

**IN THE DISTRICT COURT**

**STATE OF TEXAS, DALLAS COUNTY**

**191<sup>st</sup> JUDICIAL DISTRICT**

**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 191<sup>st</sup> Judicial District Court. This Order is effective as of the date of execution.

The 191<sup>st</sup> Judicial District Court 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:

**Cases set for Jury Trial**

Pursuant to the Declaration by the Hon. Clay Jenkins, Dallas County Judge, the use of juries in the George Allen Civil Courts Building has been suspended until May 8, 2020, or until further Order from the County Judge. Cases that have been set on the Court's jury docket between the effective date of this Order and May 8, 2020 are hereby continued *sua sponte* and do not require any party to file a Motion for Continuance. Parties who have current jury trial settings between the date of this Order and May 8, 2020, are not required to make the normally required ready/not ready announcement the week before the trial setting. All cases currently set for a jury trial from the date of this Order until May 8, 2020, shall be reset on future jury trial dockets at the Court's earliest opportunity.

### Cases set for Non-Jury Trial

Cases set on the Court's non-jury trial docket from the effective date of this Order until May 8, 2020 will be continued upon written request by any party to the court coordinator. A formal motion is not required. Cases so continued 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 is discouraged. Rather, parties are hereby required as is practicable to make presentment of such evidence via affidavits/unsworn declarations, by deposition, or if possible, via telephonic or video-conference testimony.

b. Any party needing to admit exhibits must scan them and email them directly to the court reporter in PDF format at a minimum of two (2) days in advance of the trial. All exhibits must be pre-marked with exhibit stickers and chronologically numbered for ease of reference during remote proceedings. As required by the Texas Rules of Civil Procedure, copies of all proposed exhibits must be contemporaneously directed to all opposing counsel and/or pro se parties. All proposed exhibits should also be provided to the Court, as per the standard requirements for courtesy copies.

c. Non-jury trials shall proceed with the Court's strong preference and encouragement for the taking of testimonial evidence under oath via telephonic, video-conferencing, or other technological means (such as ZOOM or SKYPE), which shall be deemed admissible by the Court. In-person testimony will only be permitted, upon request of a party, with prior written notice and justification to the Court and subsequent permission of the Court. The Court, regardless of her location *vis à vis* the locale of the witness, is authorized to administer an oath for all purposes (and may do so remotely).

### **Motion Practice and Hearings**

Effective immediately, motions shall be determined based upon either via a telephonic hearing or by submission of written pleadings and responses from the parties, without oral argument. In-person hearings are strongly discouraged and will only be permitted in emergency situations. A request for an in-person hearing must be made directly to the court coordinator.

Motions shall continue to be set for hearing by the District Clerk, per the normal practice. The date as reflected in a Motion's Fiat or Notice of Hearing shall be considered the date of submission to the Court for consideration. The Dallas County local rule mandating the filing of any responsive pleading or objection no later than three (3) days before the motion is set for hearing remains in full force and effect.

a. The party requesting a telephonic hearing is responsible for arranging the conference call connecting counsel with the Court. The organizer of the call should verify that all counsel are connected together in a conference call before calling the Court.

b. All hearings, including hearings where the presentment of testimonial evidence is requested, shall be conducted via telephonic, video-conferencing or technological means (such as ZOOM or SKYPE), which shall be deemed appropriate by the Court.

c. Whenever possible, evidence typically presented via the testimony of live witnesses is discouraged. Rather, parties are hereby required as is practicable to make presentment of such evidence via affidavits/unsworn declarations, by deposition, or if possible, via telephonic or video-conference testimony. The Court is authorized to administer the oath to witnesses no matter where the witness is located at the time of the hearing.

d. Any party needing to admit exhibits must scan them and email them directly to the court reporter in PDF format at a minimum of two (2) days in advance of the hearing. All exhibits must be pre-marked with exhibit stickers and chronologically numbered for ease of reference during remote proceedings. As required by the Texas Rules of Civil Procedure, copies of all proposed exhibits must be contemporaneously directed to all opposing counsel and/or pro se

parties. All proposed exhibits should also be provided to the Court, as per the standard requirements for courtesy copies.

e. All parties involved in the hearing of a motion should upload a proposed order reflecting their position on the issues raised in the motion at least two (2) days prior to the hearing.

### **Depositions**

Any deposition in a case pending in this Court may be noticed to proceed technologically and remotely. Said notice shall specifically advise of the location of the prospective witness and the court reporter. The notice shall also advise all counsel of record and any other persons of the ability to participate remotely.

a. Any notice shall additionally explain to all parties and interested persons/entities how the remote access to the proceedings will be effectuated, including dial-in or internet access codes.

b. The desire of a party/person to appear in person for the deposition shall not be sufficient grounds by itself to quash a deposition notice.

c. Any Motion to Quash a Deposition Notice pursuant to Tx.R.Civ.P. 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 docket**

The Court's Disposition Docket shall continue without the requirement of Counsel for any party to personally appear. Any party required to respond pursuant to such a notice is hereby required to telephone the Court on the date previously noticed.

### **Mediation**

The requirement contained in the Court's Uniform Scheduling Order (or otherwise required) that 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 Court's

requirement for mediation remains in effect, any party or individual may choose to appear at a mediation via telephone or video-conference. 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 in this Court is Ordered to alert the Court staff, specifically including the bailiff, if the participant has or knows of another participant who has tested positive for COVID-19 or is exhibiting other flu-like symptoms such as fever, coughing or sneezing. This Court may, upon notice, cancel any proceeding that requires the in-person appearance or involvement of a person who has tested positive for COVID-19, who is showing symptoms, waiting for test results, or is under self- or ordered-quarantine if the person will be required to be physically present in a setting that would expose others or violate quarantine standards set by the Center for Disease Control, Dallas County health authorities or the person's 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 to or view either a hearing or a non-jury trial can gain access by contacting the court coordinator for dial-in information or an access code/link.

It is so ORDERED.

Signed this 10th day of March, 2020.



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Judge Gena Slaughter

Presiding Judge, 19<sup>th</sup> District Court