

THE DISTRICT COURTS OF BEXAR COUNTY



BEXAR COUNTY COURTHOUSE
100 DOLOROSA
SAN ANTONIO, TX 78205

**FIFTH AMENDED
BEXAR COUNTY CIVIL DISTRICT COURTS
COVID-19 COURT OPERATIONS PLAN
Updated Effective date: June 1, 2022**

NOTHING IN THIS PLAN SUPERCEDES EMERGENCY ORDERS ISSUED BY ANY NATIONAL, STATE OR LOCAL GOVERNMENT. This plan replaces the *Fourth Amended Bexar County Civil District Courts COVID-19 Operations Plan (issued February 1, 2022)*.

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 June 1, 2022, 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. PRESIDING DISTRICT COURT APPEARANCES

Presiding Court will be called in-person in Room 1.09 of the Bexar County Courthouse **and** remotely using the Zoom software (at Zoom meeting ID 917-895-6796). You must appear for your scheduled hearing in-person **or** remotely on Zoom. Parties, attorneys, and witnesses are not required to appear in the same manner and each may select how to attend the hearing by selecting to appear in-person or remotely.

To minimize spread of the Covid-19 virus, the Bexar County Civil District Courts strongly encourage remote and hybrid non-jury hearings. In hybrid hearings, the judge and some participants are in a courtroom, and other participants appear remotely.

A participant who chooses to appear in person must comply with the **“Minimum Standard Health Protocols for Bexar County Court Proceedings.”**

A participant who chooses to appear in-person must be prepared to introduce documents and evidence during the hearing using Zoom in the event some participants appear remotely. It is highly recommended (but not required) in-person participants appear with a personal computer or smart device with the Zoom app or Zoom software installed, all evidence uploaded on to the computer or smart device, and equipped with a wireless modem or air card. Wi-Fi access may not be available at court.

Each District Courtroom is equipped with a technology video cart and an iPad for use during hybrid hearings. The technology carts have a big screen monitor, computer with Zoom installed, a camera to project the courtroom and participants on Zoom, microphones, and an Elmo projector¹ which can be used with Zoom. In the event a court participant appears in-person without their exhibits in digital format and the hearing is hybrid, exhibits can be displayed over Zoom using the provided Elmo. Only court personnel are permitted to operate the technology video cart and to set up the Elmo for court participants.

¹ An elmo projector is a camera mounted on a stand and attached to a digital projector.

II. SETTING HEARINGS IN PRESIDING DISTRICT COURT

A. Setting 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 both in-person in Presiding District Court **AND** remotely on the Presiding Court Zoom; and **must** include the following information in the notice of setting:

TO APPEAR IN PERSON

1. The address to the Presiding District Courtroom:
Presiding District Courtroom (Room 1.09 / 1st Floor) located at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas, 78205.

TO APPEAR REMOTELY

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 announcement².
2. Telephone numbers for all attorneys or self-represented litigants.
3. Email addresses for all attorneys and self-represented litigants.
4. 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.*

² A time announcement is the total amount of time it takes to present your case to the judge, including the time necessary to read the materials presented.

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

B. Appearing for Presiding Court and Hearing Assignments

Attorneys and self-represented litigants are expected to appear at the Presiding Court call docket in-person or on Zoom 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.

If you appear remotely, the Presiding Judge will provide the Zoom Meeting ID Number for the assigned 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.

If you appear in-person, you are expected to promptly report to the courtroom of 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 checking 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

You may appear in-person or on Zoom for emergency matters. 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.

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.

III. REQUESTS FOR IN-PERSON ONLY HEARINGS

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, Tuesday 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 Only 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.

IV. UNCONTESTED DOCKETS

The Presiding Court holds two uncontested dockets occurring daily at **1:30 p.m.** The **Uncontested Zoom/In-Person Walk-In Docket** and the **Uncontested Submission Docket by email**

A. **Uncontested Zoom/In-Person Walk-In Docket – 1:30 P.M.**
(NO SETTING REQUIRED)

Court participants may appear for this docket in-person in the Presiding District Courtroom (Room 1.09) located at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas, 78205 or login remotely to Zoom at 1:30pm. 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
- default judgments
- alternative service requests
- Other matters (at the discretion of the Presiding Judge).

Court participants must have ready to share with the court all statutorily required documents, pleadings, and proposed orders. If appearing remotely these documents must be in digital pdf format.

For this docket, please DO NOT email documents to ANY court and staff counsel email addresses in advance of your appearance. If appearing remotely and 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 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 by email

Uncontested motions where no record is required (i.e., default judgment with liquidated damages or substituted service) may be submitted to CivilDistrictUncontestedMotions@bexar.org for review by the staff attorney. Upon review, if the motion does not require an appearance before the court, it will be submitted to the Civil District Presiding Court for consideration. If the motion is deficient in some respect, the submission will be rejected with the sender receiving the following message:

The submitted motion is not ready to be submitted to the court for consideration. Please appear at the Civil District Presiding Court's 1:30 p.m. docket via Zoom or in person to present the motion.

Uncontested motions where no record is required may also be submitted in person or by Zoom at the Civil District Presiding Court's 1:30 p.m. docket pursuant to subsection IV.A above or by U.S. mail, subject to review by the staff attorney.

C. Miscellaneous Requirements for Uncontested Motions

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 follows:

A. Presentation of Agreed Orders by Email

All agreed orders where an attorney or party does not intend to appear in Civil District Presiding Court must be submitted through the CivilDistrictAgreedOrders@bexar.org email address. Every order must have a signature block for an attorney representing each party to the proceeding and the proposed order must be signed by the attorney (electronic signatures and signatures by permission remain acceptable). The sender will receive the following message upon submission:

We have reviewed your proposed order(s)/decree, and will present it to the court for consideration on [date]. Please allow 3-5 business days for the signed order or decree to be processed by the District Clerk's office and be available. No conformed copy will be sent to you from this e-mail address. To obtain copies, you may e-file or mail a letter to

the Bexar County District Clerk requesting the copies. E-file a letter that includes the case number and an e-mail address to which to send the regular or certified copies, which will be charged to your account on file. To request copies by mail, call 210-335-2661 to get a page count and the cost (you must include a money order or cashier's check with your letter). Postage will be charged to your account on file. Please do not use both U.S. mail and e-mail (including multiple emails) to submit identical proposed decrees and orders, as this creates unnecessary confusion. If you need your order sooner, please appear in Civil District Presiding Court (in person or by Zoom) to present your order.

Agreed orders that do not comply with the requirements will be rejected with the sender receiving the following message:

Effective June 1, 2022, this email (CivilDistrictAgreedOrders@bexar.org) is only for submission of agreed orders where an attorney or party does not intend to appear in Civil District Presiding Court. Every order must have a signature block for an attorney representing every party to the proceeding and the proposed order must be signed by the attorney (electronic signatures and signatures by permission remain acceptable). Your email has been returned because the submitted order does not meet this criteria. If you appeared in Civil District Presiding Court, please resubmit your proposed order complying with these requirements to CivilDistrictPresiding@bexar.org. If you appeared in Monitoring Court, please resubmit your proposed order pursuant to the Monitoring Court Operations Plan referenced in subsection VI.

B. Presentation of Agreed Order via Zoom or Personal Appearance

Agreed orders where an attorney or party has appeared in Civil District Presiding Court must be submitted through the CivilDistrictPresiding@bexar.org email address. Every order must have a signature block for an attorney

representing every party to the proceeding and the proposed order must be signed by the attorney (electronic signatures and signatures by permission remain acceptable). Agreed orders that do not comply with the requirements will be rejected with the sender receiving the following message:

Effective June 1, 2022, this email (CivilDistrictPresiding@bexar.org) will only accept agreed orders for proceedings in which an attorney appeared in the Civil District Presiding Court (in person or by Zoom) and that have been signed by an attorney representing all parties. Your email has been returned because the submitted order does not meet this criteria. If your agreed order is for a proceeding in which no appearance is being made, please submit the order (in proper form) to CivilDistrictAgreedOrders@bexar.org. If you appeared in Civil District Presiding Court, please resubmit your proposed order complying with these requirements. If you appeared in Monitoring Court, please resubmit your proposed order pursuant to the Monitoring Court Operations Plan referenced in subsection VI.

C. Presentation of Agreed Orders from Prior Hearing

If your order resulted from a court ruling other than the Presiding Court and is agreed as to form, please submit the order by email or mail directly to the Court issuing the ruling.

D. Presentation of Agreed Order by Other Means

Attorneys and parties may also present agreed orders in person, via Zoom or by mail, subject to the above requirements for Agreed Orders.

VI. MONITORING COURT & OTHER COURT DOCKETS

Monitoring Court dockets, child welfare cases set in the Children's Courts, and child support cases set in the Child Support Courts will continue to be held remotely on Zoom.

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 COURT ONLY**]

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

The *Petitioner's Motion for Temporary Orders* is set for hearing on *June 14, 2022, at 9:00 am* in the Presiding District Courtroom (Room 1.09) located at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas, 78205

YOU MUST PARTICIPATE IN THE HEARING BY LOGGING ON TO ZOOM OR BY APPEARING IN-PERSON AT THE COURTHOUSE.

TO APPEAR BY ZOOM: At the designated time above, log on to the Presiding Court Zoom using this link: <https://zoom.us/my/bexarpresidingcourtzoom>. Alternatively, log on to the Presiding Court Zoom using meeting ID is 917-895-6796. If you are unable to log on with a computer or smart device, 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. However, calling in is not recommended by the court.

TO APPEAR IN PERSON: At the designated time above, report in-person to the Presiding District Courtroom (Room 1.09) located at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas, 78205. If you appear in person and plan to introduce documents and evidence during your hearing, you must be prepared to share them on Zoom using a personal computer or smart device equipped with a wireless modem or air card and Zoom app or Zoom software installed. Wi-Fi access may not be available at court.

OTHER REQUIRED INFORMATION IN COMPLIANCE WITH COVID-19 COURT OPERATIONS PLAN

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 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.

ADD 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 ONLY HEARING WITH NOTICE SETTING HEARING

NOW COMES Petitioner, _____, who files this Motion for the Court to Determine the Need for an In-Person Only Hearing wherein he/she/it requests the court to grant him/her/it an In-Person Only 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 Only 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 ten (10) 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