allowed to send or receive notes, texts, emails, instant messages, personal messages, or any other functionally equivalent communications to or from any witness while testifying.

As to parties, they will be allowed to confer with their attorney via a Zoom video breakroom during breaks in the hearing. A party (not a witness) may also be in the same room as his or her attorney, but, in such event, the camera must be focused so that both the witness and attorney can be seen at all times. No electronic devices other than the one with the camera will be allowed in the room while the party is testifying. Attorneys may have appropriate computer programs open to enable the attorney to present exhibits via Zoom. No one else other than the party and his or her attorney may be in the room while the party is testifying. The Court reserves the right to require scanning of the room with the camera to ensure compliance with this rule.

Presentation of Exhibits For Use At Remote Hearings – If you plan to introduce exhibits at the hearing, the exhibits must be emailed to the Court Reporter, Mrs. Kristen Kopp at kkopp@co.collin.tx.us, and to opposing parties at least 48 hours prior to the video hearing. You should include a “received” receipt request on emails to ensure you are able to demonstrate to the Court that it was sent and received. Acceptable appellate format for documents are PDF, and the acceptable appellate format(s) for videos or audio-visual exhibits are the extensions playable in VLC Media Player. Please play your video or audio-visual exhibits before unloading or sending to ensure they are able to be played. Documents should be pre-marked with Exhibit Stickers, or clearly identified by party and number. Example: Plaintiff Exhibit #1; Defendant’s Exhibit #2, Movant’s Exhibit #3, etc. Please do not use alphabetical lettering for exhibit designations. Each exhibit needs to be in separately saved and named files.

Attorneys may use Dropbox to share exhibits with opposing counsel. If you have video(s) or large-capacity exhibits, please use this File Request link (<https://www.dropbox.com/request/kA8ZzXlj0H9O0Nm4kgiV>) to upload your exhibits directly to the court reporter without size limitations. If you would like to use this link to upload all your exhibits, you may do so, but a confirmation email should be sent to the above-referenced email as notification that you’ve uploaded exhibits and exactly how many exhibits there is to expect.

If a document has not been provided 48 hours prior to the hearing, the Court reserves the right to exclude it from evidence and not consider it for any purpose.

Online Demeanor and Appropriate Dress – all parties and witnesses are reminded that we are still a courtroom and proper etiquette and demeanor is required. However, business casual dress is authorized for attorneys.

Livestreaming – In order to comply with the “Open Courts” provision of the Texas Constitution, livestreaming via YouTube is available. It is the responsibility of the attorneys to ensure that all parties are aware of this and understand that unless otherwise directed by the Court, the hearing is accessible to the public via the internet, just as it would be open to the public to view the hearing live if it were taking place in the physical courthouse. **Video or audio recording of the proceedings is prohibited**, as it would be in the courtroom.

Professional Courtesies – The Court strongly urges all attorneys to work together as we navigate these new waters and to be flexible with each other where possible.

This Standing Order is entered this the 10th day of May 2020 and remains in effect until further notice.

Barnett Walker
Judge, Collin County Court at Law #2

FOR THE PUBLIC:

THE OPEN COURTS PROVISION OF TEXAS ALLOWS ALL TO HAVE ACCESS TO COURT PROCEEDINGS. AS SUCH, ANYONE MAY CALL THE COURT BAILIFF (972.548.3824) AT LEAST ONE HOUR PRIOR TO THE HEARING TO REQUEST REAL-TIME VIEWING OF THE HEARING.

VIDEO OR AUDIO RECORDING IS PROHIBITED.