



The Probate Court
Virtual Hearing Instructions
Updated October 12, 2023

Setting a Virtual Hearing

To set a hearing with the Court, contact the Docket Coordinator, Ms. Amanda Wennberg, by phone at 214-653-7236 or by email at Amanda.Wennberg@dallascounty.org.

Proposed hearing documents, including all proofs, oaths, proposed orders, and other hearing documents, must be filed and accepted into the record as a condition for obtaining a hearing setting. Attorneys and their staff are encouraged, but not required, to efile proposed hearing documents at the time the initial application is filed.

Notice of a Virtual Hearing Required

Texas Rule of Civil Procedure 21d(b)(1) requires the filing of a Notice of Virtual Court Proceeding before the Court can conduct a court proceeding in which participants appear by videoconference. **It is the responsibility of the party seeking a virtual court proceeding to file this notice, and ensure it is filed, served, and in the record (i.e., accepted by the Probate Clerk) at least three business days prior to the hearing setting. Failure to file the notice of hearing will result in the cancellation of the hearing.** The form for the Notice of Virtual Court Proceeding may be found on the Court website. <https://www.dallascounty.org/government/courts/probate/probate1/>.

Joining a Virtual Hearing

The Zoom links can be found on The Probate Court website. The meeting instructions are as follows:

Judge Malveaux Zoom Link

Join Zoom Meeting

<https://txcourts.zoom.us/j/86324756551>

Meeting ID: 863 2475 6551

Call in number: +1 346 248 7799 US (Houston)

Judge McNeil Zoom Link

Join Zoom Meeting

<https://txcourts.zoom.us/j/81421468043>

Meeting ID: 814 2146 8043

Call in number: +1 346 248 7799 US (Houston)

Attending and/or Participating in a Virtual Hearing

Members of the Public Observing Court Proceedings

As indicated on the Court's webpage, members of the general public may observe virtual hearings (that is, "Court proceedings") as if they were in a courtroom. Other than instructions pertaining to unmuting microphones, the instructions below for parties and their counsel ("participants") in virtual Court proceedings apply to members of the public observing such proceedings. (Note: As is the case for observers in courtrooms, members of the public who are not parties or counsel in a case do not speak and must be quiet throughout a Court proceeding.)

Participants in Court Hearings

Participants are required to include their full names on the device display (i.e., first name only, "iPhone," or a telephone number will not suffice).

In connection with a Zoom hearing:

- (1) Participants should allow Zoom to **connect to video and audio**. Zoom will prompt participants to "Join with Computer Audio." Once allowed, you will be able to hear other participants in the meeting.

Join with Computer Audio

- (2) Once admitted, Zoom will automatically mute the participants' audio. Please leave your device muted until the Judge has called your case. Participants should go to the lower left-hand corner of the screen and toggle the microphone to unmute the participants' audio only when speaking and otherwise remain muted.
 - a. In the event the participants are unable to connect to the device's audio, the participants may **call in** using the dial-in numbers near the bottom of the Zoom links set forth above.

As indicated above, submission of all documents to be considered by the Court at the hearing is required as a condition of receiving a setting. (Additional instructions for contested hearings appear below.) Failure to timely submit documents in advance may result in cancellation of the hearing unless prior Court approval is obtained.

- (3) Participants should allow the device to **use video**. Participants should appear in a well-lit room, on a stationary device, and not be driving. Participants should make an effort to reduce background noise as much as possible.
- (4) Telephones and cellular devices should be muted or otherwise silenced for the duration of the proceeding.

Participants will proceed through the hearing as if the hearing were in person in the courtroom. Proper courtroom decorum and proper courtroom attire are required of all participants at all times. Participants must remain seated while court is in session and should not be texting, driving, playing music, or engaging in other activities unrelated to the hearing. No drinks, food, offensive clothing, hats, or smoking are permitted during proceedings.

Procedures for Contested Hearings

In The Probate Court, contested cases are normally conducted in person. All parties must agree if a contested matter is to be heard virtually.

Whether a contested matter is conducted in person or virtually, exhibits should be pre-marked and delivered electronically or in hard copy to all parties, to the Court Reporter, Jackie Galindo, at Jackie.Galindo@dallascounty.org, and to the briefing attorney, Paula Miller, at Paula.Miller@dallascounty.org at least three days before the hearing. The Court reserves the right to deny admission of the exhibits not received and exchanged with all interested parties at least three days before the hearing. Attorneys should exchange exhibits no later than three days before the hearing and are encouraged to meet and confer on the admissibility of exhibits when the exhibits are exchanged.

Parties must provide three hard copy exhibit binders (one for the court reporter, one for the Judge, and one for the briefing attorney) to the Court if exhibits total more than 25 pages. The hard copies should be delivered to the Court no later than three business days before the scheduled hearing.

The Court reserves the right to deny admission of the exhibits which are not delivered in accordance with the policies set forth above.

All witnesses testifying during the virtual hearing must testify in a room alone unless with their attorney or someone else is present for good cause approved by the Court. A witness may be requested to pan the room with the camera before testifying. "Coaching" of a witness is absolutely forbidden.

Special Instructions for Will and Heirship Prove-Ups

No telephone prove-ups are conducted in The Probate Court. For virtual hearings, the Court signs the proofs and oath after observing the person sign and date during the proceeding. Please note that, in most cases involving the appointment of a personal representative, The Probate Court utilizes a Proof Addendum. Additionally, The Probate Court utilizes an Affidavit of No Debts in applications to probate a will as a muniment of title. Both the Proof Addendum form and Affidavit of No Debts form are found on the Court's website under "Additional Information." The documents prove-up documents must be emailed to the appropriate attorney, who will then be required to email them to Amanda Wennberg and Olga Moreno. When the relevant judgment or order is signed and visible in the record, the signed documents will be processed by the Clerk's Office.

Important Notes: Counsel must be sure that their clients and witnesses, if any, have pen in hand and printed documents ready to be executed during the Zoom hearing and do not sign until instructed to do so by the Judge. After the Zoom hearing, all of the signed documents must be emailed to Amanda Wennberg or Olga Moreno for the Judge to sign.

FOR THE PUBLIC

❖ **VIDEO AND AUDIO RECORDING IS PROHIBITED**

THE OPEN COURTS PROVISION OF TEXAS LAW ALLOWS ACCESS TO COURT PROCEEDINGS. BE AWARE THAT VIDEO OR AUDIO RECORDING IS PROHIBITED UNLESS APPROVED BY THE COURT IN WRITING IN ADVANCE. ANY RECORDING OF THE HEARINGS BY AUDIO OR VIDEO, BY ANY PARTY, ATTORNEY, WITNESS, OR THIRD PARTY IS STRICTLY PROHIBITED. THIS IS TO PROTECT THE SAFETY AND WELFARE OF ALL PARTICIPANTS AND PROTECTED HIPAA INFORMATION. VIOLATORS MAY BE HELD IN CONTEMPT OF COURT AND REMOVED FROM THE COURTROOM OR ZOOM PROCEEDING.

❖ For questions regarding virtual hearings, please contact Amanda Wennberg at 214-653-7236 or email her at Amanda.Wennberg@dallascounty.org and include “Virtual Hearing Question” in the subject line.