



TTLA Live Info Sharing: **Changes to Court Operations** **and Using Zoom for Depositions**

Live Panel Discussion and Q&A
Friday, March 27 at 11:00 AM

Changes to Court Operations

Mikal Watts

WATTS | GUERRA^{LLP}



Changes to Court Operations

I. Gov. Abbott's Declaration of Disaster

II. Emergency Orders –Supreme Court

III. Remote Depositions

IV. Remote Mediations

V. Remote Hearings

VI. Tolling SOLs

VII. Tolling Other Statutory Deadlines

VIII. Getting the Word Out to Everyone

IX. How Long this Could Last

X. How We Continue to Practice Law

Changes to Court Operations

I. Gov. Abbott's Declaration of Disaster

Governor Greg Abbott



GOVERNOR GREG ABBOTT

March 13, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM O'CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAR 13 2020

Secretary of State

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas.

State of Disaster

Executive Clerk to the Governor

GSD/gsd

Attachment



POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Changes to Court Operations

I. Gov. Abbott's Declaration of Disaster

II. Emergency Orders –Supreme Court



Supreme Court of Texas & Court of Criminal Appeals

March 13

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9042

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 20-007

FIRST EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This order is issued pursuant to Section 22.0035(b) of the Texas Government Code.
2. Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public—without a participant's consent:
 - a. Modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than 30 days after the Governor's state of disaster has been lifted;
 - b. Allow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, or court reporter, but not including a juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means;



Supreme Court of Texas & Court of Criminal Appeals

March 13

c. Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means;

d. Conduct proceedings away from the court's usual location, but in the county of venue, and only with reasonable notice and access to the participants and the public;

e. Require every participant in a proceeding to alert the court if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, or a fever, cough or sneezing;

f. Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

3. All courts in Texas may extend the statute of limitations in any civil case for a stated period ending no later than 30 days after the Governor's state of disaster has been lifted.

4. This Order is effective as of March 13, 2020, and expires May 8, 2020, unless extended by the Chief Justice of the Supreme Court.

5. The Clerk of the Supreme Court is directed to:

a. post a copy of this Order on www.txcourts.gov;

b. file a copy of this Order with the Secretary of State; and

c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

Dated: March 13, 2020



Supreme Court of Texas

March 17

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9043

SECOND EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This order is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2. This order applies to and clarifies possession schedules in Suits Affecting the Parent-Child Relationship. For purposes of determining a person's right to possession of and access to a child under a court-ordered possession schedule, the original published school schedule shall control in all instances. Possession and access shall not be affected by the school's closure that arises from an epidemic or pandemic, including what is commonly referred to as the COVID-19 pandemic.

3. Nothing herein prevents parties from altering a possession schedule by agreement if allowed by their court order(s), or courts from modifying their orders.

4. This Order is effective as of March 13, 2020, and expires May 8, 2020, unless extended by the Chief Justice of the Supreme Court.

5. The Clerk of the Supreme Court is directed to:

- a. post a copy of this Order on www.txcourts.gov;
- b. file a copy of this Order with the Secretary of State; and
- c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

Dated: March 17, 2020



Supreme Court of Texas & Court of Criminal Appeals

March 19

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9044

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 20-008

THIRD EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This order is issued pursuant to Section 22.0035(b) of the Texas Government Code.
2. With respect to the First Emergency Order Regarding the COVID-19 State of Disaster issued March 13, 2020:
 - a. Paragraph 2(d) is amended as follows: Conduct proceedings away from the court's usual location with reasonable notice and access to the participants and the public;
 - b. Only to clarify, Paragraph 2(a) of the Order applies to all proceedings under Subtitle E, Title 5, of the Family Code, and specifically, to the deadlines in Section 263.401, which may or must be modified or suspended, as clearly stated in the Order, to avoid the risks of disaster and still protect the interests of all involved in these difficult circumstances.
3. Courts must not conduct non-essential proceedings in person contrary to local, state, or national directives, whichever is most restrictive, regarding maximum group size.



Supreme Court of Texas & Court of Criminal Appeals

March 19

4. This Order expires May 8, 2020, unless extended by the Chief Justice of the Supreme Court.

5. The Clerk of the Supreme Court is directed to:

- a. post a copy of this Order on www.txcourts.gov;
- b. file a copy of this Order with the Secretary of State; and
- c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

Dated: March 19, 2020



Supreme Court of Texas & Court of Criminal Appeals

March 19

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9045

FOURTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This order is issued pursuant to Section 22.0035(b) of the Texas Government Code.
2. This Order supplements and does not replace or amend the First, Second, or Third Emergency Orders Regarding the COVID-19 State of Disaster.
3. In any action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of the Texas Rules of Civil Procedure:
 - a. No trial, hearing, or other proceeding may be conducted, and all deadlines are tolled, until after April 19, 2020;
 - b. A writ of possession may issue, but the posting of the written warning required by § 24.0061(d)(1) of the Property Code and the execution of the writ of possession may not occur until after April 26, 2020, and the deadlines in Rules 510.8(d)(1)-(d)(2) are tolled while this Order remains in effect; and
 - c. New filings may be accepted, but the time period in Rule 510.4(a)(10) is suspended, and issuance and service of citation may not occur until after April 19, 2020.
4. A case covered by Paragraph 3 may nevertheless proceed if, but only if:
 - a. The plaintiff files a "Sworn Complaint for Forcible Detainer for Threat to Person or For Cause";



Supreme Court of Texas & Court of Criminal Appeals

March 19

b. The court determines that the facts and grounds for eviction stated in the Complaint, under oath with personal knowledge, taken as true, show that the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (ii) criminal activity; and

c. The court signs an order stating procedures for the case to proceed.

5. This Order is effective immediately and expires April 19, 2020, unless extended by the Chief Justice of the Supreme Court.

6. The Clerk of the Supreme Court is directed to:

a. post a copy of this Order on www.txcourts.gov;

b. file a copy of this Order with the Secretary of State; and

c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

7. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

Dated: March 19, 2020



Supreme Court of Texas

March 20

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9046

FIFTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic.
2. This Order supplements and does not replace or amend prior Emergency Orders Regarding the COVID-19 State of Disaster.
3. All deadlines, whether prescribed by statute, rule, or order, related to attorney professional disciplinary and disability proceedings are tolled while this Order remains in effect.
4. The order is retroactive to March 13, 2020, and expires May 8, 2020, unless extended by the Chief Justice of the Supreme Court.
5. The Clerk of the Supreme Court is directed to:
 - a. post a copy of this Order on www.txcourts.gov;
 - b. file a copy of this Order with the Secretary of State; and
 - c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.
6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

Dated: March 20, 2020



Supreme Court of Texas

March 22

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9047

SIXTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic.

2. This Order supplements and does not replace or amend prior Emergency Orders Regarding the COVID-19 State of Disaster.

3. The Court's Order issued February 7, 2005, in Misc. Dkt. No. 05-9012, effectively allowed electronic voting in elections of the State Bar of Texas. Since then, voting in those elections has been both by electronic means and by paper ballot.

4. Because of uncertainty regarding the feasibility of handling paper ballots during the COVID-19 pandemic, the 2020 elections for presidents-elect and directors of the State Bar of Texas and the Texas Young Lawyers Association must be conducted online only, by electronic vote, and not by paper ballot. The voting period is extended to May 29, 2020, at 5:00pm.

5. The order expires at the conclusion of the 2020 elections of the State Bar of Texas and the Texas Young Lawyers Association unless extended by the Chief Justice of the Supreme Court.

6. The Clerk of the Supreme Court is directed to:

- a. post a copy of this Order on www.txcourts.gov;
- b. file a copy of this Order with the Secretary of State; and
- c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

7. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

Dated: March 22, 2020



Supreme Court of Texas

March 24

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9050

SEVENTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This order is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2. This Order supplements and does not replace or amend prior Emergency Orders Regarding the COVID-19 State of Disaster.

3. This order applies to and clarifies possession schedules in Suits Affecting the Parent-Child Relationship. For purposes of determining a person's right to possession of and access to a child under a court-ordered possession schedule, the existing trial court order shall control in all instances. Possession of and access to a child shall not be affected by any shelter-in-place order or other order restricting movement issued by a governmental entity that arises from an epidemic or pandemic, including what is commonly referred to as the COVID-19 pandemic.

4. Nothing herein prevents parties from altering a possession schedule by agreement if allowed by their court order(s), or courts from modifying their orders on an emergency basis or otherwise.

5. This Order is effective as of March 24, 2020, and expires May 8, 2020, unless extended by the Chief Justice of the Supreme Court.

6. The Clerk of the Supreme Court is directed to:

- a. post a copy of this Order on www.txcourts.gov;
- b. file a copy of this Order with the Secretary of State; and
- c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

7. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

Dated: March 24, 2020

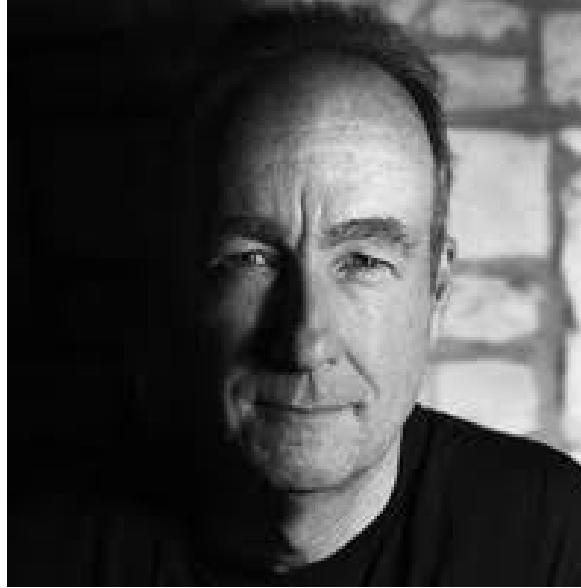
Changes to Court Operations

I. Gov. Abbott's Declaration of Disaster

II. Emergency Orders –Supreme Court

III. Remote Depositions

III. Remote Depositions



III. Remote Depositions

IN THE DISTRICT COURTS AND COUNTY COURTS AT LAW OF NUECES COUNTY, TEXAS NUECES COUNTY ORDER REGARDING REMOTE PARTICIPATION IN VIDEOCONFERENCED DEPOSITIONS AND/OR THOSE TELEPHONICALLY RECORDED

Due to the coronavirus (COVID-19) crisis and to ensure the health and safety of the public, court staff(s), and litigants, the District Court Judges and County Courts at Law Judges of Nueces County, during a specially called meeting on March 17, 2020, and continued to March 18, 2020, adopted the following resolution regarding videoconferencing depositions and telephonically recorded testimony.

The Nueces County District Courts and County Courts at Law acknowledge the severity of the COVID-19 pandemic, and the advisability of "social distancing" to contain it. However, depositions noticed and taken remotely pose no risk of spreading the coronavirus. On the other hand, a blanket cessation of discovery in civil cases creates constitutional concerns as it could deprive citizens of their access to open court, TEX. CONST. art. 1, Sec. 13, and the ability to prepare their cases for a right to trial by jury, a guarantee that shall remain inviolate under the Texas constitution, TEX. CONST. art. 1, Sec. 15, and "shall be preserved" under the Seventh Amendment to the United States Constitution. U.S. CONST., 7th Amend.

Allowing a party to unilaterally choose to not participate in discovery noticed to be conducted remotely unfairly stalls the ability of litigants to prepare their cases for trial. Given the uncertainty concerning how long social distancing countermeasures will be necessary to prevent the spread of COVID-19, The Nueces County District Courts and County Courts at Law enter this Order to prevent a party from unilaterally stalling depositions conducted by remote means during this pandemic.

On March 13, 2020, the Supreme Court of Texas and the Court of Criminal Appeals of Texas issued their First Emergency Order Regarding COVID-19, State of Disaster (Misc. Docket No. 20-007). By way of that Order the Supreme Court of Texas authorized that all courts in Texas to "[a]llow or require anyone involved in a hearing, deposition or other proceeding of any kind – including, but not limited to a party, attorney, witness, or court reporter, ... - to participate remotely, such as by teleconferencing, videoconferencing, or other means." Additionally, the Supreme Court authorized all courts in Texas to "[c]onsider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means."

In light of the Supreme Court's authorization set forth in Misc. Docket No. 20-007, and in the interest of safety and welfare of the public, attorneys, and clients amid the ongoing concerns and escalation of COVID-19, the Nueces County District Courts and County Courts at

Law have made the following decisions regarding the procedure for taking depositions, and the admissibility of depositions taken by non-standard means, and hereby orders the same:

1. All depositions for cases filed in Nueces County may be noticed to take place remotely;
2. All notices shall specifically advise the location of the witness, the court reporter, the plaintiff's lawyers, the defense lawyers and any other persons to attend remotely;
3. All deposition notices shall explain how the parties in the case may access the remote connection being utilized (i.e., Zoom, GoToMeeting.com, etc.)
4. Pursuant to Misc. Docket No. 20-007, it shall not be grounds for a motion to quash that a witness, the court reporter, the plaintiff's lawyer, the defense lawyer or any other person wishes to attend in person, and such a motion shall not stay the deposition.
5. Pursuant to Misc. Docket No. 20-007, it shall be grounds for a Notice to Modify deposition notice that a witness, the court reporter, the plaintiff's lawyers, the defense lawyers, and any other persons who do not wish to attend in person, and such a notice shall modify the deposition notice to allow remote attendance.
6. Subject to proper written notice provided in advance after the date of this Order, any deposition in a civil case may proceed telephonically or by recorded videoconference, and the COVID-19 pandemic shall not be grounds to quash the same.
7. Any depositions so recorded telephonically or by videoconferencing during the pendency of the Order of the Supreme Court of Texas, may be admitted at trial with the same effect as one recorded in-person.

THIS NUECES COUNTY STANDING ORDER SHALL BECOME EFFECTIVE ON 18th DAY OF MARCH, 2020 and will apply to all District Courts and County Courts at Law in Nueces County.

III. Remote Depositions

From: Mikal Watts [<mailto:mcwatts@wattsguerra.com>]

Sent: Thursday, March 19, 2020 12:20 PM

To: Cory Itkin <citkin@ArnoldItkin.com>

Cc: Anjali Gillette <Anjali.Gillette@keanmiller.com>; Dabney Pettus <dpettus@welderleshin.com>; James Buchanan <jbuchanan@welderleshin.com>; E-Service <e-service@ArnoldItkin.com>; Darrell L. Barger <dbarger@hartlinebarger.com>; Carra Miller <cmiller@welderleshin.com>; Brad Schlotterer <brad.schlotterer@keanmiller.com>; Angela Salinas <angela.salinas@keanmiller.com>; James Holstein <holstein@wattsguerra.com>; Michael Terry <mterry@hartlinebarger.com>; Ryan MacLeod <rmacleod@ArnoldItkin.com>; Jacob Karam <jkaram@ArnoldItkin.com>; Jennifer Neal <jneal@wattsguerra.com>; Maria Brandt <mbrandt@wattsguerra.com>; JAI Team <JAITeam@ArnoldItkin.com>; Sean McLaughlin <sean.mclaughlin@keanmiller.com>

Subject: Re: Victor Martinez v. Bludworth/Rio Marine - expert deposition and trial continuance

Entered yesterday:

IN THE DISTRICT COURTS AND COUNTY COURTS AT LAW OF NUECES COUNTY, TEXAS
NUECES COUNTY ORDER REGARDING REMOTE PARTICIPATION IN VIDEOCONFERENCED
DEPOSITIONS AND/OR THOSE TELEPHONICALLY RECORDED

Due to the coronavirus (COVID-19) crisis and to ensure the health and safety of the public, court staff(s), and litigants, the District Court Judges and County Courts at Law Judges of Nueces County, during a specially called meeting on March 17, 2020, and continued to March 18, 2020, adopted the following resolution regarding videoconferencing depositions and telephonically recorded testimony.

III. Remote Depositions

Jason Itkin

RE: Victor Martinez v. Bludworth/Rio Marine - expert deposition and trial continuance

To: Mikal Watts

Old Inbox March 19, 2020 at 1:56 PM

Jl

Siri found updated contact info in this email: Jason Itkin (713) 222-3800

update...

Very nice. We are filing something with Admin Judge in Harris County with the hopes of entering the same order J

I hope y'all are safe and healthy

Jason A. Itkin
Arnold & Itkin LLP

III. Remote Depositions

Mikal Watts

Sent - WG Mail

March 23, 2020 at 11:47 AM

[Details](#)



Re: [External Sender]Fwd: Victor Martinez v. Rio Marine

To: Martin Hoffman, Cc: Sandra.watts@nuecesco.com, Judge Moody

functionally the same thing,

Judge Moye's order was excellent by the way. Thank You!

On Mar 23, 2020, at 11:43 AM, Martin <mhoffman@dallascourts.org> wrote:

We are discussing a uniform emergency scheduling order for the Dallas District Courts. It would include a section on mediations and depositions. We are discussing eliminating oral argument on hearings absent a request and showing of good cause. What are your courts doing on that issue? Judge Hoffman.

Sent from [Mail](#) for Windows 10

From: Mikal Watts

Sent: Monday, March 23, 2020 11:38 AM

To: Sandra.watts@nuecesco.com; [Martin Hoffman](#); [Judge Moody](#)

Subject: [External Sender]Fwd: Victor Martinez v. Rio Marine

Judge Watts
Judge Hoffman
Judge Moody

FYI. Working on remote discovery and remote mediation orders in Harris County as well.

With highest regards,

Mikal Watts

III. Remote Depositions

Mikal Watts 

March 19, 2020 at 12:17 PM



Fwd: Nueces County Video Conference Order

To: Martin Hoffman



IN THE DISTRICT COURTS AND COUNTY COURTS AT LAW OF NUECES COUNTY, TEXAS
NUECES COUNTY ORDER REGARDING REMOTE DEPOSITIONS AND/OR THOSE TELEPHONICALLY RECORDED
mcwatts@wattsguerra.com REFERENCED

Due to the coronavirus (COVID-19) crisis and to ensure the health and safety of the public, court staff(s), and litigants, the District Court Judges and County Courts at Law Judges of Nueces County, during a specially called meeting on March 17, 2020, and continued to March 18, 2020, adopted the following resolution regarding videoconferencing depositions and telephonically recorded testimony.



Judge
Martin
Hoffman
68th

District
Court
Dallas
County
Texas

III. Remote Depositions

IN THE DISTRICT COURT

STATE OF TEXAS, DALLAS COUNTY

14th 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 Fourteenth Judicial District Court. This Order is effective as of the date of execution.

The Fourteenth 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:

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 Trial -- by Jury and Trial before the Court (Non-Jury)

1. Pursuant to the Declaration by the Hon. Clay Jenkins, Dallas County Judge, the utilization 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 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

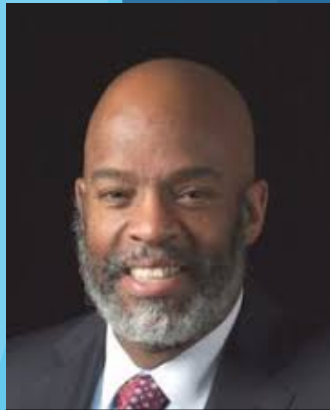
set on the Court's Non-Jury docket between the effective date of this Order and May 8, 2020 shall be reset at the Court's earliest opportunity (whether those dates correspond with Non-Jury dockets or otherwise).

- 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 them to the Court Reporter 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 currently and prospectively set for hearing.

Effective immediately, Motions shall be determined based upon submission of written pleadings and responses from the parties, without oral argument. Motions shall continue to be set for hearing by the District Clerk as is the customary 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 Court's 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 submission to the Court via the District 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).



Judge
Eric
Moye
14th

District
Court
Dallas
County
Texas

III. Remote Depositions

c. Any hearing, including hearings where the presentation 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 them to the Court Reporter 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 docket.

The Court's bi-weekly Disposition 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.

Local Rule 2.07 compliance.

Dallas Civil Courts Rule 2.07 requires 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 agreement without requiring appearance in Court.

Mediation.

The Requirement contained in the Uniform Scheduling Order of this Court (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 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 Court is 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 19th day of March, 2020.



Judge
Eric
Moye
14th

District
Court
Dallas
County
Texas

III. Remote Depositions

Jason Itkin

March 23, 2020 at 9:00 PM



RE: Procedure for submitting Bexar County District Court orders

To: Mikal Watts, Martin Hoffman, Sandra.watts@nuecesco.com

Siri found updated contact info in this email: Jason Itkin (713) 222-3800



[update...](#)

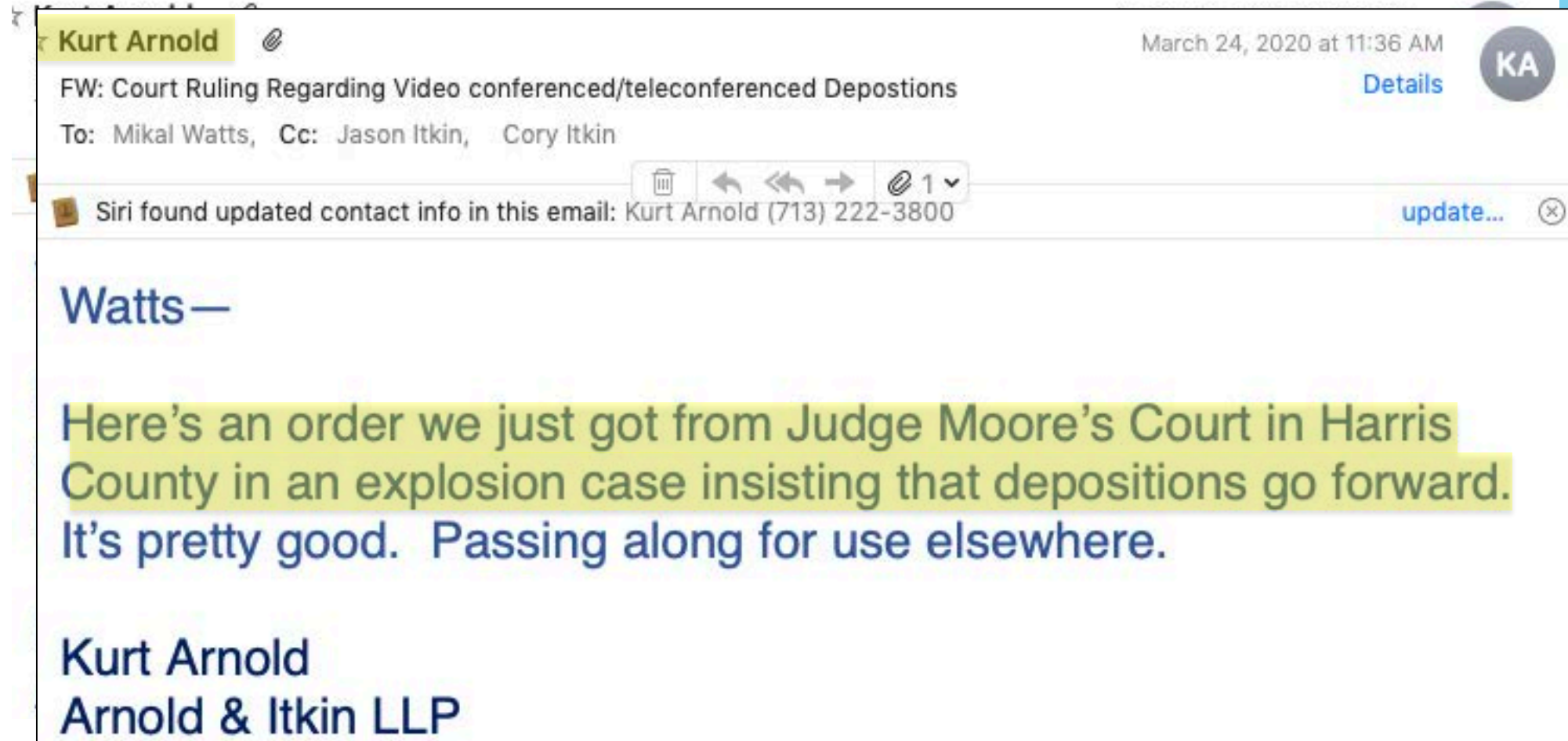
Mikal, Martin, and Judge Watts,

From my view, things will get worse before they get better. As a society, it is important that we can all have faith in the institutions that hold us together. The Court system is a key pillar of our society. Having a Court system that works and that can be shown to be working will be very important over the next few weeks.

We had a productive Zoom meeting with the Judges and several members of the bar. The Judges are having a separate meeting on Tuesday. My sense is that the Judges will take action on depositions, mediations, and e-service. It may not be exactly what has been entered in Nueces County. But I think it will be consistent. Thanks again for leading the charge on this important issue.

Jason A. Itkin

III. Remote Depositions



III. Remote Depositions

333RD DISTRICT-COURT RULE REGARDING VIDEOCONFERENCED/TELECONFERENCED DEPOSITIONS

I. The Texas Supreme Court Issues Emergency Order Regarding COVID-19 State of Disaster.

On March 13, 2020, the Supreme Court of Texas and the Court of Criminal Appeals of Texas issued their joint “First Emergency Order Regarding the COVID-19 State of Disaster” (Misc. Docket No. 20-007, “Emergency Order.”). In its Emergency Order, the Supreme Court authorized all courts in Texas to “[a]llow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, or court reporter, but not including a juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means.” Additionally, the Supreme Court authorized all courts in Texas to “[c]onsider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means.”

The Supreme Court’s Emergency Order recognizes that the COVID-19 pandemic presents exigent circumstances that justify vesting trial courts with discretion to modify or suspend procedures subject only to constitutional limitations. Thus, as permitted by the Emergency Order, this Court ORDERS that, in addition to the notice requirements set forth in Texas Rule of Civil Procedure 199.2:

1. All depositions may be noticed to take place remotely;
2. All notices shall state the location of: (a) the deponent; (b) the court reporter; (c) the lawyers; and (d) any other attendee;
3. All notices shall specify the method for accessing the remote connection being used.

II. Texas Rules of Civil Procedure 199.1 and 199.4.

Rule 199.1 currently provides that “[a] party may take the testimony of any person or entity by deposition on oral examination before any officer authorized by law to take depositions.” To facilitate the implementation of the Supreme Court’s Emergency Order, the Court modifies the procedure set forth in Rule 199.1 to clarify that the officer “authorized by law to take depositions” need not be in the same location as the deponent.

Rule 199.4 of the Texas Rules of Civil Procedure provides that “[a] party may object to the time and place designated for an oral deposition by motion for protective order or by motion to quash the notice of the deposition. If the motion is filed by the third business day after service of the notice of deposition, an objection to the time and place of a deposition stays the oral deposition until the motion can be determined.”

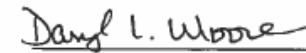
To facilitate the implementation of the Supreme Court’s Emergency Order allowing remote depositions and the use of testimony adduced at those depositions, the Court ORDERS that:

1. A party’s objection that a noticed deposition is to take place remotely, by video-conferencing, or by telephonic means, shall not be a ground to file a motion for protective order or a motion to quash; and
2. A party’s desire to attend a deposition in person shall not be a ground to file a motion for protective order or a motion to quash.

In issuing this rule, the Court has weighed the rights of the parties, including the parties’ rights to attend depositions in person, the procedural rights afforded parties by Rule 199.4, as well as the parties’ rights to proceed with discovery – even during the COVID-19 pandemic.

After weighing these procedural and the constitutional rights set forth in the Texas and United States Constitutions, the Court concludes that this Order does not infringe upon any party’s constitutional rights or run afoul of any other constitutional limitation.

Signed March 23, 2020.


Daryl L. Moore,
Judge of the 333rd District Court



Judge
Daryl
Moore
333rd
District
Court
Harris
County
Texas

III. Remote Depositions

Mikal Watts

Sent - WG Mail

Yesterday at 1:19 PM



Re: Harris County remote depositions order

[Details](#)

To: Tiffany McGee, Cc: Jason Itkin, John Eddie Williams Jr.

Judge R.V. Sandill is working on it.

I haven't seen one yet.

Itkin?

On Mar 26, 2020, at 12:45 PM, Tiffany McGee <tmcgee@ttla.com> wrote:

See below. Have you seen anything?

Sent from my iPhone

Begin forwarded message:

From: "John Eddie Williams Jr." <jwilliams@whlaw.com>

Date: March 26, 2020 at 12:31:23 PM CDT

To: Tiffany McGee <tmcgee@ttla.com>

Are you aware of any efforts in Harris County to enter an order concerning video depositions similar to the one entered in Nueces County?

PLEASE NOTE MY NEW EMAIL ADDRESS

jwilliams@whlaw.com

John Eddie Williams Jr.

III. Remote Depositions

Begin forwarded message:

From: Mikal Watts <mcwatts@wattsguerra.com>

Subject: Re: Harris County remote depositions order

Date: March 27, 2020 at 7:10:41 AM CDT

To: Tiffany McGee <tmcgee@ttla.com>

Cc: Jason Itkin <jitkin@arnolditkin.com>, "John Eddie Williams Jr." <jwilliams@whlaw.com>

John Eddie:

Try this order that just got entered in Harris County courtesy of Kurt Arnold, based on what Nueces did.

It'll work.

Mikal



Arnold's Order re
Depos Go Forward.pdf
92 KB

On Mar 26, 2020, at 1:19 PM, Mikal Watts <mcwatts@wattsguerra.com> wrote:

Judge R.V. Sandill is working on it.

I haven't seen one yet.

III. Remote Depositions



Keath Garrison

Case Set for Trial on
June 1, 2020

Bexar County Courts
are Closed This Month

Expert Disclosures
Have Just Occurred

III. Remote Depositions

Mikal Watts

Sent - WG Mail March 10, 2020 at 4:47 PM



Expert depo Dates

[Details](#)

To: Regina Carmony, Cc: Joe L Lovell, Jennifer Neal, Frank Guerra, Kevin Isern, Brian Berryman



Regina:

1. Get dates for the rest of our experts.
2. Prep a letter asking for dates for their experts between the date of their designation and the discovery deadline of May 10.

Mikal

From: Jason L. West

Sent: Thursday, March 26, 2020 11:35 AM

To: mcwatts@wattsguerra.com; fguerra@wattsguerra.com; bberryman@wattsguerra.com; joe@lovell-law.net; matthew@lovell-law.net

Cc: Keith Webb <kwebb@fiskattorneys.com>; John A. Guerra <jguerra@brock.law>; Clari A. Feuerbacher <cfeuerbacher@brock.law>

Subject: Garrison/Copelin v. AKF Group

All,

We have received your spate of expert deposition notices in the above referenced case. After reviewing the dates noticed and working with our schedule we were able to clear conflicts for all the dates except April 30, 2020 deposition of Dr. Russell. We will be filing a Motion to Quash for this deposition and proposing alternative dates for the deposition. We are confident we can find common ground for the new date. If you have any questions, please do not hesitate to contact me.

III. Remote Depositions

Brian Berryman

Yesterday at 12:48 PM

BB

[GarrisonLegal] Ken Laborde

To: garrisonlegal@wattsguerra.com



Well, Ken wants some flexibility on the depositions. Here is his wish list:

1. He wants to be able to take a second shot at Russell if the deposition by Zoom doesn't go as well as I would like because of the limitations of the digital medium.

- I think we need to deny him this request. I pointed out the Bexar County order that not being able to depose someone in person is not a proper basis for quashing a deposition. Let me know what you want to do with this one.

2. He has a problem with us having 3 liability experts to testify about the same report. He said he will certainly object if we call more than one of them at trial.

- I told him that we would depose all 3 of them and make a decision on which one(s) we wanted to call and that was a fight for later.

3. He has a problem with the deposition schedule as follows:

28-30th Wischkaemper, Reyes, Benner and Russell he needs to be the one deposing. He said Dale Berry will be deposed by someone else and that one (on the 28th) is fine.

He said he can depose all of them any day the week before (20th-24th) but needs a whole day for Russell

Also, the deposition of Schulz on the 7th doesn't work for him.

The rest of the depositions as scheduled are fine.

- This seems to be us catering to his schedule, but if we can work with him on these dates we should try. He said he didn't want to move to quash them and wants to work it out such that we can proceed.

4. He wants to take the lead on all the depositions. In other words, he doesn't want us to do our direct before he has a chance to cross them. He said there was an email indicating that we didn't have an issue with this.

- I don't see a problem with this.

We need to get back to him before the 3rd day after these notices were issued or he will quash them and provide dates when he can depose them. Let me know what you guys want to do.

B.

Mikal Watts

Yesterday



Re: [GarrisonLegal] Ken Laborde [Details](#)

To: Brian Berryman & 1 more



1. there is no such order yet in Bexar

2. not ripe

3. Try to move them to accomodate them

4. We're not doing a direct first

Changes to Court Operations

I. Gov. Abbott's Declaration of Disaster

II. Emergency Orders –Supreme Court

III. Remote Depositions

IV. Remote Mediations

III. Remote Depositions

IN THE DISTRICT COURT

STATE OF TEXAS, DALLAS COUNTY

14th 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 Fourteenth Judicial District Court. This Order is effective as of the date of execution.

The Fourteenth 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:

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 Trial -- by Jury and Trial before the Court (Non-Jury)

1. Pursuant to the Declaration by the Hon. Clay Jenkins, Dallas County Judge, the utilization 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 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

Local Rule 2.07 compliance.

Dallas Civil Courts Rule 2.07 requires 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 agreement without requiring appearance in Court.

Mediation.

The Requirement contained in the Uniform Scheduling Order of this Court (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 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

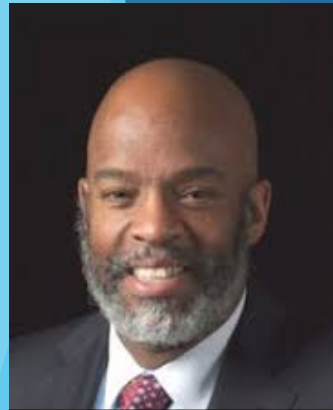
1. Every participant in a proceeding, witness, counsel, paralegal, client or other individual who appears at the District Court is Ordered to alert the Court staff, specifically including the Bailiff, if the participant has, or knows of another participant who has COVID-19, or other flu-like symptoms 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 19th day of March, 2020.



Judge
Eric
Moyer
14th

District
Court
Dallas
County
Texas

III. Remote Depositions

IN THE DISTRICT COURTS AND COUNTY COURTS AT LAW OF NUECES COUNTY, TEXAS

NUECES COUNTY ORDER
REGARDING REMOTE PARTICIPATION IN MEDIATIONS VIDEOCONFERENCED
AND/OR THOSE TELEPHONICALLY CONDUCTED

The Nueces County District Courts and County Courts at Law acknowledge the severity of the COVID-19 pandemic, and the advisability of "social distancing" to contain it. However, mediations noticed and taken remotely pose no risk of spreading the coronavirus, and "[i]t is the policy of this state to encourage the peaceable resolution of disputes... and the early settlement of pending litigation through voluntary settlement procedures." TEX. CIV. PRAC. & REM. CODE §154.002. In support of this public policy of the State of Texas, Docket Control Orders, or Scheduling Orders, commonly require the parties to have engaged in mediation before a trial may begin. Consequently, if mediations do not continue during this period of "social distancing," cases will not be ready for trial when jury trials physically resume in this county. As a result, a blanket cessation of mediations in civil cases during this pandemic creates constitutional concerns as it could deprive citizens of their access to open court, TEX. CONST. art. 1, Sec. 13, and the ability to prepare their cases for a right to trial by jury, a guarantee that shall remain inviolate under the Texas constitution, TEX. CONST. art. 1, Sec. 15, and "shall be preserved" under the Seventh Amendment to the United States Constitution. U.S. CONST., 7th Amend.

Allowing a party to unilaterally choose to not participate in mediation unfairly stalls the ability of litigants to prepare their cases for trial. Given the uncertainty concerning how long social distancing countermeasures will be necessary to prevent the spread of COVID-19, the Nueces County District Courts and County Courts at Law enter this Order to prevent a party from refusing to attend a mediation by remote means during this pandemic.

On March 13, 2020, the Supreme Court of Texas and the Court of Criminal Appeals of Texas issued their First Emergency Order Regarding COVID-19, State of Disaster (Misc. Docket No. 20-007). By way of that Order the Supreme Court of Texas authorized that all courts in Texas to "[a]llow or require anyone involved in a hearing, deposition or other proceeding of any kind – including, but not limited to a party, attorney, witness, or court reporter, ... - to participate remotely, such as by teleconferencing, videoconferencing, or other means." Mediation is an "other proceeding... of any kind" for which the state's highest courts have given all "courts in Texas" the power to "require anyone involved" to "participate remotely, such as by teleconferencing, videoconferencing, or other means."

While jury trials have been temporarily suspended pending "social distancing" recommendations and orders being lifted, the Nueces County District Courts and County Courts

at Law want litigants to continue preparing their cases for trial in a safe manner. Due to the coronavirus (COVID-19) crisis, and to ensure the health and safety of the public, court staff(s), and litigants, the District Court Judges and County Courts at Law Judges of Nueces County, during a specially called meeting on March 17, 2020, and continued to March 18, 2020, adopted a resolution regarding videoconferencing depositions and telephonically recorded testimony.

In light of the Supreme Court's authorization set forth in Misc. Docket No. 20-007, and in the interest of safety and welfare of the public, attorneys, and clients amid the ongoing concerns and escalation of COVID-19, the Nueces County District Courts and County Courts at Law, during a specially called meeting on March 27, 2020, have also made the following decisions regarding mediations in cases filed in Nueces County, and hereby orders the same:

1. Until further ordered, all mediations involving cases filed in in Nueces County may be noticed to take place remotely;
2. All mediations shall be preceded by a meet and confer process to choose a mediator and a date and time for the mediation, and then a subsequent notification sent to all parties specifically advising the name and location of the parties and the mediator selected, and any other persons to attend remotely;
3. All mediations shall be preceded by a notification sent to all parties specifically explain how the parties in the case may access the remote connection being utilized (i.e., Zoom, GoToMeeting.com, etc.)
4. Pursuant to Misc. Docket No. 20-007, it shall not be grounds for refusing to mediate that a Mediator, Plaintiff's attorneys, Defendant's attorneys, a party, responsible insurance representative(s) or any other necessary person, wishes to attend remotely, and such a desire shall not delay a mediation.
5. A party may satisfy the requirement of mediation in any Docket Control Order or Scheduling Order by requesting in writing to all other parties in the case that such a mediation occur pursuant this Resolution, and after conferring with all other parties concerning scheduling, sending a written Request for Mediation complying with the requirements of Paragraphs 1-3 above.
6. Subject to proper written notice provided in advance after the date of this Order, any mediation in a civil case may proceed telephonically or by videoconference, and shall be deemed to have complied with any requirement of mediation before trial in this jurisdiction.
7. This order automatically expires when the Governor of the state of Texas lifts his disaster declaration.]

THIS NUECES COUNTY STANDING ORDER SHALL BECOME EFFECTIVE ON 27th DAY OF MARCH, 2020 and will apply to all District Courts and County Courts at Law in Nueces County.

Being
voted on
by
Nueces
County
Board of
Judges
Meeting
On
March
27, 2020

IV. Remote Mediations



PHIL WATKINS, P.C.

ATTORNEYS AT LAW

- ◆ Phil Watkins
Board Certified
Personal Injury Trial Law
Texas Board of Legal Specialization
- ◆ Charles Shattles

926 Chulie Drive
San Antonio, Texas 78216
Phone: (210) 225-6666
Fax: (210) 225-2300

March 24, 2020

Dear Counsel:

Due to the recent outbreak of the COVID-19 virus a "Stay At Home" Order was issued by the San Antonio Mayor, Ron Nirenberg and Bexar County Judge Nelson Wolff, which takes effect on Tuesday, March 24, 2020 until Thursday, April 9, 2020.

Please allow my correspondence confirm the CANCELLATION of the full day MEDIATION previously scheduled for Friday, April 3, 2020, at my office located at PHIL WATKINS, P.C., 926 Chulie Drive, San Antonio, Texas 78216.

As always thank you for allowing me to serve as your mediator.

Very truly yours,


PHIL WATKINS

IV. Remote Mediations



Mikal Watts @

Can you open a computer?

To: Phil Watkins

I can set this up on ZOOM if you have a computer. Are you okay with that?

8. 06/01/2020

TRIAL. The matter shall be set for a two week jury trial beginning on this date.

3. 05/10/2020

ALTERNATIVE DISPUTE RESOLUTION. The parties agree to mediate by this date.

AGREED AMENDED LEVEL 3 SCHEDULING ORDER

It is hereby ORDERED, ADJUDGED, AND DECREED that the following Level 3 Scheduling Order shall apply to this cause. If no date is given below, the item is governed by the Court's Jury Pre-Trial Order and/or Texas Rules of Civil Procedure.

1. 10/04/2019 **JOINDER.** All parties must be added and served, whether by amendment or third party practice by this date.
2. **EXPERT WITNESS DESIGNATION**
 - 02/03/2020 Plaintiffs shall designate expert witnesses and produce reports of their retained experts, pursuant to T.R.C.P. 192.3(e);
 - 03/20/2020 Defendants shall designate witnesses and produce reports of their retained experts, pursuant to T.R.C.P. 192.3(e).
3. 05/10/2020 **ALTERNATIVE DISPUTE RESOLUTION.** The parties agree to mediate by this date.
4. 05/10/2020 **DISPOSITIVE MOTIONS AND PLEAS.** Dispositive motions and please must be heard by the Court no later than this date.
5. 05/20/2020 **CHALLENGES TO EXPERT TESTIMONY.** All motions to exclude expert testimony must be filed by this date.
6. 05/10/2020 **DISCOVERY DEADLINE.** All discovery must be conducted before the end of the discovery period. Parties seeking discovery must serve the request sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period. Counsel may conduct discovery beyond this deadline by agreement. Incomplete discovery will not delay the trial.
7. 05/10/2020 **PLEADINGS.** All amendments and supplements must be filed by this date. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.
8. 06/01/2020 **TRIAL.** The matter shall be set for a two week jury trial beginning on this date.

These dates may be changed upon agreement of the parties without leave from the Court, with the exception of the trial date and discovery deadline.

IV. Remote Mediations

On Mar 26, 2020, at 3:57 PM, Mikal Watts <mcwatts@wattsguerra.com> wrote:

Phil:

We are back on remotely for this mediation.

Do you need help setting it up. 4/3/20.

On Mar 26, 2020, at 5:32 PM, Brian Berryman <bb@wattsguerra.com> wrote:

Phil,

Please let me know if there is any issue with this date or setting up a Zoom mediation.

Thanks,

Brian

Phil Watkins

Re: Mediation in Garrison v. Southwest General Contractors, Inc.

To: Brian Berryman, Cc: Fred Gonzales, Frank Guerra, Joe L Lovell, Kevin Isern, Jennifer Neal, Regina



Brian

Date is fine. I know Bob Craig. Maybe Wednesday next week can your IT guy come over and make me Zoom smart

Changes to Court Operations

- I. Gov. Abbott's Declaration of Disaster
- II. Emergency Orders –Supreme Court
- III. Remote Depositions
- IV. Remote Mediations
- V. Remote Hearings

V. Remote Hearings

TARRANT COUNTY COURT AT LAW NO. 3 COURT RULES FOR REMOTE HEARINGS

The Governor has declared a state of emergency and the Office of Court Administration (OCA) has suggested that all non-critical court proceedings should be suspended. However, technology and state law allows options not previously available. As such Tarrant County Court at Law No. 3 will continue to conduct hearings if the parties have the technology and desire to do so. The following restrictions and limitations will apply but should be similar to what is required for an in person hearing. Any requests for a courtroom hearing will be considered but likely postponed. It is anticipated most parties will agree to a "virtual" hearing.

PROCEDURES FOR LITIGANTS:

Tarrant County Court at Law No. 3 will be using Zoom video conferencing. It is free to download at zoom.us or you can download the app directly to your cell phone. The Court Reporter or Coordinator will email you a link to the hearing. Your computer must have internet access, a video camera and a headset with a microphone. **IF YOU CAN ONLY PARTICIPATE VIA TELEPHONE YOU MUST COORDINATE IT THE DAY BEFORE WITH THE COURT REPORTER.**

Ensure the Court Reporter (SJKrieger@tarrantcounty.com) and Court Coordinator (MWBlake@tarrantcounty.com) have your email address not later than 4 pm the day before any hearing. Because of the importance of the record the Court Reporter, Shari, will be the "host" of all hearings.

If you intend to offer any exhibits during the hearing you need to email them to all parties, the court reporter (email above) and the judge (MHrabal@tarrantcounty.com) not later than 4 pm the day before the hearing. The subject of the mail should be the full cause number and " – Plaintiff Exhibits" (or cause number " – Defendant Exhibits"). The documents must be in .pdf format. The Court cannot consider any exhibits not emailed to the court reporter in a timely manner. If you fail to follow this requirement the court reporter will not maintain these documents in the record.

Any responses or replies e-filed with the Clerk less than 48 hours before the hearing should also be emailed in .pdf format to the judge. They will NOT be considered filed and must be e-filed with the Clerk as usual. Cases for the judge's reference need not be e-filed with the Clerk but should be emailed to the judge at least 4 hours before the hearing to allow consideration. Documents which have been e-filed and accepted need not be re-filed with the Clerk.

FOR THE PUBLIC:

THE OPEN COURTS PROVISION OF TEXAS LAW ALLOWS ALL TEXANS ACCESS TO COURT PROCEEDINGS. AS SUCH ANYONE MAY CALL THE COURT COORDINATOR (817/884-1914) OR BAILIFF (817/884-1095) TO GET ACCESS CODES TO HEARINGS. IF YOU ARE VIEWING PLEASE MUTE YOUR CONNECTION TO PREVENT DISRUPTION TO THE PROCEEDINGS. THE PUBLIC MAY VIEW OR LISTEN TO PROCEEDINGS BUT **VIDEO OR AUDIO RECORDING IS PROHIBITED.**

Judges Rush to Learn Video Conferencing as Shelter-In-Place Orders Spread Across Texas Metros

As shelter-in-place orders take effect this week, judges are beginning to conduct video conferences and trying to overcome the challenges of the virtual hearings.

By Angela Morris | March 24, 2020 at 03:11 PM

TEXAS LAWYER



Judges and attorneys from Houston participate in a video meeting, organized by 127th District Judge R.K. Sandill, using Zoom, which is the system the Texas judiciary will use for court hearings in the coronavirus pandemic. Photo: R.K. Sandill/Twitter

With shelter-in-place orders going into effect this week in Texas' major metro areas, courts and judges are zooming—literally—to learn video conferencing technology.

Trending Stories

- 1 **David Lat Undergoing 'Experimental' Drug Therapy, His Husband Says**
[NEW YORK LAW JOURNAL](#)
- 2 **David Lat Put on Ventilator, in Critical Condition With COVID-19 Infection**
[NEW YORK LAW JOURNAL](#)
- 3 **July Bar Exam Alternatives Under Consideration Amid COVID-19**
[LAW.COM](#)
- 4 **'Mild Improvements' for David Lat, but Prognosis Still Uncertain**
[NEW YORK LAW JOURNAL](#)
- 5 **Class Action Filed Against China Over COVID-19 Outbreak**
[DAILY BUSINESS REVIEW](#)

V. Remote Hearings



**BEXAR COUNTY CIVIL DISTRICT COURTS
COVID-19 COURT OPERATIONS PLAN**

The Bexar County Civil District Courts will operate pursuant to this plan effective April 6, 2020. NOTHING IN THIS PLAN SUPERCEDES EMERGENCY ORDERS ISSUED BY ANY NATIONAL, STATE OR LOCAL GOVERNMENT.

- Effective April 6, 2020, all cases will be heard remotely by the Civil District Courts. Essential matters will be given priority.
- Attorneys and self-represented litigants shall set matters pursuant to Texas Rules of Civil Procedure by setting their matter with the Presiding District Clerk. All settings must be in writing and contain the following information:
 1. The time announcement.
 2. Telephone numbers for all attorneys or self-represented litigants.
 3. Email addresses for all attorneys and self-represented litigants.
 4. Whether the party is ready or not.
 5. Whether an interpreter is required.
 6. The number of witnesses to be called.
 7. The total number of participants in the call.

OFFICE OF CIVIL DISTRICT COURTS ADMINISTRATION • 5TH FLOOR • PHONE • (210) 335-2300 • FAX (210) 335-3843

Non-Evidentiary Hearings

- All attorneys and self-represented litigants shall confer before hearings, including with respect to time announcements, and shall be on standby and readily available for their hearing.
- The Presiding Judge will assign cases by email to each Judge and their Clerk.
- Attorneys and self-represented litigants will be notified to set up the telephone/video conferencing in accordance with each Court's available technology.
- On receiving notice as to what Court the attorneys and self-represented litigants have been assigned, all attorneys or self-represented parties are required to email to the Court all previously filed documents, exhibits and cases that they will rely on during their arguments.
- All hearings will be strictly in accordance with time announcements. The Presiding Judge or the assigned Court may adjust the allotted time.

Evidentiary Hearings

- All requirements designated for Non-Evidentiary Hearings shall apply in addition to the following:
1. No later than 12:00 p.m. the day before the hearing, all attorneys and self-represented litigants are required to exchange all pre-marked exhibits by email or share drive link and confirm with opposing side that those exhibits were received.
 2. Attorneys and self-represented litigants are responsible for advising each witness how they can participate in the hearing and should make every effort to avoid delays. If a witness is not available to testify at the designated time, the witness may not be heard. ALL PARTICIPANTS SHALL PARTICIPATE BY TELEPHONE OR ZOOM. NO PARTY OR WITNESS

2

SHALL TRAVEL IN VIOLATION OF ANY EMERGENCY ORDERS ISSUED BY GOVERNMENT.

3. Attorneys, as officers of the Court, shall retain all original exhibits and shall email the court reporter taking the record all exhibits that were admitted marked "ADMITTED" and all exhibits that were not admitted marked "NOT ADMITTED."

Default Judgments

- All proposed Default Judgments must be submitted to the Staff Attorney's office for review by emailing the judgment to civilintern1@bexar.org.

Uncontested Divorces and Adoptions

- Beginning April 6, 2020, all uncontested divorces and adoptions will be presented to the court on submission at the 1:30 p.m. Uncontested Docket. No walk-ins are allowed.

- Uncontested matters must be set with the Presiding District Clerk by contacting the Presiding District Clerk or referring to the District Clerk's website for available dates and e-filing your setting along with all of the supporting documents indicated below.

[https://files.constantcontact.com/
7f6ad086d1c3e47ea-415d-4ba6-b7ec-
7f6ad086d1c3e47ea.pdf](https://files.constantcontact.com/7f6ad086d1c3e47ea-415d-4ba6-b7ec-7f6ad086d1c3e47ea.pdf)

- For uncontested divorces, attorneys ***must*** file the divorce along with the agreed Final Decree of Divorce at least 3 days before their setting date. ***or*** sworn interrogatories to prove up the divorce along with the agreed Final Decree of Divorce at least 3 days before their setting date.

- For adoptions, attorneys must file all statutorily required documents and an affidavit or interrogatories to prove up the adoption order, along with the Decree of Adoption at least 3 days before their setting date.

Presentation of Agreed Orders

Bexar County Civil District Courts are temporarily adopting the following policy for presentation of Agreed Orders:

1. IF YOU WANT A CONFORMED COPY, please mail your Agreed Order, a copy or copies for conforming, and a self-addressed, stamped envelope to:

Bexar County Civil District Courts
Attn.: Staff Attorneys
100 Dolorosa, Room 2.16
San Antonio, Texas 78205

Mail-in orders will be delayed until travel restrictions are lifted for staff members. Please bear with us in our attempt to serve the needs of our community.

2. If you do not want a conformed copy, you may email your Agreed Order to civilintern1@bexar.org.
3. If your order resulted from a court ruling, please submit the order by email or mail directly to the Court issuing the ruling.

All Agreed Orders must be presented electronically or by mail. Hand delivered orders will not be accepted. There are no exceptions.

ZERO TOLERANCE POLICY

THERE WILL BE NO TOLERANCE FOR ATTORNEYS TAKING ADVANTAGE OF THE SITUATION CREATED BY THE COVID-19 PANDEMIC. ANY SUCH CONDUCT SHALL BE REPORTED TO THE STATE BAR OF TEXAS DISCIPLINARY COUNSEL ON THE FIRST OFFENSE. ALL JUDGES AND LAWYERS, AS OFFICERS OF THE COURT, ARE CALLED UPON TO CONDUCT OURSELVES IN ACCORDANCE WITH THE TEXAS LAWYERS' CREED.

4

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Changes to Court Operations

I. Gov. Abbott's Declaration of Disaster

II. Emergency Orders –Supreme Court

III. Remote Depositions

IV. Remote Mediations

V. Remote Hearings

VI. Tolling SOLs

VI. Tolling SOLs

Supreme Court of Texas & Court of Criminal Appeals

March 13

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9042

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 20-007

FIRST EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This order is issued pursuant to Section 22.0035(b) of the Texas Government Code.
2. Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public—without a participant's consent:
 - a. Modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than 30 days after the Governor's state of disaster has been lifted;
 - b. Allow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, or court reporter, but not including a juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means;

VI. Tolling SOLs

Supreme Court of Texas & Court of Criminal Appeals

March 13

c. Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means;

d. Conduct proceedings away from the court's usual location, but in the county of venue, and only with reasonable notice and access to the participants and the public;

e. Require every participant in a proceeding to alert the court if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, or a fever, cough or sneezing;

f. Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

3. All courts in Texas may extend the statute of limitations in any civil case for a stated period ending no later than 30 days after the Governor's state of disaster has been lifted.

4. This Order is effective as of March 13, 2020, and expires May 8, 2020, unless extended by the Chief Justice of the Supreme Court.

5. The Clerk of the Supreme Court is directed to:

a. post a copy of this Order on www.txcourts.gov;

b. file a copy of this Order with the Secretary of State; and

c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

Dated: March 13, 2020

Proposed Order to be Submitted to the Cameron County Board of Judges

General Order No.

IN THE COURTS

OF

CAMERON COUNTY, TEXAS

GENERAL ORDER REGARDING STATUTE OF LIMITATIONS

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a state of disaster for all Texas counties as a result of the COVID-19 pandemic.

WHEREAS, also on March 13, 2020, the Texas Supreme Court issued its First Emergency Order Regarding the COVID-19 State of Disaster (the "First Emergency Order").

WHEREAS, in the First Emergency Order, the Texas Supreme Court ordered that all courts in Texas may extend the statute of limitations in any civil case for a stated period ending no later than 30 days after the Governor's state of disaster has been lifted.

It is therefore ORDERED that for any civil cases filed in any Cameron County court, the applicable statute of limitations is hereby extended until 30 days after the Governor's state of disaster has been lifted.

JUDGE PRESIDING

Changes to Court Operations

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VII. Tolling Other Statutory Deadlines



Supreme Court of Texas & Court of Criminal Appeals

March 13

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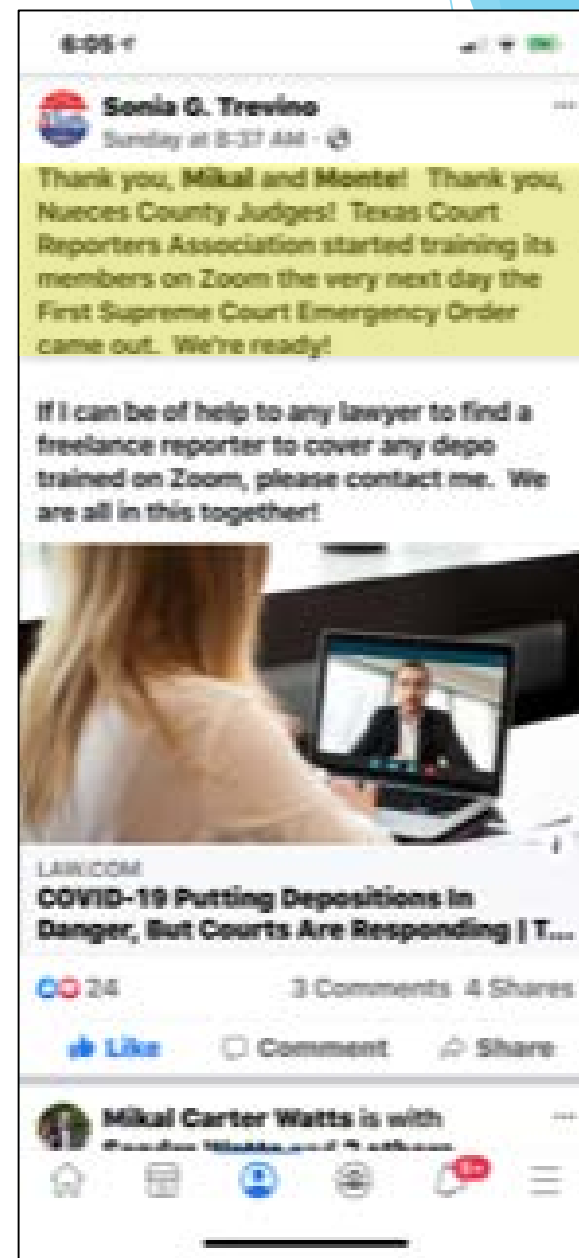
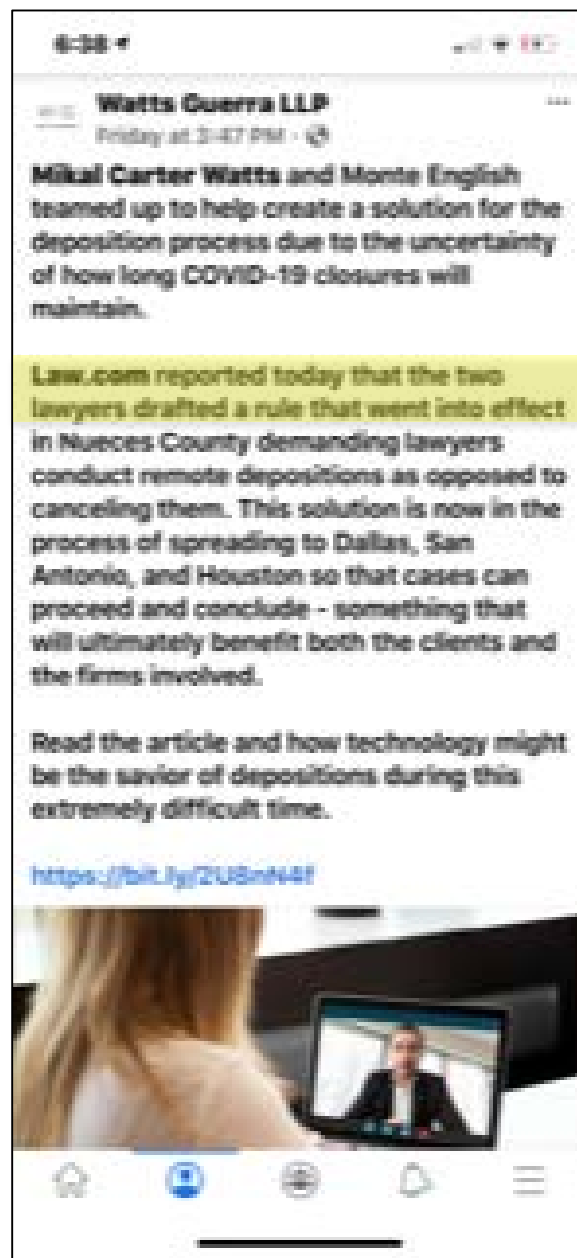
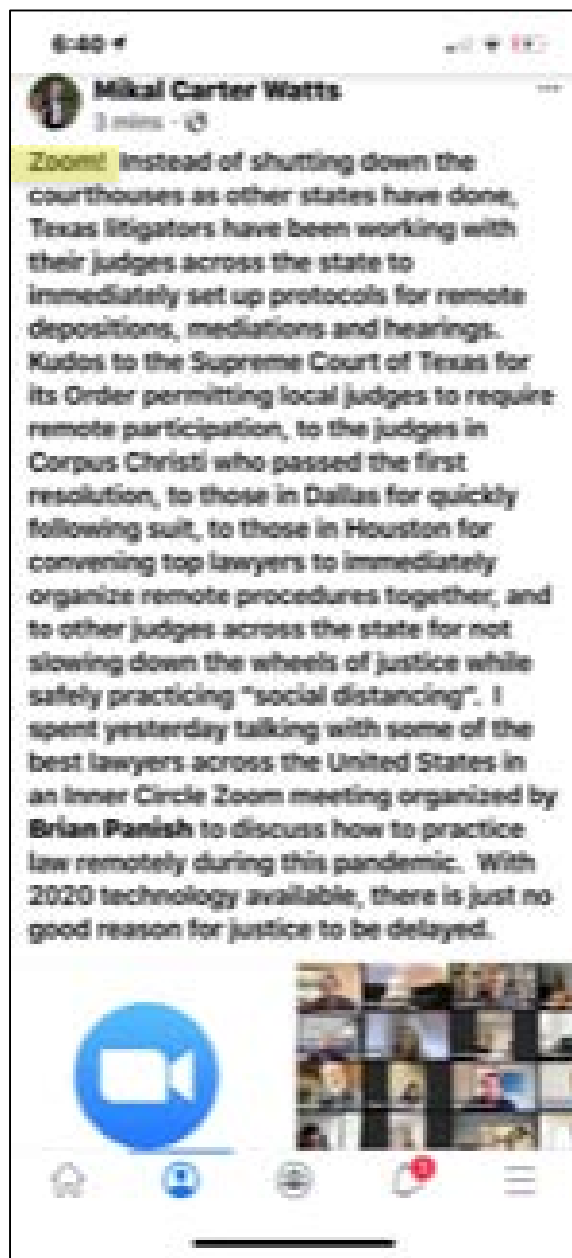
V. Remote Hearings

VI. Tolling SOLs

VII. Tolling Other Statutory Deadlines

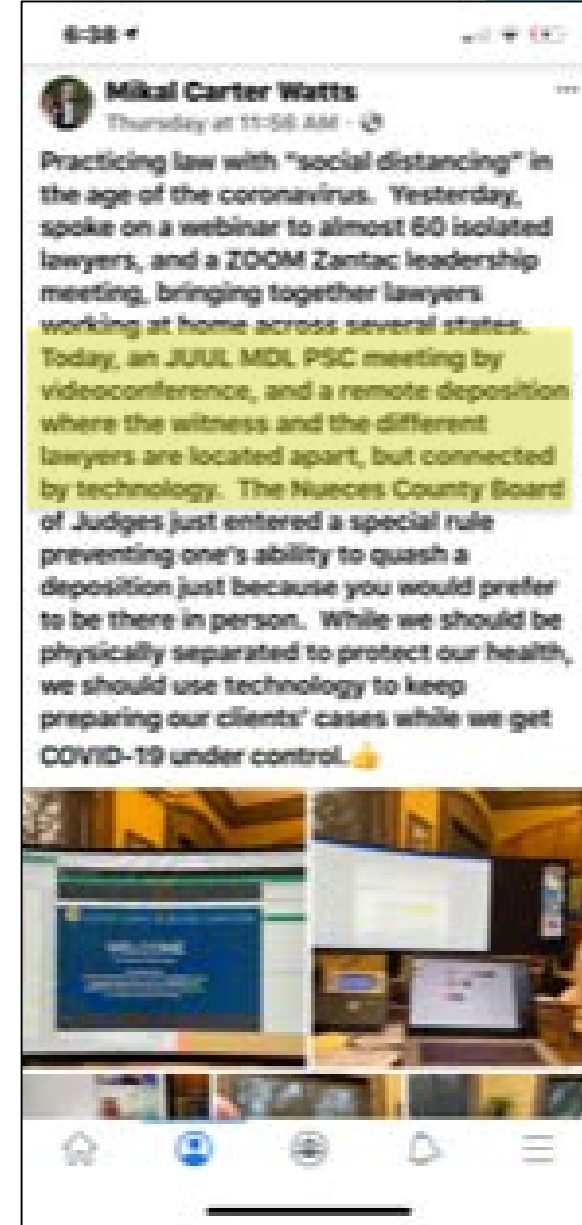
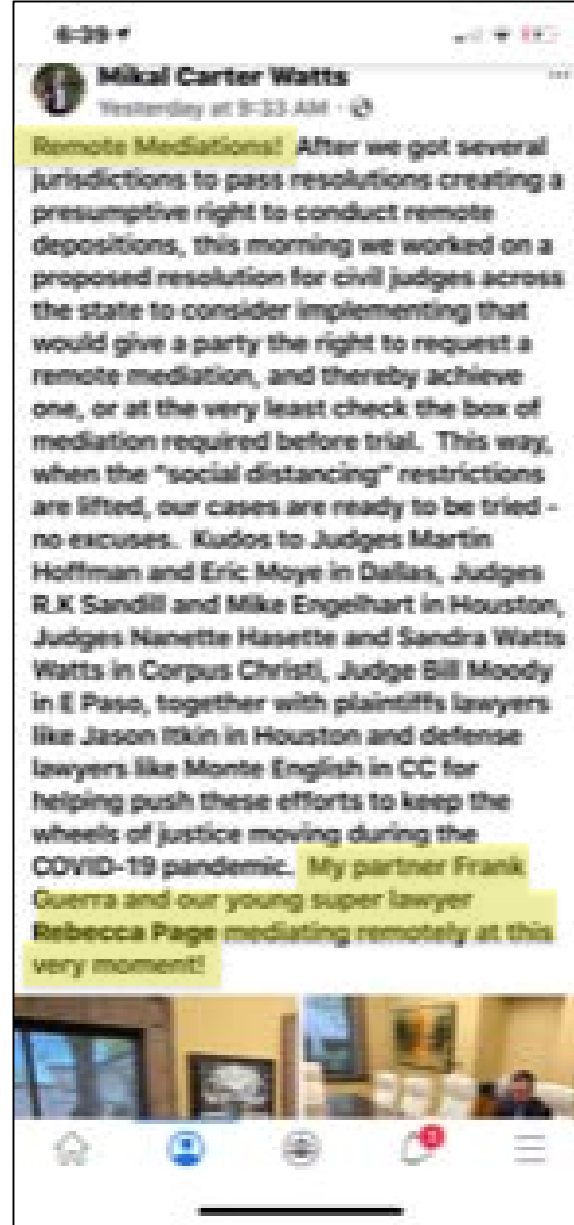
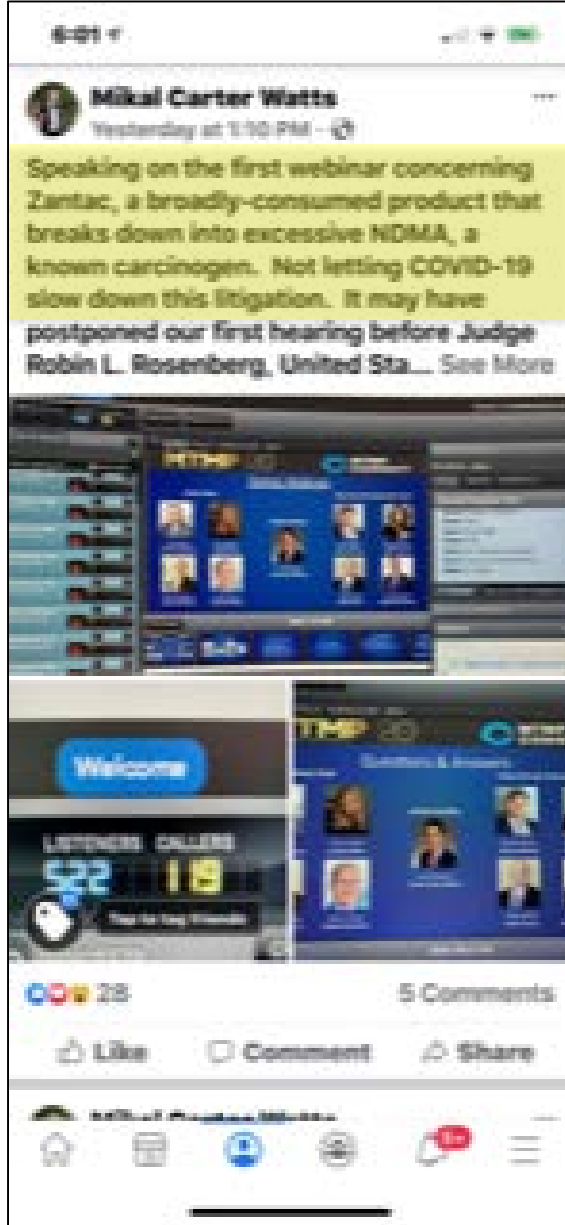
VIII. Getting the Word Out to Everyone

VIII. Getting the Word Out to Everyone



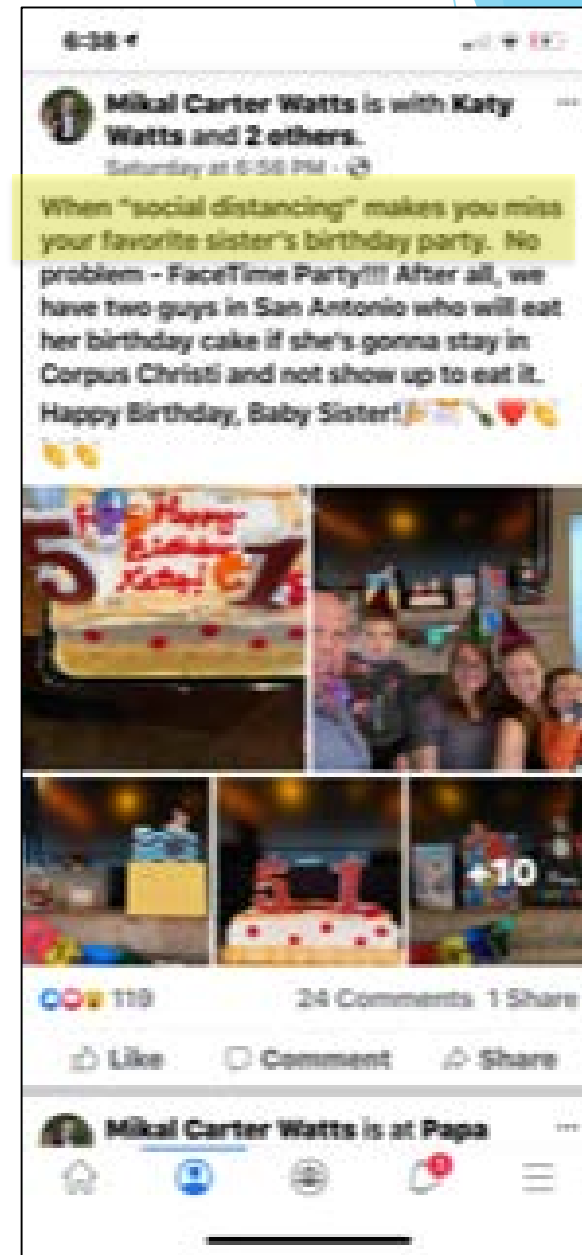
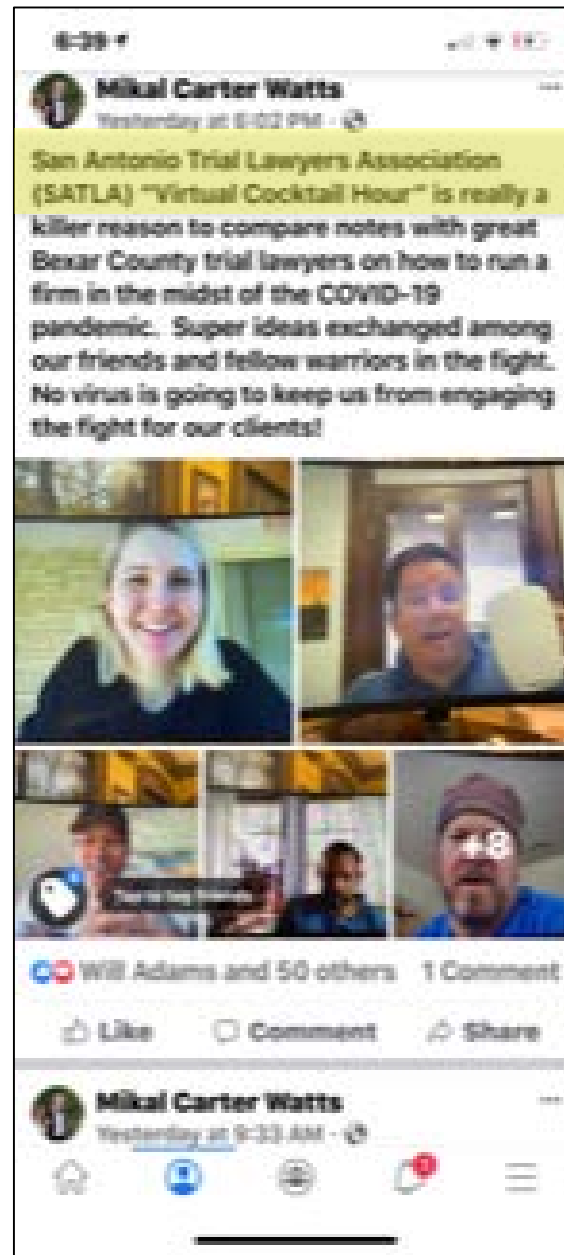
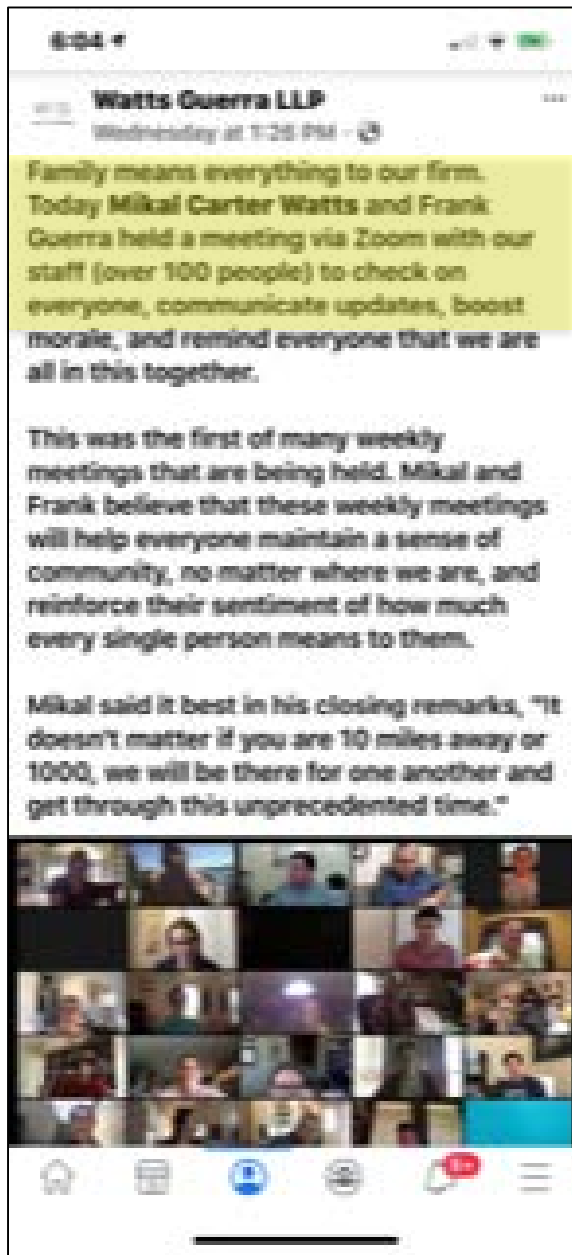
Explain
these
rules
and
the
changes
that
we
can
achieve
now!

VIII. Getting the Word Out to Everyone



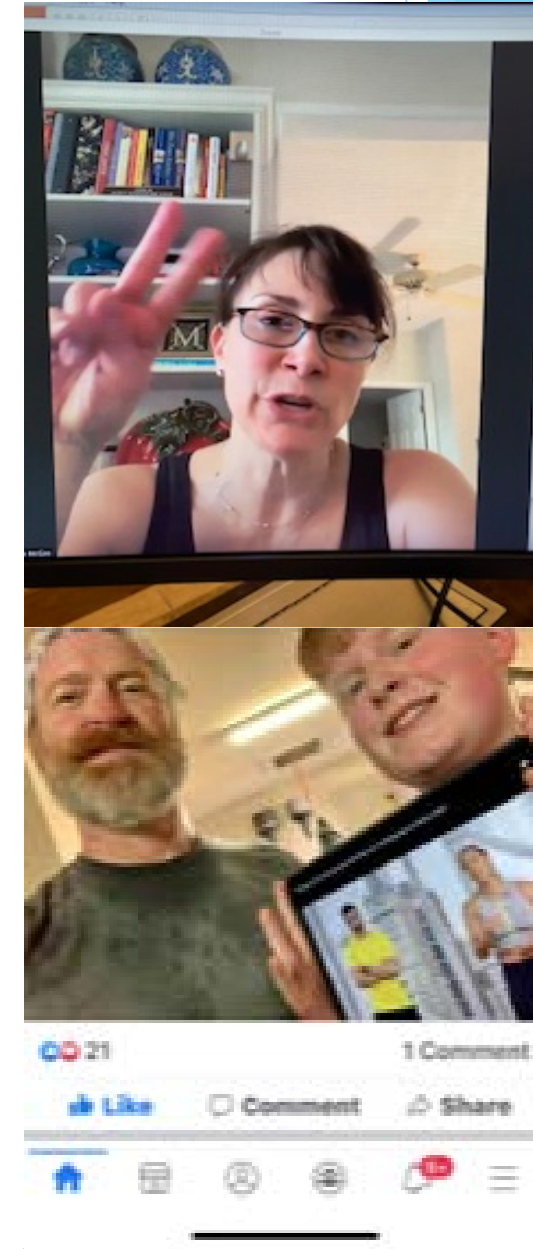
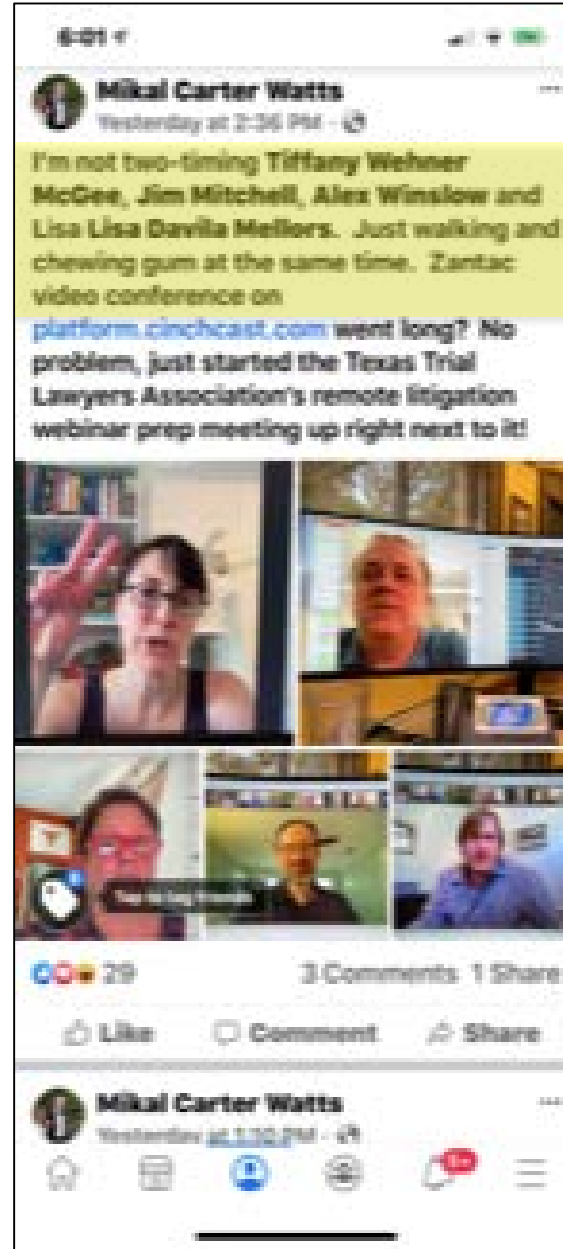
Show
Your
Friends
How to
Practice
Law
While
Sheltered
In
Place

VIII. Getting the Word Out to Everyone



Keep
your
Sanity
And
Your
Friends
And
Family
Close
Via
Zoom
Or
Facetime

VIII. Getting the Word Out to Everyone



Use
Zoom
and
Social
Media
To
Have
Fun
and
Get
The
Word
Out

VIII. Getting the Word Out to Everyone

This Webinar is Free for Everyone to Utilize

Begin forwarded message:

From: Tiffany McGee <tmcgee@ttla.com>
Subject: Re: Court Changes & Zoom Webinar
Date: March 27, 2020 at 7:00:53 AM CDT
To: "mcwatts@wattsguerra.com" <mcwatts@wattsguerra.com>
Cc: Lisa Mellors <lmellors@ttla.com>

Yes. It is.

Sent from my iPhone

On Mar 27, 2020, at 4:35 AM, Mikal Watts <mcwatts@wattsguerra.com> wrote:

Is this being recorded? I have judges who would like to receive the tutorial, but cannot make it at 11 a.m.

Please advise.

Mikal

Give it to Friends who Are Judges or Practice Before One

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IX. How Long this Could Last

IX. How Long this Could Last



IX. How Long this Could Last



CORONAVIRUS · Published March 19

US coronavirus crisis could last 18 months or more, federal plan warns: report

By Dom Calicchio | Fox News

A 100-page contingency plan recently delivered to government policymakers says the coronavirus crisis in the U.S. could stretch on for 18 months – and possibly longer, according to a report.

The nation could see “multiple waves” of the outbreak, possibly causing widespread shortages of key goods – and potentially affecting the level of health care available to the public, the plan says, according to The New York Times.

IX. How Long this Could Last

The New York Times

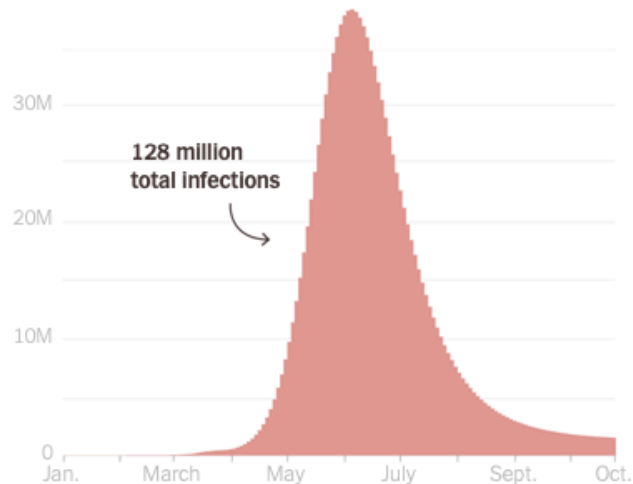
Trump Wants to 'Reopen America.' Here's What Happens if We Do.

By Nicholas Kristof and Stuart A. Thompson

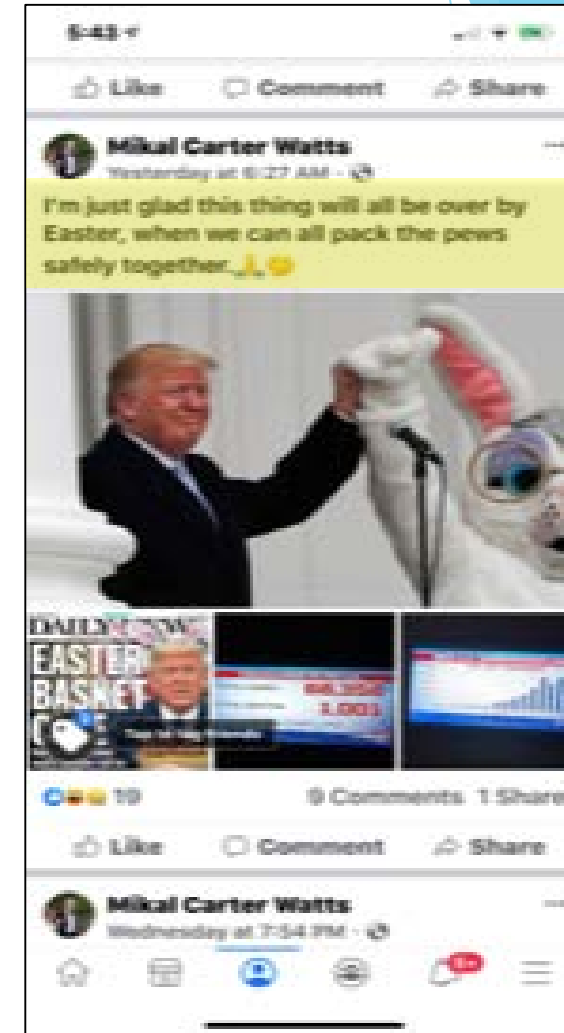
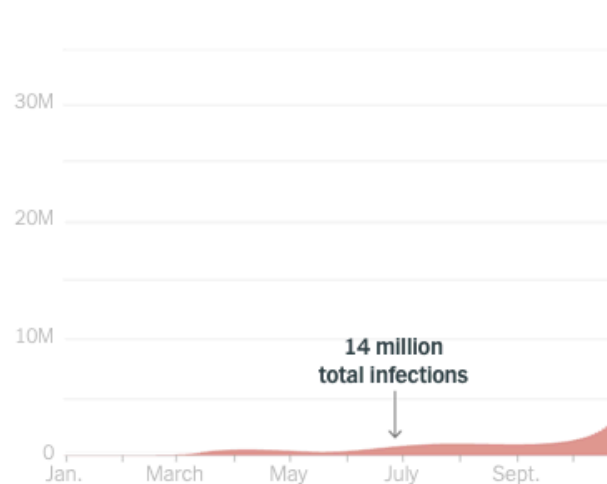
Model created with Gabriel Goh, Steven De Keninck, Ashleigh Tuite and David N. Fisman

MARCH 25, 2020

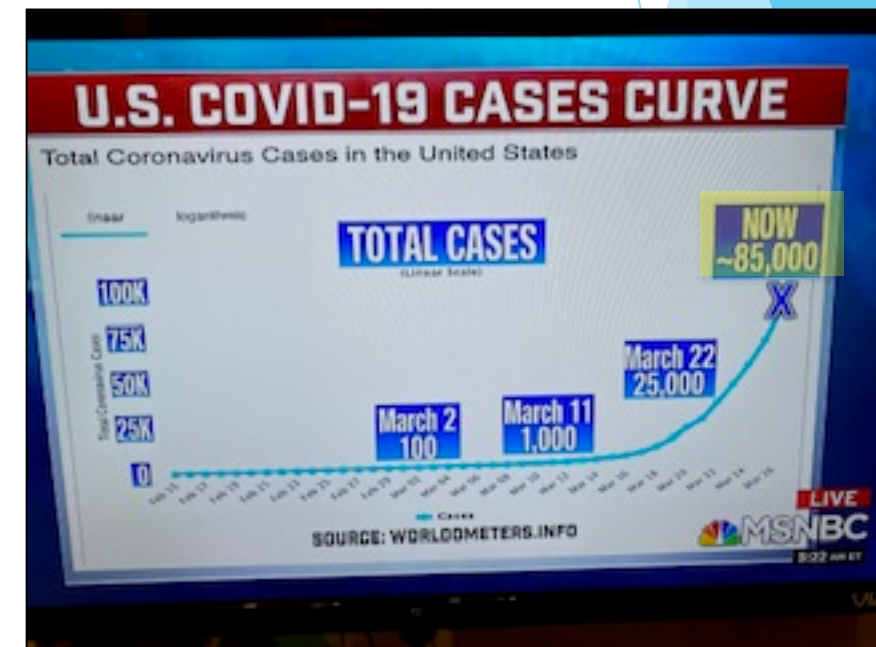
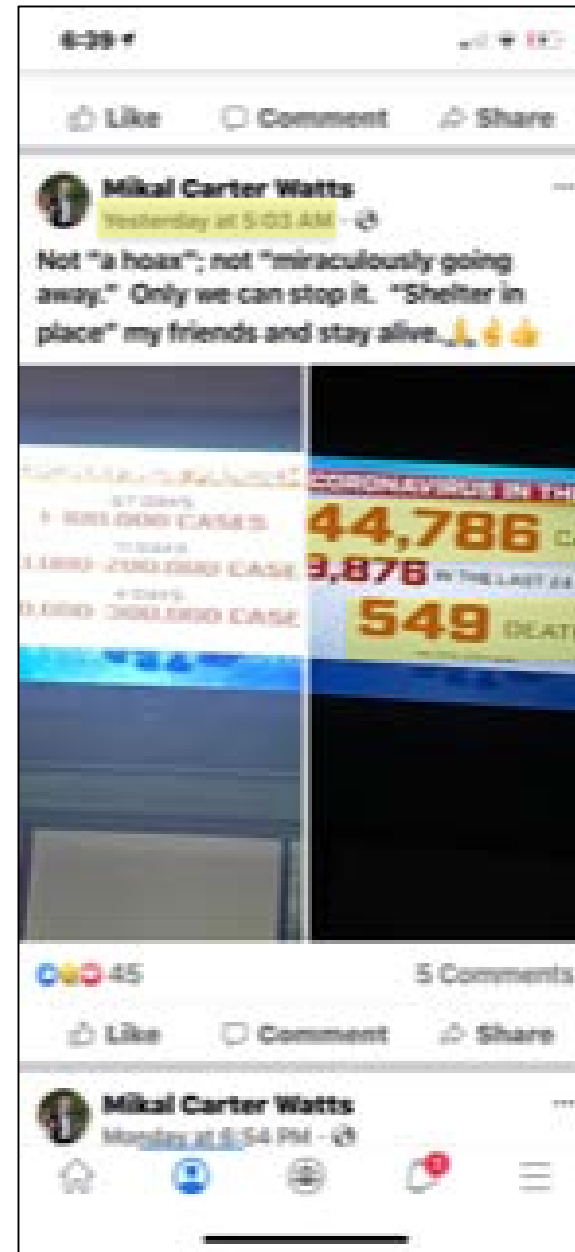
Social distancing for **14 days**



Social distancing for **2 months**



IX. How Long this Could Last



Changes to Court Operations

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IX. How Long this Could Last

X. How We Continue to Practice Law

X. How We Continue to Practice Law

Mikal Watts 

Sent - WG Mail

March 23, 2020 at 2:32 PM



Re: Procedure for submitting Bexar County District Court orders

To: Jason Itkin, Martin Hoffman, Sandra.watts@nuecesco.com



ORDER_re_Cour
t_Oper...20.pdf

FYI

On Mar 23, 2020, at 1:05 PM, Mikal Watts <mcwatts@wattsguerra.com> wrote:

We should discuss substituted service modifications as well to require electronic service of everything between lawyers. If courts can compel e-filing, they can compel e-service I would think.

Begin forwarded message:

From: Ed Allred <eallred@wattsguerra.com>

Subject: Procedure for submitting Bexar County District Court orders

Date: March 23, 2020 at 12:55:41 PM CDT

To: paralegals@wattsguerra.com

Cc: Attorneys - All Cities <attorneys@wattsguerra.com>

From Bexar County Courts: "In response to COVID-19, we are respectfully requesting all written materials be sent to us electronically, rather than through physical mail, fax and deliveries. We agree to accept service electronically while we temporarily deal with COVID-19. Thank you, and stay well."

X. How We Continue to Practice Law



Got Available Dates from All Experts

Requested Dates from Their Experts

Noticed Our Own Experts by Zoom

To Produce Their File 1 Week Ahead

Canceled Live Focus Group on 4/29

Scheduled an Internet Focus Group

Setting Motions to Quash ASAP

Prepping Trial Exhibits to be in Files

Stowers Demands are Free-Flowing

Mediating via Zoom on 4/3 & 4/20

X. How We Continue to Practice Law



YouTube How to Use Zoom



YouTube How to Use RING CENTRAL



YouTube How to Use SKYPE

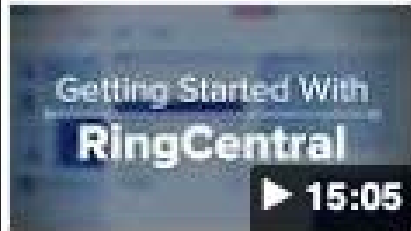
Zoom Full Tutorial And Overview - Video ... - YouTube



Mar 16, 2020 - Uploaded by Dusty Porter

Zoom Full Tutorial And Overview - Video Conferencing Made Easy ... How To Use Zoom (plus Breakout ...

RingCentral Review: Getting Started Demo & Tutorial - YouTube

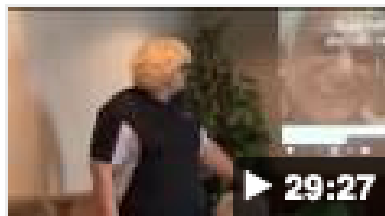


Mar 2, 2019 - Uploaded by REtipster

RingCentral Review: Getting Started Demo & Tutorial. 23K views ...

RingCentral Office: Admin Basics ... How ...

How-To Use Skype - YouTube



Jul 8, 2016 - Uploaded by ArvigHQ

Wondering what the hype with **Skype** is? Check out this informative video to learn more.

X. How We Continue to Practice Law



OFFICE OF COURT ADMINISTRATION

DAVID SLAYTON
Administrative Director

ATTORNEYS AND STAFF UNDER STAY-AT-HOME ORDERS Travel Authorization

Dated: March 26, 2020

Legal services are essential to the justice system, which is itself essential to the people. The need for legal services only increases in a disaster like the current COVID-19 pandemic.

Lawyers should lead by example by working in ways that, for themselves, staff, clients, and others, allow social distancing, avoid groups larger than permitted by local and state authorities, and encourage hand-washing and sanitary practices throughout the workplace. Lawyers should consider alternatives to in-person meetings, should telework and require staff to telework whenever possible, and should minimize office operations. Lawyers should not engage in activities merely for convenience or personal preference when other means, such as telephoning, tele- or video-conferencing, and online meetings, are available.

But lawyers must also be permitted to practice law free from local stay-at-home orders and other restrictions on travel and business practices. Lawyers and staff may travel and engage in activities reasonably necessary to provide legal services, as is permitted for other essential services. Lawyers and staff may travel to and attend court proceedings, depositions, and meetings with clients and others. Stay-at-home and similar orders do not prohibit such travel and activities involved in the practice of law as long as every effort is made to avoid risks to the public health.

Certified by:

A handwritten signature in blue ink that reads "David Slayton".

David Slayton
Administrative Director of the Courts
Texas Office of Court Administration

Lawyers getting stopped in shelter in place zones

They called the Office of Court Administration and asked for help

This is a helpful, but imperfect attempt at a travel letter.

Office of Court Administration issued this letter; not the Supreme Court of Texas

Only the Supreme Court has rulemaking authority over what happens in the courts

Do not use this as a lever to try to countermand rules issued or special rules or resolutions handed down by courts



TTLA Live Info Sharing: Changes to Court Operations and Using Zoom for Depositions

Live Panel Discussion and Q&A
Friday, March 27 at 11:00 AM

Changes to Court Operations

Mikal Watts

WATTS | GUERRA ^L_P



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D