



383rd DISTRICT COURT
HON. LYDA NESS GARCIA, PRESIDING JUDGE
HON. KAREN PELLETIER, ASSOCIATE JUDGE

ZOOM HEARING PROCEDURES

Until further notice, all hearings in the 383rd District Court will be heard by Zoom or considered by submission, except as otherwise scheduled with leave of court.

Please do not appear in person at the courthouse unless you have received confirmation from the Court Coordinator that your case is set for an in-person hearing or trial.

The following rules apply to both attorneys and self-represented litigants.

VIRTUAL COURTROOM

The 383rd has two Virtual Courtrooms – one for Judge Ness Garcia, Presiding Judge, and one for Judge Pelletier, Associate Judge. The Zoom links for the Virtual Courtrooms will be posted on the court’s website. You may also access the Virtual Courtrooms by launching the Zoom app or by going to <https://zoom.us/> and selecting “Join a Meeting.” The meeting IDs are as follows:

Judge Ness Garcia's Virtual Courtroom
Zoom Link: <https://txcourts.zoom.us/j/97146165849> (Passcode): 422857
Zoom ID: 971 4616 5849 / Passcode: 422854

Judge Pelletier's Virtual Courtroom
Zoom Link: <https://txcourts.zoom.us/j/6282449794>
Zoom ID: 628 244 9794

POLICIES AND PROCEDURES

1. Each party shall consult the applicable state law(s), the El Paso County Local Rules, Texas Supreme Court Emergency Orders and the 383rd Rules of Practice prior to any Zoom hearing.
2. The virtual Courtroom is an open Courtroom and accessible by the general public.
3. Parties are responsible for the logistics of their Zoom appearance. Technical difficulties that are not timely resolved may result in a hearing being passed. A required appearance will not be excused due to a party’s lack of familiarity with Zoom. Please download the Zoom app and practice logging in before your scheduled hearing.
4. Children shall not be present in the same room with any party or witness while a hearing is being conducted. Parties and witnesses should ensure they are in a quiet, closed and separate room. Ensure there is no background noises and dogs/pets do not disrupt the hearing.
5. Exhibits: To avoid the possible exclusion of exhibits, please refer to the court’s **Exhibit Policy** in the updated Rules of Practice (located on the court’s website). Screen sharing will be enabled to allow for the presentation of exhibits if preferred, before they are admitted if they have not already been exchanged.
6. Notice: The **scheduling party/parties** shall notice all necessary parties, per local and state rules, be prepared to provide proof to the Court. A notice of a Zoom Proceeding must include the date and time of the hearing, as well as instructions for joining the Zoom Meeting. The Court recommends the following language:

NOTICE OF ZOOM HEARING

This matter is set for a Zoom hearing on the following: [name of motion] on: [date] at [time].

To participate in the Zoom hearing, please complete the following steps:

(1) From the court’s website, click on the link to join the appropriate Virtual Courtroom. You may also launch the Zoom app from your smartphone or computer and select “Join a Meeting.”

(2) When prompted, enter Meeting ID: ----- ____ The Passcode is: _____

To join the Zoom meeting with both video and audio you will need to have an electronic device with an internet connection. You will also need to install the free Zoom App before the proceeding begins. You may use a smartphone, iPad/tablet, or webcam with sound and video capabilities.

PARTICIPATING IN THE VIRTUAL COURTROOM

1. Please logon using your name and not a device and/or nickname. When you join the virtual meeting, you will be placed in the “waiting room” with all other parties, attorneys, and witnesses. You may be placed in an individual separate “break-out room” for negotiations while you wait. When your case is called, the court will bring you into the virtual courtroom. Witnesses will be called as in any case, and the court staff will bring in as required from the waiting room.
2. Because the Zoom app works on all modern smart phones, tablets, and computers, **all parties, attorneys and witnesses are expected to appear by video, rather than merely by voice.** Only people on video will be permitted to testify, unless they are in the physical presence of a notary public.
3. If “the Rule” has been invoked witnesses will only be permitted in the virtual courtroom while they are testifying, with relevant legal exceptions. Witnesses may not refer to notes, their phone or paperwork while testifying, except as otherwise allowed.
4. Litigants who wish to communicate with their lawyers during a hearing should make arrangements to do so via text message or private email. However, such communication is prohibited during the taking of the respective client’s testimony.
5. All hearings conducted via the Zoom app are subject to additional instructions as deemed appropriate by the court during the hearing.

NO RECORDING OF COURT PROCEEDING

NO PERSON, OTHER THAN THE COURT REPORTER, MAY RECORD A COURT PROCEEDING WITHOUT THE COURT’S PERMISSION. THIS PROHIBITION APPLIES TO ALL PERSONS, INCLUDING MEMBERS OF THE PUBLIC VIEWING COURT PROCEEDINGS ON ANY COURT’S LIVE STREAM AND TO PERSONS WITH THE ABILITY TO RECORD ANY VIRTUAL COURT PROCEEDING. ANY PERSON FOUND TO BE IN VIOLATION OF THIS ORDER FACES CONTEMPT PROCEEDINGS, INCLUDING A FINE OF UP TO \$500 AND A SENTENCE OF CONFINEMENT FOR UP TO SIX (6) MONTHS IN JAIL FOR EACH ACT OF CONTEMPT OF COURT.

POLICIES APPLY TO AGENTS

No party, attorney, or witness may circumvent the terms of these policies by having another person perform a task prohibited for that party, attorney, or witness. For example, if an attorney is prohibited from communicating with a witness during a proceeding, the attorney’s legal assistant or other agent of the attorney may not communicate with that witness during the proceeding.