

THE DISTRICT COURTS OF BEXAR COUNTY



BEXAR COUNTY COURTHOUSE
100 DOLOROSA
SAN ANTONIO, TEXAS 78205

SECOND AMENDED BEXAR COUNTY CIVIL DISTRICT COURTS COVID-19 COURT OPERATIONS PLAN Issued: May 29, 2020

NOTHING IN THIS PLAN SUPERCEDES EMERGENCY ORDERS ISSUED BY ANY NATIONAL, STATE OR LOCAL GOVERNMENT. This plan replaces the *First Amended Bexar County Civil District Courts COVID-19 Operations Plan (issued April 2, 2020)*.

Pursuant to the various emergency orders issued by the Supreme Court of Texas, the guidance issued by the Office of Court Administration, and in an effort to adhere to the declarations by the State of Texas, County of Bexar, and City of San Antonio concerning the COVID-19 public health disaster and emergency, and in light of the uncertainty regarding the duration of the COVID-19 pandemic, and the extent public health continues to require 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, 2020, and until further notice.**

For up-to-date information regarding Bexar County Civil District Courts' operations, please refer to the Courts' website, <https://www.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 Civil 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 Presiding Court Zoom meeting link:
Link: <https://zoom.us/my/bexarpresidingcourtzoom>
2. The Presiding Court Zoom meeting identification number:
Meeting ID: 917-895-6796.
3. The Presiding Court Zoom telephone access number:
Telephone access number: 1-346-248-7799.
4. The link to Presiding Court YouTube channel:
<https://www.youtube.com/c/BexarCountyCivilDistrictPresidingCourt>.

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

1. The time announcement.
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 five (5) business days in advance of the hearing at (210) 335-2300.*
6. The number of witnesses to be called.
7. The total number of participants in the call.
8. Whether a record is required.

Failure to include the required information on the fiats, orders setting hearings, and orders to appear may result in a delayed case assignment or a dropped

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

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

- B. **Remote Hearing Assignments** - The Presiding Court Judge *may* assign matters to each of the other district court judges the day before the call docket. The assigned judge (or their court clerk) will contact all the attorneys and self-represented litigants listed on the fiats, orders setting hearings, and orders to appear with further instructions (including instructions on how to share pleadings and exhibits with the court, check-in times, and Zoom credentials).

Attorneys and self-represented litigants who have been contacted by the assigned judge (or court clerk) before the Presiding Court Call Docket **do not** need to appear at the Presiding Court Call Docket. Instead, they shall log-on to the assigned court's Zoom meeting per its instructions.

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

- C. **Appearing Remotely for Presiding Court Call Dockets** - Attorneys and self-represented litigants who have not been contacted by a judge (or court clerk) before the Presiding Court Call Docket **must** appear **in the Presiding Court's Zoom** at the time listed on your fiat, order setting hearing, or order to appear.

To prevent disruption, attorneys and self-represented litigants must mute their settings upon entering the Presiding Court Zoom Meeting. When each case is called, the Presiding Judge will advise whether the case has been assigned, a case is pending assignment, and whether the fiat, order setting hearing, or order to appear lacks the required information preventing assignment. During this time, attorneys and self-represented litigants may unmute their settings and communicate any changes in the case announcements to the Presiding Judge.

The Presiding Judge will announce on Zoom and YouTube when each case is assigned. Additionally, case assignments will be posted in the chat section of the Presiding Court Zoom and comments section of the Presiding Court YouTube. Attorneys and self-represented litigants shall be on standby and ready to proceed upon their hearing assignment.

D. Emergencies and Essential Matters – It is not necessary to appear in Court for emergency and essential matters cases. Instead, please contact the Presiding Court by telephone to obtain a setting. Please call (210) 335-2610 or (210) 335-0729.

E. 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) 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)

No later than 12:00 p.m. the day before the hearing, all attorneys and self-represented litigants should confer on which exhibits will be agreed-to and pre-admitted at the beginning of the hearing.

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.”

F. 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.

II. IN-PERSON HEARINGS

The Bexar County Judiciary is committed to ensuring the safety of its personnel, attorneys, litigants, and the public who come to the courthouse. Pursuant to the emergency orders issued by the Supreme Court of Texas and the guidance issued by the Office of Court Administration, no in-person hearings shall be held until such time as all necessary safety precautions are put in place. **When all protective equipment is in place, the District Courts, collectively, will amend this plan with specific protocols for requesting in-person, non-jury hearings.** However, the Courts will use all reasonable efforts to conduct proceedings remotely. All proceedings, both essential and non-essential, will occur remotely (such as by teleconferencing, videoconferencing, or other means) unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the Courts' control.

You are encouraged to periodically check the Civil District Court's website for updates and the most current operations plan at:

<https://www.bexar.org/1703/Civil-District-Courts>.

III. DEFAULT JUDGMENTS

All proposed Default Judgments must be submitted to the Staff Attorney's office for review by emailing the judgment to civilintern1@bexar.org.

IV. UNCONTESTED DIVORCES, ADOPTIONS, AND FRIENDLY SUITS

Uncontested divorces and adoptions will be presented to the Presiding Court by two means (1) on submission at the 1:30 p.m. **Uncontested Submission Docket** or (2) by Zoom at the 1:30 p.m. **Uncontested Zoom Docket**. Friendly-suits will be heard at the 1:30 p.m. Uncontested Zoom Docket. No walk-ins are allowed.

A. UNCONTESTED SUBMISSION DOCKET – 1:30 P.M. – **(SETTING REQUIRED)**

Matters set on the Uncontested Submission Docket require a setting by contacting the Presiding District Clerk or referring to the District Clerk’s website for available dates and e-filing your setting along with all the supporting documents indicated below.

For uncontested divorces, attorneys and self-represented litigants must file either affidavits or sworn interrogatories to prove up the divorce along with the agreed Final Decree of Divorce at least 3 days before their setting date.

For adoptions, attorneys must file all statutorily required documents and an affidavit or interrogatories to prove up the adoption order, along with the Decree of Adoption at least 3 days before their setting date.

B. UNCONTESTED ZOOM DOCKET – 1:30 P.M. **(NO SETTING REQUIRED)**

No settings are required for the Uncontested Zoom Docket. This docket is only available to attorneys and may only be used for uncontested divorces, adoptions, and friendly suits. A separate docket is being planned for self-represented litigants.

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

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/bexarpresidingcourzoom>

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.

Upon entry into the Presiding Court's Zoom meeting please wait until the Presiding Judge calls for uncontested matters to be heard and follow the directions given at that time. If you are assigned to another Judge from this docket, it is your responsibility to contact that court.

V. PRESENTATION OF AGREED ORDERS

Bexar County Civil District Courts are temporarily adopting the following policy for presentation of Agreed Orders:

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

Please bear with us in our attempt to serve the needs of our community during this pandemic.

2. If you do not want a conformed copy, you may email your Agreed Order to civilintern1@bexar.org.

If your order resulted from a court ruling, 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.

LOCAL RULES TO BE FOLLOWED

The Bexar County Local Rules shall be adhered to except to the extent they are modified by this Plan.

**EXHIBIT A - REVISED SAMPLE
NOTICE OF HEARING IN COMPLIANCE WITH COVID-19 COURT OPERATIONS PLAN**

| | | |
|----------------------|-------------------------|-------------------------|
| | Cause No. 2020-CI-12345 | |
| Plaintiff/Petitioner | § | In the District Court |
| | § | |
| v. | § | 407th Judicial District |
| | § | |
| Defendant/Respondent | § | Bexar County, Texas |

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 will be contacted by the court when the case is assigned. IF YOU ARE NOT CONTACTED 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.

If you are unable to log-on or call in to Zoom, you can also watch the Presiding Court Call Docket at the Bexar County Civil District Presiding Court YouTube channel:
<https://www.youtube.com/c/BexarCountyCivilDistrictPresidingCourt>

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**