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March 13, 2020

ADDENDUM TO LOCAL ADMINISTRATIVE RULES OF COURT DURING STATE OF DISASTER

COURT PROTOCOL FOR THE CONDUCT OF BUSINESS IN THE 38TH JUDICIAL DISTRICT COURT DURING THE STATE OF DISASTER IMPLEMENTED BY GOV. GREG ABBOTT EFFECTIVE MARCH 13, 2020 THROUGH MAY 8, 2020. <https://gov.texas.gov/news/post/governor-abbott-declares-state-of-disaster-in-texas-due-to-covid-19>

As a result of the State of Disaster as declared by Gov. Abbott, the Texas Supreme Court and the Court of Criminal Appeals have issued a succession of orders limiting and outlining the procedures necessary when conducting court business during the state of disaster.

<https://www.txcourts.gov/supreme/orders-opinions/>

To comply with these mandates, the following guidelines will govern all court proceedings throughout the duration of the State of Disaster:

- 1. NO PERSON WHO HAS BEEN EXPOSED TO COVID-19 OR WHO IS EXPERIENCING FLU-LIKE SYMPTOMS MAY PERSONALLY APPEAR IN COURT, WITHOUT PRIOR EXPRESS PERMISSION OF THE COURT. IT IS THE SOLE AND EXCLUSIVE OBLIGATION OF THE ATTORNEY, PLAINTIFF, DEFENDANT OR SELF-REPRESENTED LITIGANT TO COMPLY WITH THIS PROTOCOL.**
- 2. THERE WILL BE NO JURY TRIALS CONDUCTED FROM APRIL 1, 2020 THROUGH MAY 31, 2020. IF YOU HAVE A JURY TRIAL SCHEDULED DURING THE MONTHS OF APRIL OR MAY 2020, PLEASE CONTACT THE COURT COORDINATOR, LELA BALLESTEROS, AT 830-278-3913 OR 830-278-0410 TO OBTAIN A NEW JURY TRIAL SETTING. IF YOU DO NOT CONTACT THE COURT COORDINATOR, MS. BALLESTEROS WILL BE RESETTING ALL JURY TRIALS AND WILL NOTIFY YOU OF YOUR NEW TRIAL SETTING.**

3. **IF YOU ARE A DEFENDANT ON PROBATION AND HAVE ANY QUESTIONS ABOUT YOUR REPORTING REQUIREMENTS, IMMEDIATELY CONTACT YOUR PROBATION OFFICER OR THE PROBATION DEPARTMENT AT 830-278- 1122. ALL DEFENDANTS SHOULD CONTINUE TO REPORT TO YOUR PROBATION OFFICER EVEN IF YOU HAVE BEEN RELEASED AFTER AN ARREST ON A MOTION TO ADJUDICATE/MOTION TO REVOKE. DO NOT STOP REPORTING OR A WARRANT MAY BE ISSUED FOR YOUR ARREST.**
4. **IF YOU ARE A DEFENDANT ON PRETRIAL RELEASE WITH A PENDING CRIMINAL CASE AND HAVE ANY QUESTIONS ABOUT YOUR REPORTING REQUIREMENTS, IMMEDIATELY CONTACT YOUR PRE TRIAL RELEASE OFFICER OR THE PROBATION DEPARTMENT AT 830-278- 1122. ALL DEFENDANTS SHOULD CONTINUE TO REPORT TO YOUR PRETRIAL RELEASE OFFICER EVEN IF YOU HAVE BEEN RELEASED AFTER AN ARREST ON A VIOLATION OF PRETRIAL RELEASE. DO NOT STOP REPORTING OR A WARRANT MAY BE ISSUED FOR YOUR ARREST.**
5. **FROM MARCH 13, THROUGH APRIL 6, 2020: ALL SETTINGS WITH THE EXCEPTION OF ESSENTIAL PROCEEDINGS ARE POSTPONED. ESSENTIAL PROCEEDINGS INCLUDE MATTERS SUCH AS TRO/TEMPORARY INJUNCTIONS, FAMILY VIOLENCE PROTECTIVE ORDERS AND CPS EMERGENCY REMOVALS. THEY DO NOT INCLUDE REGULARLY SCHEDULED DOCKETS OR NON-EMERGENCY PROCEEDINGS. PLEASE CONTACT THE COURT COORDINATOR, LELA BALLESTEROS, AT 830-278-3913 OR 830-278-0410 TO SCHEDULE AN ESSENTIAL PROCEEDING OR TO INQUIRE ABOUT A RESET DATE. VIDEOCONFERENCING AND TELECONFERENCING CAPABILITIES ARE AVAILABLE AND WILL BE UTILIZED AS NEEDED.**
6. **If a member of the public wishes to access any court proceeding conducted via videoconference in the 38th Judicial District during the months of April and May, access is available at: <https://www.youtube.com/channel/UCVYnAWxzyIMW-lvmvM52A1A>**
7. **FROM APRIL 6, 2020 THROUGH MAY 31, 2020:**
 - A. **IN ALL CRIMINAL CASES:**
 1. All hearings will be conducted remotely via Zoom using the process set out below. Each hearing will be a special setting, i.e. it will occur at a specified time and will not be part of a docket call.
 2. All counsel is to confer with the DA's office regarding all pending cases. There will be no dockets available to facilitate this process. The DA's office is open, and they are ready and willing to confer with counsel regarding all cases to include plea negotiations. You may contact Christina Mitchell Busbee via her cell number, 830-279-2717, at any time to confer. All counsel should file waivers of arraignment in all newly indicted cases.
 3. If a plea agreement is reached, defense counsel is to have his/her client sign all plea paperwork, to include obtaining the defendant's fingerprints on the judgment. This can be accomplished at the DA's office if the defendant is not incarcerated or at the jail if the defendant is incarcerated. Once the defendant, his counsel, and the district attorney have signed all necessary plea paperwork, the paperwork is to be forwarded to

the District Clerk's office. Once the case is paper-ready, contact the court coordinator Lela Ballesteros, and she will set up the plea hearing via Zoom.

4. All hearings, to include plea hearings, will be conducted remotely via Zoom. All that is needed is access to a cell phone, laptop or tablet. Hearings will be set up by the court coordinator, Lela Ballesteros. She may be reached at 830-278-3913 or 830-278-0410 and will answer any questions regarding the remote hearing process. The Clerk will swear in the defendant at the time of the scheduled plea hearing via Zoom. All proceedings will continue to be recorded by the Official Court Reporter for the 38th Judicial District. If the Defendant is not incarcerated he/she may appear via Zoom in your office, or through their own cell phone, laptop or tablet. If the Defendant is incarcerated, the jail staff will make sure your client is available via Zoom at the agreed upon time of the plea. Probation will also participate in the plea via Zoom.

5. If you require any other type of hearing in a criminal case, contact the court coordinator Lela Ballesteros at 830-278-3913-or 830-279-0410 and she will set it up via Zoom.

B. IN ALL CIVIL CASES:

1. All non-essential hearings will be conducted remotely via Zoom using the process set out below. There will be no civil docket calls during the months of April or May.
2. To access a Zoom hearing, all that is needed is that each participant have access to a cell phone, laptop, desktop computer or tablet. Hearings will be set up by the court coordinator, Lela Ballesteros, at an agreed upon time and date. She may be reached at 830-278-3913 or 830-278-0410 and will answer any questions regarding the remote hearing process. Each hearing will be a special setting, i.e. it will occur at a specified time and will not be part of a docket call.
3. If a non essential hearing or bench trial is needed in any matter, please contact the court coordinator, Lela Ballesteros, at 830-278-3913 or 830-278-0410 and she will assist you in setting up the hearing via Zoom. If you had a previously scheduled special setting during the months of April or May, and wish to keep the setting, the hearing must be conducted remotely via Zoom. You must contact the Court Coordinator to confirm the setting will be conducted remotely. If you do not confirm the setting and agree to conduct it remotely via Zoom, it will be reset to a date after June 1, 2020.
4. All proceedings conducted remotely via Zoom will be recorded by the Official Court Reporter for the 38th Judicial District.

EFFECTIVE THE 13TH DAY OF MARCH, 2020

Camile G. DuBose

District Judge, 38TH Judicial District