**Cause No. \_\_\_\_\_\_**

 **§ IN THE DISTRICT COURT**

 **§**

 **§ 394TH JUDICIAL DISTRICT**

 **§**

 **§ \_\_\_\_\_\_\_\_ COUNTY, TEXAS**

**ORDER SETTING HEARING**

IT IS HEREBY ORDERED that the above numbered and styled case is set for remote electronic hearing on the \_\_\_\_**day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023, at \_\_\_\_\_  \_\_.m.** in the 394th Judicial District Court of Presidio County, Texas.  All participants must appear electronically at [https://app.zconnect.io/r/N3K3CY](https://www.google.com/url?q=https://app.zconnect.io/r/N3K3CY&sa=D&source=calendar&usd=2&usg=AOvVaw3KC2aduzLAlvtiT7pRTjda), absent further order of the Court authorizing physical appearance in the courtroom. Any person who cannot participate in this manner, who has a technological issue preventing effective electronic participation, or who needs assistance joining the proceeding, is ordered to contact the Court’s designated representative at 432-837-5831 or 394th.jud.dist.court@gmail.com as soon as the issue is discovered.

Failure to appear as directed may result in sanctions being entered, up to and including default judgment or dismissal of claims.

Participants are ordered to comply with the 394th District Court Protocols for Electronic Appearance, which include instructions for submitting evidence. The Protocols are posted on the Court’s website at [www.Texas394th.com/downloads](http://www.Texas394th.com/downloads) and attached hereto.

The Court may for good cause shown permit a court participant to appear physically in the courtroom. Participants permitted to do so must appear on the schedule date and time in the District Courtroom, \_\_\_\_\_\_\_\_\_\_ County Courthouse, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_, Texas.

Signed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

                                                                                    JUDGE PRESIDING

**394TH DISTRICT COURT PROTOCOLS FOR ELECTRONIC APPEARANCE**

YOUR CASE HAS BEEN SET FOR A HEARING BEFORE THE 394TH DISTRICT COURT. Some participants may be allowed or required to appear electronically, via the Zoom Meetings App. Failure to appear in the manner directed may result in sanctions being imposed, including your claims being denied, claims against you being granted, monetary sanctions or fines being assessed, issuance of a warrant or capias, and granting of a final default judgment or dismissal.

To appear electronically, a court participant must follow these instructions:

First, you must create a free Zoom account. Download and install the free Zoom client on your computer or tablet from the Zoom.us website by hovering over the Resources tab, and selecting “Download Zoom Client,” or on your smart phone by installing Zoom from the App Store. You must sign-up using your real name.  Logging in using a pseudonym, fake name, or other identifier may result in you not being admitted to the virtual courtroom and deemed not to have appeared, or in your case being moved to the end of docket, thus increasing your wait time.

Because the Zoom app works on all modern smart phones, tablets and computers, each participant is expected to appear *by video*, rather than merely by voice, except as a last resort. If you cannot connect by Zoom, you may electronically join the hearing by calling the phone number contained in the Notice of Hearing. However, you will not be permitted to *testify* unless you appear on camera in Zoom or in person in the courtroom.

Attorneys must appear on camera during hearings, and shall dress in traditional courtroom attire (including coat and tie). All other participants shall dress in business attire or "smart casual" (which is best described as what someone would wear to church or to meet your romantic partner’s parents). Hats and sunglasses must be removed. Persons dressed inappropriately may be ejected and excluded from the hearing.

Only counsel of record, litigants and their spouses (where specifically permitted by the rules), testifying experts, and witnesses while testifying will be permitted to enter the hearing. Witnesses will remain in the waiting room until it is their turn to testify. Witnesses who are not on camera to be placed under oath will not be permitted to testify.

**If any party or witness will require a language interpreter for a hearing, you must inform the court coordinator at least seven days prior to the hearing, or if less notice is required, as soon as possible**. Failure to inform the Court of the need for an interpreter a reasonable time prior to a hearing waives your right to object to the lack of a court-provided interpreter. The Court will use the Zoom interpretation service, so attorneys must practice with the client or witness prior to the hearing, to avoid unnecessary delay or confusion.

Hearings are on the record through the use of the court’s digital court recording system. The video and audio of this hearing are not part of the official record and are not subject to disclosure by the Court. A transcript of these proceedings may be requested and purchased in the usual manner by the Court’s official court reporter, Verbatim Reporting & Transcription.

All virtual hearings in this Court are open for public viewing in accordance with the Cout’s Standing Order Regarding Public Access to Electronic Proceedings. Recording, downloading or capturing video, audio, or images of the electronic proceeding or live stream is prohibited.

Instructions for Participating Electronically in the Zoom Virtual Courtroom:

1. Join the virtual courtroom a few minutes before the scheduled hearing time by clicking the link in the order or e-vite, or [https://app.zconnect.io/r/N3K3CY](https://www.google.com/url?q=https://app.zconnect.io/r/N3K3CY&sa=D&source=calendar&usd=2&usg=AOvVaw3KC2aduzLAlvtiT7pRTjda). If it asks you whether to open in the browser or open the Zoom app, always instruct it to open in the Zoom app. When you enter, select “Join Audio” then “WiFi or Cellular Data,” even if you are connecting via smart phone. If you enter and you can’t hear anyone else in the meeting when you see them speaking, verify in the call audio settings that you are connected to “Wifi or Cellular Data.”
2. Upon entering the room, your video will automatically be activated and your audio muted, until the hearing begins. If you are having trouble connecting, contact the court representative at 432-837-5831 for assistance.
3. You must be in a quiet, well-lit area, preferably indoors, with minimal background noise. You will not be permitted to participate from a moving vehicle or a crowded public place. Be positioned so that there is no window or bright light source behind you or visible within the video frame. If your location or environment renders your participation impossible or untenable, or interferes with the Court’s ability to conduct its proceedings, you may be excluded from the hearing.
4. When you first connect, you will remain in a virtual waiting room until your case is called. There may be other cases set at the same time as yours. Do not disconnect or exit the waiting room while you are waiting. When your case is reached, the Court will bring you and the other participants into the virtual courtroom.
5. During the hearing, you may "slip notes" between client and lawyer, using the private chat feature. To do so, hit the "Chat" button at the bottom of the Zoom screen, and at the bottom of the Chat window, pull-down the recipient arrow and select your client’s or lawyer's name. Be careful – chat messages sent to “Everyone” will be visible to all meeting participants, including the Court. Do not send private messages to the Court, the other party, or any witness. You are strongly encouraged to practice with this feature prior to joining the hearing. You are not to send messages to anyone other than your attorney or client during the proceeding.
6. While a witness is testifying, they shall not communicate with anyone else by any means. Do not refer to or look at any documents or items while testifying unless directed to do so by the Court. This includes web searches and written documentation. Your hands should be empty.
7. The Rule as to Witnesses is invoked in every hearing in the virtual courtroom. Do not communicate with witnesses by any means while the hearing is underway, or allow or encourage them to watch the live-stream during the hearing. Witnesses who watch the live-stream or violate the Rule will not be permitted to testify.
8. You may, upon request, meet privately with your client or attorney during a hearing. If your request is granted by the Court, you will be moved into a confidential breakout room to confer with your lawyer for a few moments. When you see the invitation to join the breakout room, you must click JOIN.
9. All exhibits and plea papers must be submitted to the court coordinator prior to the hearing, at 394th.jud.dist.court@gmail.com. The only formats that will be accepted are PDF for documents, JPG and PNG for images, and MP4 for videos. No DOC formats, zipped or archived files, or executable files will be accepted. If you have voluminous or large exhibits, please contact the court coordinator for a unique Dropbox link to upload and store your digital files. Rebuttal exhibits not anticipated and submitted prior to the hearing may be submitted during the hearing through the Chat/File feature in Zoom or via e-mail to the court coordinator. In person participants must bring their exhibits with them to the courtroom. Represented parties are required to submit their exhibits in digital form, either in the manner described above or on a USB thumb drive.
10. All exhibits should be named in this format: beginning with the first letter of the County, followed by the cause number, the exhibit number, and a short description, e.g. "B6023 P3 Plea Papers" for Brewster County Cause 6023 Petitioner’s Exhibit 3, or "H2541 D4 Verizon Cell Records" for Hudspeth County Cause 2541 Defendant’s Exhibit 4.

Additional instructions and admonishments may be given to you by the Court during the hearing.

Violation of these protocols may constitute contempt of court and result in a fine of up to $500 and a jail term of up to 180 days.

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 PRESIDING JUDGE