

**IN THE DISTRICT COURTS AND COUNTY COURTS AT
LAW
STATE OF TEXAS, CAMERON COUNTY**

EMERGENCY STANDING ORDER

WHEREAS pursuant to Texas Government Code Sec. 22.0035(b), the Governor of the State of Texas has declared a Public Health Emergency, this Court, in accord with the Texas Supreme Court of Texas Misc. Docket Order No. 20-9042, hereby enters the following Emergency Standing Order related to proceedings occurring presently or scheduled in the District Courts and County Courts @ Law. This Order is effective as of the date of execution.

The District Courts and County Courts at Law shall, whenever possible, remain open in order to facilitate the continuing administration of Justice and the public access to the Courts of this State, subject to the following restrictions:

Supreme Court of Texas Misc. Docket Order No. 20-9044 states: Courts must not conduct non-essential proceedings in person contrary to local, state or national directives, whichever is the most restrictive.

CASES SET FOR JURY TRIALS AND NON-JURY (BEFORE THE COURT):

1. Pursuant to the Declaration by the District Courts and County Courts at Law, the utilization of Juries has been suspended until May 8, 2020, or until further Order. Cases that have been previously set on the Court's Jury docket between the effective date of this Order and May 8, 2020 are hereby continued *sua sponte* and shall be reset on future Jury Trial dockets at the Court's earliest opportunity.

2. Cases set on the Court's "Non-Jury" docket that were set during or after the week of March 16, 2020 or on other non-jury dockets between the effective date of this Order and May 8, 2020 are hereby continued *sua sponte*. Cases which have been previously set on the Court's Non-Jury docket between the effective date of this Order and May 8, 2020 shall be reset at the Court's earliest opportunity (whether those dates correspond with Non-Jury dockets or otherwise).

a. Whenever possible, evidence typically presented via the testimony of live witnesses shall be discouraged. Rather, Parties are hereby required to make such presentment via affidavits consistent with Misc. Docket Order No. 20-9042 (2)(c) or by deposition.

b. Any party needing to admit exhibits must scan and send them to the Court Reporter, with copies to opposing counsel in PDF format in advance of the hearing already pre-marked with exhibits stickers and chronologically numbered for ease of reference (and directing a witness's attention) during remote proceedings. Of course, copies must be contemporaneously directed to opposing Counsel.

c. Non-Jury trials shall proceed with the taking of all other testimonial evidence under oath either via telephonic or technological means (such as ZOOM or SKYPE), which shall be deemed admissible by the Court. The Court Reporter, regardless of her/his location *vis à vis* the locale of the Witness, is authorized to administer an oath for these purposes (and may do so remotely).

MOTIONS:

Motions shall continue to be set for hearing as is the customary practice. The Courts' existing policy mandating the filing of any responsive pleading or objection no later than three days before the Motion is set for hearing remains in full force and effect.

a. Requests for Oral Argument shall be made to the Court via e-file to the District Clerk or County Clerk. The Court shall consider each said request upon showing of good cause.

b. Whenever possible, evidence typically presented via the testimony of live witnesses shall be discouraged. Rather, Parties are hereby required to make same via affidavits, consistent with Misc. Docket Order No. 20-9042 (2)(c).

c. Any hearing, including hearings where the presentment of testimonial evidence shall be taken via telephonic or technological means (such as ZOOM or SKYPE), which shall be deemed appropriate by the Court.

d. Any party needing to admit exhibits must scan and send them to the Court Reporter, with copies to opposing counsel in PDF format in advance of the hearing already pre-marked with exhibits stickers and chronologically numbered for ease of reference (and directing a witness's attention) during remote proceedings. Of course, copies must contemporaneously be directed to opposing Counsel.

DEPOSITIONS:

1. Any Deposition may be noticed to proceed technologically and remotely. Said Notice shall specifically advise of the location of the prospective Witness and the Court Reporter. It shall also advise all counsel of record and any other persons of the ability to participate remotely.

2. Any Notice shall additionally explain how any interested individual or entity how the remote access to the proceedings may be effectuated, including dial-in or Internet access codes.

3. The desire of a party to appear in person, or at any other location shall NOT be sufficient grounds to Quash a Deposition notice.

4. Any Notice to Quash a Deposition pursuant to Tx.R.Civ. 199.4 or otherwise filed in a manner to immediately effectuate a stay of said Deposition must, upon filing, be calendared for hearing before the Court at the Court's earliest convenience. The counsel filing said Motion to Quash is responsible for ensuring that a hearing is calendared consistent with this provision.

DISPOSITION/SHOW CAUSE DOCKET:

The Courts' Disposition (SHOW CAUSE) docket shall continue without the requirement of Counsel personally appearing. Any party required to appear pursuant to such a notice is hereby required to telephone the Court on the date and previously noticed.

MEDIATION:

District Courts and County Courts at Law require a **MEANINGFUL** conference between opposing counsel prior to the Court's intervention whenever possible prior to requiring the Court to make a determination of issues in dispute. Parties and counsel are hereby advised that the present Public Health Crisis demands that whenever possible, attorneys come to an agreement without requiring appearance in Court. All parties and counsel must appear for Mediation in person is hereby suspended during the pendency of the Governor's declaration of a Public Health Emergency. While the Order requiring Mediation remains in effect, any Party or individual may choose to appear at a Mediation via technology or telephonically. However, any party or counsel participating remotely **MUST** remain present for the entirety of the Mediation process.

MISCELLANEOUS:

1. Every participant in a proceeding, witness, counsel, paralegal, client or other individual who appears at the District Courts and County Courts at Law are Ordered to alert the Court staff, specifically including the Bailiff, if the participant has, or knows of another participant who has COVID-19, or other flu-like symptoms such as fever, coughing or sneezing. This Court may, upon notice, cancel any proceeding that requires the involvement of a person infected with COVID19, showing symptoms, waiting for test results, or under self or ordered quarantine if the person will be required to personally present in a setting that would expose others or violate quarantine standards set by Center for Disease Control or their health care provider.
2. Private recording of any Court proceeding remains strictly and expressly prohibited without prior consent of the Presiding Judge of the Court.
3. Consistent with the State policy of open Courts, any member of the public wishing to listen/view can gain access by contacting the Court Coordinator for dial-in info or access code/link.

It is so ORDERED signed this 31 day of March, 2020.

FILED 1:25 o'clock P.M
ELVIRA S. ORTIZ - DISTRICT CLERK

MAR 31 2020
By Elvira S. Ortiz
DISTRICT COURT OF CAMERON COUNTY, TEXAS Deputy


Benjamin Euresi, Jr.
Local Administrative Judge