

Zoom Questions and Answers

In an effort to obtain uniformity in alternatives to in Courtroom Hearings during the present Covid19 crisis, the Denton County Probate Court has created the following resources and directives for Attorney participating in hearings from remote locations:

The Denton County Probate Court highly recommends that you as an attorney practicing in the Court become familiar with Zoom Conferencing, in an effort to aid you we provide you with the following resources:

https://blog.texasbar.com/2020/03/articles/texas-young-lawyers-association/zooming-into-a-new-era/?fbclid=IwAR07IMIAASTulzEhqy3d-F4av5bkU9tDpjZ5tfMremtouTIIY0_RP47-A0g

<https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>

<https://www.youtube.com/watch?v=bTSJOYDoF7o>

<https://www.youtube.com/watch?v=fMUxzrgZvZQ>

The Denton County Probate Court below addresses what the Court believes are some of the more frequently asked questions (FAQ's):

Exhibits

Does the Court have a preference on how exhibits will be introduced, produced or otherwise handled? Meaning will the exhibits need to be uploaded to the Court and opposing counsel prior to a hearing or can they be used by screen sharing or the chat method available in Zoom?

The original of all exhibits must be printed, with proper exhibit stickers affixed and delivered to the Court Reporter at least 24 hours prior to the hearing. In addition, a complete copy of the original exhibits needs to be printed and delivered to the Court Administrator for the Judge to use. In contested cases an additional complete printed copy of the original exhibits will also need to be delivered to the Court Investigator or Auditor assigned to the case 24 hours prior to the hearing. The Court will waive the 24-hour requirement upon a showing of good cause.

Property marked exhibits need to be uploaded and emailed to opposing counsel before they are delivered to the Court staff.

Exhibits cannot be properly reviewed by the Court and staff by screen sharing. Also, lengthy screen sharing is not appropriate as it limits the Court's ability to see all participants and the Court Reporter.

Dress Code

Are there any dress code requirements?

Yes, we are still in a courtroom. All the same rules apply. Attorneys, clients and witness need to be professional and appropriately dressed. The dress code is posted on the Probate courtroom door and website.

Will the Court will act as the host for all zoom conferences?

Yes, because the Court needs the ability to control the proceedings, the Court will be the Zoom host.

What is the Court's position on any participants recording the Zoom call, as it seems like this could be done and would be in violation of normal practices?

No one can record zoom hearings except the Court. The Court Reporter's transcript is the official record.

Will the Court record the Zoom Conference?

Yes, in case of an emergency situation, the Court will have a back-up. The first few hearings were recorded for testing and training purposes. Unless required the Court will not be recording.

How will the Court handle objections, will he be with a "raised hand" or will all the attorneys be un-muted so they can make their objections contemporaneously?

The attorneys can leave their microphone on or they can unmute when they have an objection. If any attorney is not being profession, the Judge as the Host will mute the attorney's microphone. The attorney can also raise their hand for an objection.

What is the Court's position on "invoking the rule"? It appears that an unethical attorney could have witnesses listening to the testimony but being off camera.

If the "Rule" is invoked, we will place a witness in a separate Zoom room and only invite the witness to join the Zoom meeting when it is time for their testimony. If attorneys are suspicious someone is not following the rules, bring it to the Court's attention immediately.

Does the Court want participants to sign in 5 minutes before a Zoom conference?

The Court's requests participants enter the Zoom conference at least 5 minutes before the scheduled hearing to test the video and audio.

Will the Court use a zoom conference number for each hearing?

The Zoom conference number will be the Probate Court telephone number: 940-349-2140. The topic will be the cause number and style.

Does the Court want a confirmation email with the attorney's phone number attached for disconnect issues?

Yes, when accepting invite please add a good contact number. Also the Court will use the email address on file for the lead counsel for the invite. If other attorneys are participating, it is the lead counsel's obligation to inform the Court Coordinator and Court staff of the parties who are participating, along with a valid email address.

Zoom Rooms. Will clients be required to attend by being physically present with their attorney and attending the Zoom Conference from their attorney's office, or will the clients be allowed to join the Zoom Conference from their home or office?

Either way is acceptable. Remember it is a formal hearing conducted by using zoom video conferencing. If the attorney needs to speak confidentially with the client, we will break and the host, the Judge, will put the attorney and client in a separate Zoom room. Once you are moved to a separate Zoom room no one, including the Court, can hear your conversation.

Oaths and Proofs. Will the Court accept oaths and proofs being signed by the client while on the Zoom Conference, or should these be notarized separately and uploaded via e-file?

Either method is acceptable. If Judge Robison or Judge Jahn administers the Oath in the Zoom hearing, your clients can sign the Oath in the hearing. The same will hold true for the Proofs. The attorney will need to e-file the originals and send an email to Nydia Godinez (Nydia.Godinez@Dentoncounty.gov) with the Proof and Oath attached.