

CAUSE NO. JV/DH-_____

IN THE MATTER OF

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IN THE COUNTY COURT

AT LAW NO. 1

RESPONDENT/CHILD

DENTON COUNTY, TEXAS

REMOTE HEARING ORDERS -- Sixth Amended

Contact kimberly.mccary@dentoncounty.gov; christina.speis@dentoncounty.gov; or 940-349-2526 if you believe any counsel, his or her client(s), a pro se litigant, any witness, an interpreter, or any other participant cannot participate in a court hearing remotely.

Please have all parents/guardians/custodians present at the hearing.

Open or Closed Courtroom: If a party does NOT ask for and obtain a favorable ruling for a closed courtroom, the hearing will be live-streamed -- either in a public-access room in this court - house or on YouTube.

For Adjudications/Modifications/Dispositions:

To Respondent's counsel: Obtain the probation terms (if applicable) and social history from Probation.

Obtain the plea paperwork (Stipulation of Evidence, Discovery Stipulation, Order of Adjudication/Modification/Disposition) from the State.

Obtain signatures on those documents and on the Adjudication Packet (found on the Court's website) from your client and the parents/guardians/custodians.

Email all the signed paperwork to the judge and court administrator at least one business day before the hearing. The paperwork may also be dropped off at the Charlie Cole Building at least one business day before the hearing.

Procedures for Motions for Deferred:

Prior to the hearing, the parties will get me and opposing counsel any evidence they wish for me to review in support of their respective positions.

At the hearing, there will be no live witness testimony.

The procedure at the hearing is as follows:

Respondent's attorney will have an opening opportunity to present what the juvenile deferred statute refers to as "representations of counsel" and arguments.

The State will go next and offer the same.

Respondent's attorney will have the final opportunity to present his/her closing "representations of counsel" and arguments.

Zoom Platform:

For Remote Hearings, the attorneys, parties, witnesses, probation staff, and other attendees may "appear at" the video hearing through the use of the Zoom application by using a desktop computer, laptop, tablet, iPad, or smartphone which has video and audio capability. When the Juvenile Court is the host of a hearing, there is no cost to attendees to join in the Zoom hearing. Zoom download information is provided below in the "Subpoenas" section of these Guidelines.

Scheduling of Remote Hearings/Preparation for Zoom Hearings:

At a reasonable time prior to the scheduled hearing, the Court will email certain attendees an invitation with a link which will enable the user to attend the hearing via Zoom. The Juvenile Court recommends that at least 24 hours prior to a scheduled hearing that potential attendees familiarize themselves with the Zoom software at zoom.us, which offers several online tutorials. Attendees shall attempt to join all hearings at least ten minutes prior to the start time.

Attendee Information and Presentation of Witnesses by Zoom:

Prior to all Remote Hearings, each party shall have compiled the full names, email addresses, and phone numbers of, as applicable, their clients, the clients' parents/guardians/custodians, all potential attendees, and all witnesses they intend to call and shall have forwarded the Zoom invite to those persons.

No one will be allowed to pass the functional equivalent of notes by electronic means to a witness during the time that witness is testifying.

Other than those being used by an attorney in the case, no electronic devices, cell phones, or any internet-capable devices other than the one being used for the Zoom hearing shall be on during the Zoom hearing. Attorneys may have appropriate computer programs open to enable the attorney to present exhibits via Zoom, conduct legal research, communicate with staff, and the like. No other attendee shall have any other program or application running other than Zoom during the Zoom hearing unless that attendee receives prior permission from the Court.

Online Demeanor

Juvenile Court shall be officially in session during Remote Hearings. Remote Hearings are still considered to be courtroom proceedings and may be live-streamed. Dress, speak, and act accordingly. Let us be the gold standard for Remote Hearings.

Recording of Remote Hearings

Unless done by the Court or under the direction of the Court, remote Hearings, or any portion thereof, may not be recorded or reproduced in any way, including but not limited to a full or partial video recording, a full or partial sound recording, or a screenshot. Attorneys are Ordered to advise their witnesses and attendees of this Court Order. A violation of this Order may be punishable by contempt.

Subpoenas for Remote Hearings

All witnesses subpoenaed to appear for a remote hearing will be required to attend via Zoom, unless the Court gives prior permission for appearance by some other means. A subpoena issued to a witness to appear at a remote hearing shall include the following notice.

"This matter is set for hearing by remote appearance via Zoom. To appear at the hearing via Zoom, obtain a free Zoom account at <https://zoom.us/download>.

If you intend to appear by phone, you may download a free Zoom app at

<https://apps.apple.com/us/app/id546505307> (Apple) or

<https://play.google.com/store/apps/details?id=us.zoom.videomeetings> (Android).

YOU ARE PROHIBITED FROM DISCLOSING ANY ZOOM MEETING I.D. NUMBER PROVIDED TO YOU TO ANY PERSONS NOT A PARTY OR AN ATTORNEY OF A PARTY TO THIS SUIT. IF YOU FAIL TO APPEAR AT THE ZOOM HEARING, YOU COULD BE HELD IN CONTEMPT OF COURT FOR FAILURE TO APPEAR."

Service of a witness subpoena may be accomplished by email or any other means calculated to provide notice of service. Proof of service of the subpoena will be provided by the party serving the subpoena and filed with the court clerk.

The court clerk shall include a copy of these orders to each subpoena being issued out of this Court.

Evidence for Remote Hearings: If you intend to offer any exhibits during the hearing, note the following:

1. Move to admit the Exhibit.
2. Unless you did so previously, email the Exhibit to:

Opposing Counsel,
The Judge (kimberly.mccary@dentoncounty.gov), and
The Court Reporter (mary.bryce@dentoncounty.gov).

3. In the subject line of the email, include:

The Respondent's initials,
The cause number, and
The Exhibit number, for example "Petitioner's Exhibit 1".

4. Format of Exhibits:

Documents: PDF

Audio and Video files: Files may not exceed 5GB. A list of valid extensions that these files must be submitted in are: .avi, .wmv, .wav, .mpg, .mid, .asf, .mpeg, .mp1, .mp2, .mp3, .mp4, .mp4v, .mpg, .ogg, .oga, .ogv, .webm. If an exhibit has any of those extensions, the sponsoring party is not required to convert it to a .mp3 or .mp4 file. If it does not have any of those extensions, the sponsoring party shall convert it to an acceptable format. Nothing other than what is offered as an Exhibit may be included on the audio or video media.

Physical evidence may be submitted via a photograph.

This Court will NOT require parties to submit/divulge their proposed Exhibits in advance of trial. However, submission of evidence via Zoom will be more time consuming than it would be “live”. The parties are encouraged to work together prior to the hearing with regard to the submission of Exhibits.

Signed May 24, 2021.

Judge McCary