



**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/9630543532>

Judge Pelletier’s Virtual Courtroom

Zoom Link: <https://txcourts.zoom.us/j/6282449794>

POLICIES AND PROCEDURES

1. Each party shall consult the applicable state law(s), the El Paso County Local Rules, and the 383rd Rules of Practice prior to any zoom hearing.
2. 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.
3. Children shall not be present in the same room with any party or witness while a hearing is being conducted.
4. **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 counsel to review exhibits before they are admitted if they have not already been exchanged.
5. **Notice:** The **scheduling party** 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: --- ---- ----

To join the Zoom meeting with both video and audio you will need to have an electric 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. When you join the virtual meeting, you will be placed in the “waiting room” with all other parties, attorneys, and witnesses. You can be placed in an individual 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 parties 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. Notes may be passed between lawyer and client, using the private chat feature. To do so, hit the “CHAT” button, then at the bottom of the chat window, pull down the recipient arrow and select your lawyer’s/client’s name. However, such communication is prohibited during the taking of the respective client’s testimony. If “the Rule” has been invoked, witnesses shall not use the chat feature and will only be permitted in the virtual courtroom while they are testifying. Witnesses may not refer to notes or paperwork while testifying, except as otherwise allowed.
4. A client may, upon request, confer in private with their attorney. The client should send a note via the private chat feature to their attorney, who may request a moment to confer. If the request is granted by the court, the attorney and client will be moved into a confidential “breakout room” to confer for a moment.
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.