

# 366<sup>th</sup> District Court

Honorable Tom Nowak  
Judge Presiding

Russell A. Steindam Courts Building  
2100 Bloomdale Road, Suite 30146  
McKinney, TX 75071

972-548-4570

[366@co.collin.tx.us](mailto:366@co.collin.tx.us)

## Rules for Remote Hearings (by Zoom and Phone)

### Court Staff

<b>Court Coordinator:</b>	Misty Beaty 972-548-4570	<a href="mailto:mbeaty@co.collin.tx.us">mbeaty@co.collin.tx.us</a>
<b>Court Bailiff:</b>	Egan Pond 972-548-4571	<a href="mailto:jpond@co.collin.tx.us">jpond@co.collin.tx.us</a>
<b>Court Reporter:</b>	Antoinette Varela 972-548-4572	<a href="mailto:avarela@co.collin.tx.us">avarela@co.collin.tx.us</a>

Per Supreme Court of Texas guidance, through the Office of Court Administration (OCA), and through local and administrative rules, the 366<sup>th</sup> District Court MUST conduct hearings remotely absent special circumstances. Certain essential hearings (as defined by OCA) may be permitted by appointment at the Courthouse if a remote hearing is not possible, but only with permission of the 366<sup>th</sup>. The Court has no discretion to conduct non-essential hearings in-person given current rules. It is the expectation that these procedures will continue for many types of hearings even once Covid-19 restrictions are eased.

### PROCEDURES FOR LITIGANTS

The 366<sup>th</sup> District Court uses Zoom conferencing for Remote Hearings. Zoom is **FREE** to download and use for both video and phone-in conferencing. It is available for use as an app on computers and mobile phones. When a hearing is scheduled by the 366<sup>th</sup>, the court will email a link/invitation to the hearing for all litigants and parties. The link will also include a phone number for audio only access to the hearing if a party or witness does not have video capability and/or internet access on the device.

- (1) **To appear on camera for the Remote Hearing:** You need (1) a computer with internet access and a camera, and audio capabilities, (2) a mobile device or laptop, such as an iPad, with internet access, camera, and audio capabilities, or (3) a smartphone with a camera and audio.
- (2) **To participate by telephone for a Remote Hearing with audio only:** A litigant may still dial into the hearing using traditional phone technology using the phone numbers and access codes provided in the e-mail invitation for the hearing.
- (3) **To schedule a Remote Hearing:**
  - a. You must email the court coordinator, Misty Beaty, at [MBeaty@co.collin.tx.us](mailto:MBeaty@co.collin.tx.us) to schedule your requested hearing REGARDLESS of case type. Please cc Deputy Pond if the Hearing is Criminal Law related.
  - b. The Subject Line of the email should say: Zoom Hearing Request – [Insert Cause No. of Case] – [Insert Type of Hearing Requested]
  - c. The request should copy opposing counsel (or self-represented parties) and, included in the body of the requesting e-mail, all of the e-mail addresses of all parties and witnesses participating needing access to the hearing.
  - d. If any parties or witnesses are participating only by phone, you must include a cell phone number for them so that we can identify the party attempting to access the proceeding. An e-mail is still required so that the party may be sent the Zoom hearing information and telephone numbers.
  - e. The Court will be the host of the hearing, and will email all participants a link for the hearing and a phone number to call in.
  - f. The court MUST be made aware of any need for interpreter services when the hearing is requested. Zoom allows for specific audio channels to aid in interpretation and requires a specific set-up PRIOR to sending out the hearing invitation. Any private interpreters must be familiar with the Zoom program and the interpreter function.
- (4) **Using Exhibits at the Remote Hearing:**
  - a. If you intend to offer any exhibits during the remote hearing, the 366<sup>th</sup> prefers that you upload them to a service such as Dropbox and forward the corresponding folder link to the parties, court coordinator, court reporter, and judge prior to the hearing. Judge Nowak will not access the items until requested to do so in hearing.
  - b. If such service is unavailable or there are only a few items (10 or less) that are not large in data size, you may also send your exhibits by e-mail to the parties, court coordinator, and court reporter prior to the hearing. Please send your e-mail a day before the hearing so that the e-mail can be forwarded to Judge Nowak at the appropriate time.
  - c. The subject line of the email should say: Zoom Hearing Exhibits of (Plaintiff/Petitioner/State or Defendant/Respondent) – Cause No.

- d. The documents must be in pdf format and pre-marked (or saved) by Exhibit No. For example, save each exhibit as a separate pdf, and name each pdf as PEX1, PEX2, etc.
- e. Documents which have been e-filed and accepted into the Court's file do not need to be re-sent to the Court's email.

### **PROCEDURES FOR WITNESSES**

- (1) Witnesses should appear by video conferencing absent special circumstances.
- (2) If a witness does not have the capability for video conferencing and can only call use audio, then the witness will not be permitted to testify regarding any exhibits.
- (3) The attorney calling the witness is responsible for ensuring the witness has a separate video and audio feed, that the witness is familiar with the process, and has practiced logging on prior to the hearing.
- (4) It is the responsibility of the attorney offering the witness to ensure that the witness has the link to the proceedings and that all exhibits are available to the witness either in hard copy, or by digital access; including those of opposing parties.

### **FOR THE PUBLIC**

The Open Courts Provisions of Texas law allows all Texans access to our court proceedings. For those wishing to view our proceedings, remote hearings will normally be live-streamed via the Court's YouTube Channel, **366th District Court. VIDEO, AUDIO RECORDING, OR DIGITAL CAPTURE OF ANY KIND IS PROHIBITED BY ALL PERSONS VIEWING THE PROCEEDING.** Anyone who records the proceedings without permission of the court, other than the official court reporter, may be held in contempt of Court.

### **GENERAL NOTE**

Please ask questions if you are unsure of any processes and procedures. We are here to assist and help if problems arise. Please practice using equipment and software prior to your hearings with your witnesses to make the process run smoothly and timely. There are many resources online (specifically YouTube videos) with tips and tricks for using Zoom.

### **NOTICE OF HEARING**

**The format below may be used for providing parties and witnesses with Notice of the Remote Hearing and/or for a subpoena of a witness:**

Cause No. \_\_\_\_\_

PETITIONER/PLAINTIFF/STATE	§	IN THE 366 <sup>th</sup>
V.	§	JUDICIAL DISTRICT COURT
RESPONDENT/DEFENDANT	§	COLLIN COUNTY, TEXAS

**NOTICE OF REMOTE HEARING**

This matter is hereby set for a hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_\_:\_\_\_\_\_ am/pm.

The Collin County District Courts will be holding hearings via video conference or by phone.

**To appear via video conference on Zoom, you will need to have an electronic device with a reliable internet connection. You may use a smart phone, iPad/tablet, or webcam/built in camera with sound and video. You will also need to install the ZOOM APP before the conference begins at [www.zoom.us](http://www.zoom.us)**

<https://zoom.us/join>

Meeting ID: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**To join the hearing via Zoom:**

Please go to: <https://txcourts.zoom.us/j/>

Then type in the above referenced Meeting ID.

**To join the hearing by Audio/Phone:**

Dial any of these numbers. If dialing in Texas, you should use the Houston phone number 1-346-248-7799. Then type in the above referenced Meeting ID.

- +1 346 248 7799 US (Houston)
- +1 669 900 6833 US (San Jose)
- +1 929 205 6099 US (New York)
- +1 253 215 8782 US
- +1 301 715 8592 US
- +1 312 626 6799 US (Chicago)