

THE DISTRICT COURTS OF BEXAR COUNTY



BEXAR COUNTY COURTHOUSE
100 DOLOROSA
SAN ANTONIO, TEXAS 78205

THIRD AMENDED BEXAR COUNTY CIVIL DISTRICT COURTS COVID-19 COURT OPERATIONS PLAN Issued: September 4, 2020

NOTHING IN THIS PLAN SUPERCEDES EMERGENCY ORDERS ISSUED BY ANY NATIONAL, STATE OR LOCAL GOVERNMENT. This plan replaces the *Second Amended Bexar County Civil District Courts COVID-19 Operations Plan (issued May 29, 2020)*.

Pursuant to the State of Texas, County of Bexar, and City of San Antonio Declarations concerning public health disaster and emergency, the guidance issued by the Office of Court Administration, Texas Supreme Court Emergency Orders and in light of the uncertainty regarding the duration of the COVID-19 pandemic, and the extent public health may require the continuation of measures (such as social distancing and limitations on maximum group size) to control and impede the spread of the COVID-19 virus, **the Bexar County Civil District Courts will operate pursuant to this plan beginning September 4, 2020, and until further notice.**

For up-to-date information regarding Bexar County Civil District Courts' operations, please refer to the Courts' website, bexar.org/1703/Civil-District-Courts. Changes to plans and important notices are posted on that site.

I. REMOTE HEARINGS

To minimize in-person contact, the Bexar County Civil District Courts will continue to conduct essential and non-essential non-jury matters remotely using the software program Zoom.

A. Setting Remote Hearings

Attorneys and self-represented litigants shall set matters pursuant to Texas Rules of Civil Procedure by setting their matter with the Presiding District Clerk.

All fiats, orders setting hearings, and orders to appear must set the hearings to occur remotely in Presiding District Court, by Zoom, and **must** include the following information:

1. The Zoom meeting link for Presiding Court:
Link: <https://zoom.us/my/bexarpresidingcourtzoom>
2. The Zoom meeting identification number for Presiding Court:
Meeting ID: 917-895-6796.
3. The Zoom telephone access number for Presiding:
Telephone access number: 1-346-248-7799.

All fiats, orders setting hearings, and orders to appear **must** also include the following:

1. The time announcement¹.
2. Telephone numbers for all attorneys or self-represented litigants.
3. Email addresses for all attorneys and self-represented litigants.
4. Whether the party is ready or not.
5. Whether an interpreter is required and the desired language. *For languages other than Spanish interpretation, please make arrangements with court administration a minimum of ten (10) business days in advance of the hearing at (210) 335-2300.*
6. The number of witnesses to be called.

¹ A time announcement is the total amount of time it takes to present your case to the judge.

7. The total number of participants in the call.
8. Whether a record is required.

See Exhibit A (**Revised** Sample Notice of Hearing in Compliance with COVID-19 Court Operations Plan) attached hereto.

B. Appearing Remotely for Presiding Court and Remote Hearing Assignments

Attorneys and self-represented litigants are expected to appear at the Presiding Court Zoom call docket on the date and time listed on the fiat, order setting hearing, and order to appear. During the call docket, the Presiding Judge will assign each case to another district court judge for hearing and will provide the Zoom Meeting ID Number for the assigned judge.

If your case is not assigned during the call docket, attorneys and self-represented litigants shall be on standby, readily available for their hearing assignments and are encouraged to continue conferring on their cases.

Please DO NOT use the Zoom Chat feature to engage the Court and Court Staff unless given permission by the Presiding Judge. DO NOT make time announcements using the Zoom Chat feature and DO NOT in advance of your appearance submit your time announcement to ANY court email address.

Upon assignment to a judge, attorneys and self-represented litigants are expected to immediately log out of the Presiding Court Zoom Meeting and log into the assigned judge's Zoom Meeting using the provided Meeting ID. Failure to do so in a timely manner may result in your case being dropped.

Upon check in with the assigned judge, attorneys and self-represented litigants will receive instructions from the assigned judge on how to share pleadings and exhibits with the court

All hearings will be monitored to ensure the attorneys and self-represented litigants are following time announcements.

To prevent disruption, attorneys and self-represented litigants must mute their settings upon entering the Court Zoom Meeting and may unmute when given

permission by the Court or their case is called. Attorneys and self-represented litigants must turn on their video when addressing the Court.

C. Emergencies and Essential Matters

Please do not appear in person for emergency and essential matters. Please appear by Zoom to approach the Presiding Judge. You may also contact the Presiding Court by telephone to obtain a setting. Please call (210) 335-2610 or (210) 335-0729.

D. Pre-Hearing Conference, Pre-Marking Exhibits, and Exchange of Exhibits

All attorneys and self-represented litigants shall confer before hearings concerning (1) time announcements, (2) issues that can be agreed upon, and (3) stipulated-to exhibits.

Attorneys and self-represented litigants shall pre-mark their exhibits and save them separately in commonly used digital file formats. Documents **must** be saved in PDF format. By way of example, exhibit digital file names should follow this format or similar nomenclature:

- Plaintiff's Ex. 1 – Police Report
- Defendant's Ex. 2 – Accident Scene Picture 1
- Movant's Ex. 1 – Text Msg (Dec 25, 2019)
- Respondent's Ex. 1 – Video Clip (Jan 1, 2020).

Subject to the rules concerning discovery, there is no requirement to exchange exhibits in advance.

At the conclusion of each hearing and absent court permission to withdraw the exhibits, attorneys, as officers of the Court, shall retain all original exhibits and shall deliver to the court reporter taking the record all exhibits that were admitted marked "ADMITTED" and all exhibits that were not admitted marked "NOT ADMITTED."

E. Witnesses

Attorneys and self-represented litigants are responsible for advising each witness how they can participate in the hearing and should make every effort

to avoid delays. If a witness is not available to testify at the designated time, the witness may not be heard. ALL PARTICIPANTS SHALL PARTICIPATE BY TELEPHONE OR ZOOM, WHEREVER POSSIBLE. NO PARTY OR WITNESS SHALL TRAVEL IN VIOLATION OF ANY EMERGENCY ORDERS ISSUED BY GOVERNMENT.

II. IN-PERSON HEARINGS

Pursuant to guidance provided by the Office of Court Administration regarding COVID-19, if a hearing can be done remotely, it must be done remotely. Should an attorney or self-represented litigant believe a hearing cannot be conducted remotely by Zoom, they may file a “**Motion for the Court to Determine the Need for an In-Person Hearing.**” This Motion is non-evidentiary, will be heard by Zoom, and shall only be set on the Monitoring Court’s 8:30 a.m. docket, Monday through Thursday.

At a minimum, the Motion should contain the following information:

1. The type of matter requested to be heard in-person
2. The preferred date the requested matter should be heard and an alternate date.
3. The time announcement for requested matter.
4. The total number of participants in the hearing (including but not limited to attorneys, litigants, witnesses, and support staff).
5. A detailed statement explaining why the matter should not be conducted by Zoom and why it should be conducted in-person.
6. Spacing and social distancing accommodations needed (i.e. per family group).
7. Any other relevant information to support the Motion.

All notice requirements pursuant to the Texas Rules of Civil Procedure and the requirements detailed below **must** be followed.

All fiats, orders setting hearings, and orders to appear for a “**Motion for the Court to Determine the Need for an In-Person Hearing**” **must** include the following information:

1. The Zoom meeting link for Monitoring Court:

Link: <https://zoom.us/my/monitoringcourt>

2. The Zoom meeting identification number for Monitoring Court:
Meeting ID: PMI: Personal Meeting ID 992-478-8545
3. The Zoom telephone access number for Monitoring Court:
Telephone access number: 1 346 248 7799
4. The time announcement.
5. Telephone numbers for all attorneys and self-represented litigants.
6. Email addresses for all attorneys and self-represented litigants.
7. Whether the party is ready or not.
8. Whether an interpreter is required and the desired language. *For languages other than Spanish interpretation, please make arrangements with court administration a minimum of ten (10) business days in advance of the hearing at (210) 335-2300.*
9. The total number of participants in the call.
10. Whether a record is required.

It is recommended that an Amended Fiat, Amended Order Setting Hearing, and Amended Order to Appear be filed to correct deficiencies.

See Exhibit B (Sample Motion for the Court to Determine the Need for an In-Person Hearing) attached hereto.

Should the Monitoring Court Judge grant the motion, the requested matter will be scheduled similarly to how Bexar County jury trials are scheduled. The attorneys and self-represented litigants will be provided a setting date. They will be contacted the week prior to the setting date by the Jury Monitoring Clerk and provided with the name of the assigned courtroom and Judge. The assigned Judge will contact the attorneys and self-represented litigants with further details and protocols to follow in their courtroom and may request a pre-trial/pre-hearing conference call.

III. DEFAULT JUDGMENTS AND MOTIONS FOR ALTERNATIVE SERVICE

All requests for Default Judgment shall be submitted to the Staff Attorney's office for review by emailing the judgment/motion with supporting affidavits and documents to civilintern1@bexar.org.

Motions for Alternative Service (i.e. Rule 103, 106 and citation by publication requests) may be submitted to the Staff Attorney's office for review by emailing the judgment/motion with supporting affidavits and documents to civilintern1@bexar.org.

IV. UNCONTESTED DOCKETS

The Presiding Court holds two uncontested dockets occurring daily at **1:30 p.m.** The **Uncontested Zoom Appearance Docket** and the **Uncontested Submission Docket**.

A. **Uncontested Zoom Appearance Docket** – 1:30 P.M. (NO SETTING REQUIRED)

This docket is available to attorneys only. To utilize this docket, attorneys and their clients simply need to login to Zoom at 1:30p. No setting is required. Matters considered by the court at this docket are:

- uncontested divorce prove-ups
- uncontested adoptions
- uncontested name changes
- friendly-suits
- agreed orders
- requests for ex-parte temporary restraining orders
- requests for ex-parte protective orders
- Other matters (at the discretion of the Presiding Judge).

Attorneys must have ready to share with the court, in digital pdf format, all statutorily required documents, pleadings, and orders.

For this docket, please DO NOT email documents to ANY court and staff counsel email addresses in advance of your appearance. At the time you make your appearance for this docket, the Presiding Judge will tell you where to email your documents. Failure to follow these instructions will delay your case and frustrate procedures in place.

To access the Uncontested Zoom Appearance Docket you may log into the Presiding Court Zoom using the following Zoom credentials:

1. The Zoom meeting link for Presiding Court:
Link: <https://zoom.us/my/bexarpresidingcourtzoom>
2. The Zoom meeting identification number for Presiding Court:
Meeting ID: 917-895-6796.
3. The Zoom telephone access number for Presiding:
Telephone access number: 1-346-248-7799.

B. Uncontested Submission Docket – 1:30 P.M.
(SETTING REQUIRED)

Matters heard on this docket DO require a setting through the District Clerk's Office. This docket is available to attorneys and self-represented litigants. Matters which can be set on this docket are:

- uncontested divorce prove-ups
- uncontested adoptions
- uncontested name changes
- friendly-suits
- motions for alternative service (i.e. Rule 106 and 103 motions).

YOU MUST request your setting a minimum of seven (7) days in advance of your setting. At the time you request your setting, you MUST e-file all affidavits, interrogatories, supporting documents, and agreed-to and proposed orders. DO NOT attempt to secure your setting with a fiat only and e-file supporting documents later. This will result in your case being reset.

You are not required to appear for this docket. On the date and time of the setting, the Presiding Judge will consider the documents and orders you submitted. If there is a deficiency in the paperwork you submitted, you will be contacted by staff counsel in advance of your setting with further instructions. Please wait 3 days after the setting date to contact the District Clerk for copies of your order.

For uncontested divorces, attorneys and self-represented litigants must file:

1. an affidavit or sworn interrogatories to prove up the divorce (please ensure the parties' declaration of bankruptcy status is included); and
2. the agreed Final Decree of Divorce.

For adoptions, attorneys and self-represented litigants must file all statutorily required documents and an affidavit or interrogatories to prove up the adoption order, along with the Decree of Adoption.

V. PRESENTATION OF AGREED ORDERS

As an alternative to the Uncontested Zoom Appearance Docket, you may also submit agreed orders as follows:

1. IF YOU WANT A CONFORMED COPY, please mail your Agreed Order, a copy or copies for conforming, and a self-addressed, stamped envelope to:

Bexar County Civil District Courts
Attn.: Staff Attorneys
100 Dolorosa, Room 2.16
San Antonio, Texas 78205.

Mail-in orders will be delayed until travel restrictions are lifted for staff members. Please bear with us in our attempt to serve the needs of our community.

2. If you do not want a conformed copy, you may email your Agreed Order to civilintern1@bexar.org.
3. If your order resulted from a court ruling and is agreed as to form, please submit the order by email or mail directly to the Court issuing the ruling.

All agreed orders must be presented electronically or by mail. Hand delivered orders will not be accepted. There are no exceptions.

VI. MONITORING COURT

For procedures in Monitoring Court, please see the Monitoring Court websites:

<https://www.bexar.org/1813/Chief-Trial-Assignment-Clerk>

<https://www.bexar.org/2999/Monitoring-Court>

ZERO TOLERANCE POLICY

THERE WILL BE NO TOLERANCE FOR ATTORNEYS TAKING UNFAIR ADVANTAGE OF THE SITUATION CREATED BY THE COVID-19 PANDEMIC. ANY SUCH CONDUCT SHALL BE REPORTED TO THE STATE BAR OF TEXAS DISCIPLINARY COUNSEL ON THE FIRST OFFENSE. ALL JUDGES AND LAWYERS, AS OFFICERS OF THE COURT, ARE CALLED UPON TO CONDUCT OURSELVES IN ACCORDANCE WITH THE TEXAS LAWYERS' CREED.

[EXHIBIT A - REVISED SAMPLE NOTICE OF HEARING – PRESIDING]

Cause No. 2020-CI-12345

Plaintiff/Petitioner	§	In the District Court
	§	
v.	§	407th Judicial District
	§	
Defendant/Respondent	§	Bexar County, Texas

NOTICE OF HEARING IN COMPLIANCE WITH COVID-19 COURT OPERATIONS PLAN

Notice of Setting Petitioner’s Motion for Temporary Orders is set for hearing on January 1, 2020, at 9:00 am in the Bexar County Civil District Presiding Court, 100 Dolorosa, San Antonio, Texas, 78205.

You do not need to go to the Courthouse. The hearing will be conducted remotely on Zoom. You may participate in the hearing using a telephone call-in number or by logging on to Zoom.

YOU MUST ATTEND THE PRESIDING COURT DOCKET CALL BY ZOOM AT THE TIME INDICATED ABOVE.

The link to the Presiding Court Zoom is <https://zoom.us/my/bexarpresidingcourtzoom>. The Presiding Court Zoom meeting ID is 917-895-6796. If you are unable to log on you can call the Zoom telephone access number for Presiding Court at 1 (346) 248-7799. You will need to input the Presiding Court Zoom access code: 917-895-6796.

1. The time announcement: 30 minutes.
2. Telephone numbers for all attorneys or self-represented litigants: John Smith (210) 234-5678 Jane Anderson (210) 345-6789.
NOTE: You must include information for all parties, not just yourself. Including information for all participants is very helpful.
3. Email addresses for all attorneys and self-represented litigants: jsmith@email.com janderson@email.com
NOTE: You must include information for all parties, not just yourself. Including information for all participants is very helpful.
4. Whether the party is ready or not: Plaintiff is ready.
5. Whether an interpreter is required: A Spanish interpreter is required.
NOTE: For languages other than Spanish interpretation, please make arrangements with court administration a minimum of five (5) business days in advance of the hearing at (210) 335-2300.
6. The number of witnesses to be called: Five witnesses.
7. The total number of participants in the call: Seven persons will participate in the hearing.
8. Whether a record is required: A record is required.

FULL ATTORNEY SIGNATURE BLOCK

CERTIFICATE OF SERVICE

[EXHIBIT B – SAMPLE OF MOTION & NOTICE OF HEARING – MONITORING]

Cause No. 2020-CI-12345

Plaintiff/Petitioner	§	In the District Court
	§	
v.	§	407th Judicial District
	§	
Defendant/Respondent	§	Bexar County, Texas

**MOTION FOR THE COURT TO DETERMINE THE NEED FOR AN IN-PERSON HEARING
WITH NOTICE SETTING HEARING**

NOW COMES Petitioner, _____, who files this Motion for the Court to Determine the Need for an In-Person Hearing wherein he/she/it requests the court to grant him/her/it an In-Person Hearing in lieu of a Zoom hearing. In support thereof Petitioner shows as follows:

1. The type of matter requested to be heard in-person
2. The preferred date the requested matter should be heard and an alternate date.
3. The time announcement for requested matter.
4. The total number of participants in the hearing (including but not limited to attorneys, litigants, witnesses, and support staff).
5. A detailed statement explaining why the matter should not be conducted by Zoom and why it should be conducted in-person.
6. Spacing and social distancing accommodations needed (i.e. per family group)
7. Any other relevant information to support the motion.

PRAYER FOR RELIEF

FULL ATTORNEY SIGNATURE BLOCK

NOTICE OF SETTING IN MONITORING COURT

Petitioner’s Motion for the Court to Determine the Need for an In-Person Hearing is set for hearing on January 1, 2020, at 8:30 am in the Bexar County **Monitoring Court**, 100 Dolorosa, San Antonio, Texas, 78205.

You do not need to go to the Courthouse. The hearing will be conducted remotely on Zoom. You may participate in the hearing using a telephone call-in number or by logging on to Zoom.

YOU MUST ATTEND THE MONITORING COURT DOCKET CALL BY ZOOM AT THE TIME INDICATED ABOVE.

The link to the Monitoring Court Zoom is <https://zoom.us/my/monitoringcourt>. The Monitoring Court Zoom meeting ID is 992-478-8545. If you are unable to log on you can call the Zoom telephone access number for Monitoring Court at 1 (346) 248-7799. You will need to input the Monitoring Court Zoom access code: 992-478-8545.

1. The time announcement: 30 minutes.

2. Telephone numbers for all attorneys or self-represented litigants: John Smith (210) 234-5678 Jane Anderson (210) 345-6789.
NOTE: You must include information for all parties, not just yourself. Including information for all participants is very helpful.
3. Email addresses for all attorneys and self-represented litigants: jsmith@email.com janderson@email.com
NOTE: You must include information for all parties, not just yourself. Including information for all participants is very helpful.
4. Whether the party is ready or not: Plaintiff is ready.
5. Whether an interpreter is required: A Spanish interpreter is required.
NOTE: For languages other than Spanish interpretation, please make arrangements with court administration a minimum of five (5) business days in advance of the hearing at (210) 335-2300.
6. The total number of participants in the call: Seven persons will participate in the hearing.
7. Whether a record is required: A record is required.

CERTIFICATE OF SERVICE