



**Shaun Carpenter, Judge
220th Judicial District Court
Bosque, Comanche & Hamilton Counties
State of Texas**

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RE: 220th District Court Rules for Remote Proceedings

The Governor has declared a state of emergency and the Office of Court Administration (OCA) has suggested that *all in-person court proceedings should be suspended through May 8, 2020*. However, technology and state law allows options not previously available. As such, the 220th District Court will continue to conduct hearings as if we are in the courtroom. The following restrictions and limitations will apply and are similar to what is required for an in-person hearing. Any requests for a courtroom hearing will be considered but likely postponed.

COURTHOUSES AND COURT STAFF

All courthouses remain open, with each office implementing varying limitations on public access. All court personnel remain hard at work to ensure continuation of government. All parties shall electronically file all pleadings in accordance with Texas Supreme Court and Court of Criminal appeals mandates. Information regarding electronic filing can be found at: <https://www.txcourts.gov/jcit/electronic-filing/>.

If needed, Grand Juries will meet in accordance with applicable county, state, and federal guidelines. The Regional Administrative Judge, with the approval of the district court, may extend the grand jury term during this disaster. Also, the Texas Commission on Jail Standards is working with sheriffs to develop procedures to reduce the risk of COVID-19 in our jails.

REMOTE HEARINGS

Due to the risks of the COVID-19 outbreak and the mandates with the public health disaster declarations, most hearings can no longer be held in county courthouses. The Supreme Court and Court of Criminal Appeals of Texas suspended the requirement that hearings take place in the county of venue, freeing courts to hold hearings remotely. Additionally, the Office of Court Administration facilitated the implementation of the Zoom videoconferencing program/app, which is incredibly effective at hosting court hearings.

All participants are required to use the Zoom program/app for court hearings until the restrictions regarding public gatherings are lifted. So, for the foreseeable future, all hearings in the 220th District Court will take place in the virtual courtroom of a Zoom videoconference.

Please visit www.zoom.us and create a free account, using your work e-mail address, and full name. You can pay for the full subscription to Zoom, but it is not required for court proceedings. You must have internet access, a video camera and a microphone, preferably by way of a headset. Download and install the app on your computer, tablet, and/or smart phone. Remember – when you attempt to host or join a meeting from the Zoom webpage, it will ask you whether to open the Zoom app. *Instruct it to open in the Zoom app and allow it to install the program.* DO NOT RELY ON THE WEB BROWSER.

The Zoom subscription used by the court allows for confidential, private breakout rooms, which are not available on the web browser version. This feature enables you to confer with your client in a completely confidential setting, which means *you and your client do not need to be in the same physical location during the hearing.* Your clients can call-in to the meeting using any telephone. IF YOU CAN ONLY PARTICIPATE VIA TELEPHONE YOU MUST COORDINATE IT THE DAY BEFORE WITH THE COURT COORDINATOR NO LATER THAN 12:00 PM.

Typically, however, only those who are visible in camera will be permitted to testify. In some instances, a witness may testify if they call-in on the telephone and are in the physical presence of a notary public who can verify their identity and properly swear them in. Witnesses should be prepared to present a valid form of identification to verify identity to the Court of the video feed.

To clarify, *parties* who CALL in and are not in the presence of a notary public can participate, but cannot testify under oath. *Witnesses* who are not on camera will not be permitted to testify under most circumstances. In addition, Zoom allows for real-time Spanish-English interpretation. You must notify the court coordinator in advance of the hearing if you will need an interpreter for any party or witness.

Dress codes have not changed. Attorneys, parties and witnesses should dress appropriately.

PROCEDURES FOR LITIGANTS

1. For each scheduled court setting, you will receive an e-vite containing links for joining either Zoom or via telephone. Ensure the appropriate Court Coordinator (civil or criminal) has the email of all participating parties to the case at the time of scheduling the hearing. Join the virtual courtroom by clicking the link in the e-vite at the scheduled time. Only attorneys and self-represented parties will receive e-vites from the court. *Each attorney or self-represented party is responsible for providing their client and/or witness all login information for the hearing.* The Court will be the “host” of all hearings.
2. When you join the “meeting,” you will appear in a virtual waiting room with all other parties, attorneys, and witnesses. There may be several cases set on the docket at that time. When your case is called, the court will bring the attorneys and clients into the virtual courtroom. For this reason, everyone must use their real names in setting up their Zoom accounts.

3. Due to the availability of Zoom working on all modern smart phones, tablets, and computers, each attorney is expected to appear by video. Attorneys must show good cause for failure to appear by video.
4. When you enter the virtual courtroom, your video will automatically be on and your audio muted, until the hearing begins.
5. Hearings will be recorded by the official court reporter.
6. Do not talk over each other.
7. Objections should be made after completion of the question.
8. Witnesses will be called as in any case, and the court will bring them in one at a time from the waiting room.
9. You may “slip notes” to your clients using the private chat feature. To do so, hit the “CHAT,” button, and at the bottom of the chat window, pull-down the recipient arrow and select your clients name. However, you are not to communicate with your client while they are testifying. You are also prohibited from using the chat feature to communicate with witnesses. Witnesses are only permitted in the virtual courtroom while they are testifying. Witnesses are not to hold notes or paperwork in their hands while testifying just as though they were on the witness stand.
10. You may, upon request, confer in private with your client. You should request a moment to confer and identify the name of the client. The court will send those video streams to a confidential side-room to confer for a few moments. You will also be permitted to confer with opposing counsel outside the presence of the court. Tap “Return to Main Session” to exit the private breakout room. Do not tap “Leave Meeting.”
11. Exhibits and plea papers must be submitted to all parties, the court reporter (caldanhan@aol.com), and the appropriate court coordinator (civil or criminal) *no later than 48 hours before the hearing*. The only accepted formats are PDF for documents, JPG for images, and MP4 for audio/video. No DOC formats or executables will be accepted. If exhibits exceed e-mail size limits, parties may use Dropbox to share the files with all parties, the court reporter (caldanhan@aol.com), and court coordinator (district220admin@bosquecounty.us). Procedures for admission of physical evidence will need to be discussed through a “chamber conference” with attorneys. Contact the appropriate court coordinator for more information.
12. The subject line for all emails should be named in the following format: name of the county followed by the cause number and a short description (i.e., Bosque CR19023 Plea Papers, or Comanche FM10029 Petitioner Exhibits).
13. All exhibits should be named in the following format: name of the county, cause number, exhibit number, and a brief description (i.e., Hamilton CR19237 State Exhibit 1 – photos of scene). Evidence not anticipated or submitted prior to the hearing may be submitted during the hearing through the Chat/File feature in Zoom.

ADMONISHMENTS FOR REMOTE HEARINGS

The Open Courts provision of Texas Law allows public access to court proceedings. Remote hearings will be live-streamed on the Court's YouTube Channel, found at the following link: <https://www.youtube.com/channel/UCSPKrm5VmoWpxszEOt0o0oA/>.

It is recommended that you tap GALLERY VIEW at the top of the screen so that you can always see all participants rather than only the active speaker. Only counsel of record, clients, clients' spouses (where specifically permitted by the rules), testifying experts, and witnesses (while testifying) will be permitted in the Zoom hearing. Think of the Zoom hearing as the well of the courtroom and the livestream as the audience sitting area. Only someone who would be permitted to pass the bar and enter the well may join the Zoom hearing. Everyone else must watch the livestream.

The court's standing rules prohibiting video and audio recording in the courtroom remain in effect. You are prohibited from recording these proceedings in any way. All hearings are being recorded by the court's official court reporter and transcripts may be ordered from her as with any other hearing.

The Rule as to witnesses may be invoked in the Virtual Courtroom. Witnesses will then only be permitted in the courtroom during their testimony. Do not allow or encourage witnesses to watch the livestream during the hearing or assist them in any way in violating the Rule. Also, do not use the private chat feature with any non-client witnesses. VIOLATIONS OF TEXAS RULE OF EVIDENCE 614 MAY RESULT IN A CONTEMPT FINDING, A FINE, JAIL TIME, EXCLUSION OF TESTIMONY AND/OR A MISTRIAL.

At first it may seem daunting, but you will find that your comfort level will increase after each use. These instructions may change and develop as we learn more about the system. We have an excellent group of staff and attorneys across the district that make things run efficiently. Thank you for your willingness to adapt.

Sincerely,

/s/ Shaun Carpenter
220th District Judge