



Hon. Jerry W. Simoneaux, Jr.
Presiding Judge of Harris County Probate Court No. 1

INSTRUCTIONS FOR REMOTE AND IN-PESON HEARINGS & TRIALS

Updated: April 4, 2023

Our courtroom technology can seamlessly accommodate simultaneous remote and in-person appearances without the need for special equipment. These instructions are provided to give guidance on the rules and procedures governing remote and in person proceedings in Probate Court 1. Please read them carefully as some rules and procedures have changed.

On February 1, 2023, the Supreme Court of Texas adopted new rules governing remote proceedings. Please familiarize yourself particularly with new Tex. R. Civ. P. 21(b) and 21(d). Here is a link to the current rules. <https://www.txcourts.gov/media/1455531/texas-rules-of-civil-procedure.pdf>

Default Rule: All Proceedings are In Person. The default rule is that all persons participating in a court proceeding do so “by physical presence in the courtroom.” Tex. R. Civ. P. 21(d)(1).

Contested Matters: In-Person Pursuant to the Default Rule. Contested matters, including the Ancillary Docket, Pre-Trial Settings, and all Trials are conducted in person by default. Objections to in-person appearances will be considered pursuant to TRCP 21d(d) [see below]. In addition, the Court, on its own, may permit remote or hybrid appearances based on the factors in 21d(e), in which case, the Court will advise all participants within a reasonable amount of time. TRCP 21d(b)(1)&(2)

Uncontested Matters: Remote, In-Person, or Hybrid. Harris County Probate Court 1 offers remote, in-person, and hybrid appearances for most uncontested matters, including dockets for the Probate of Wills, Heirships and Administrations, and Guardianships. Participants are not required to inform the court of their method of appearing, but notices to all other parties must comply with TRCP 21(b).

Objections to Method of Appearance. Pursuant to TRCP 21d(d), a party may object to the method of appearance, stating good cause for the objection. Objections should be filed within a reasonable time after the party receives notice of the appearance. Objections will be considered by the court pursuant to the rule. Factors considered in determining good cause include those listed in TRCP 21d(e).

Method of Appearing Remotely. Participants may appear remotely using Zoom with adequate internet access using either a laptop or desktop computer. Participants may not appear using a telephone or smartphone unless a laptop or desktop is otherwise unavailable. Participants must be in a room that allows for privacy and avoidance of external noises or other interruptions. Participants may not appear in a vehicle or in public areas where disturbances may likely occur.

21(b) Notice. Please review Tex. R. Civ. P. 21(b) for new notice requirements. Pursuant to the rule, “Information for Participants” has been posted on Probate Court 1’s website at <https://probatecr1.harriscountytexas.gov/Pages/Information-for-Participants.aspx>

- EQUIPMENT REQUIRED FOR REMOTE APPEARANCES

- A laptop or desktop computer with a monitor of at least 12” diagonal, a camera, microphone, and access to reliable internet service. Smart phones are generally not permitted for remote video court appearances due to their small screens and the difficulty some experience in muting/unmuting and turning on/off their cameras.
- Zoom software
 - All probate courts use Zoom video conferencing. It is not necessary to install Zoom software on a computer to join; however, it would be more efficient.
 - Software is available at [Zoom.us](https://zoom.us). Click on the “Resources” tab and select “Download Zoom Client.”
 - You do not have to register with Zoom, but it is encouraged and it is free.
 - A video about using Zoom in probate court can be viewed on YouTube at <https://youtu.be/jFmAQUXAIUg>

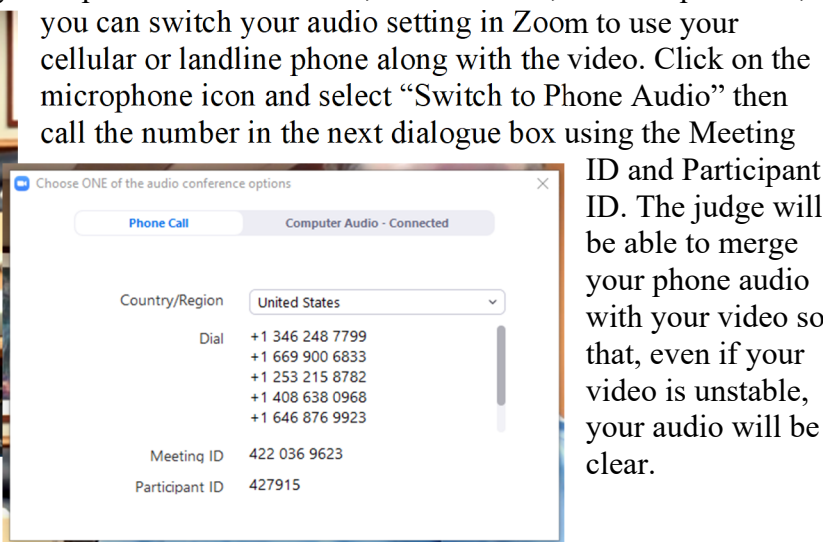
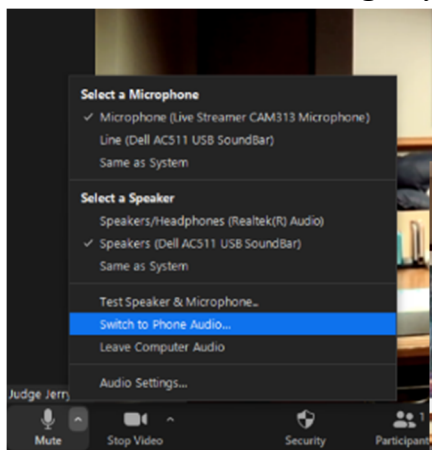
- SETTING YOUR HEARING

- **Online:** You can request a setting for the Probate of Wills, Heirship and Administration, and Submission Docket online at <https://probatecr1.harriscountytexas.gov> and click on “Online Settings”.
 - Tip: once you set your matter online, you will have the opportunity to create an account to be able to reschedule or pass a hearing later on.
 - A staff member will send you an email confirmation within a day of your request. Once your setting is confirmed, you will receive automatic emails 5 days and 2 days before your hearing with a Zoom link.
 - Online settings are for uncontested dockets that fall within the exception to the in-person default rule (supra). You may choose to appear remotely, in person, or a hybrid of both. You do not need to inform the court how you choose to appear.
 - **Important:** In addition to sending the notice required by TRCP 21(b), it is your responsibility to ensure that your client and witnesses have all the information necessary to participate.

- **Via Telephone:** All other matters must be set by calling the court
 - Call the Court at 832-927-1401. If you choose to appear remotely and the rules permit it, the Court Coordinator will send you a link prior to your hearing. Please remember, you must provide the notice required by TRCP 21(b).

- **ABOUT YOUR REMOTE APPEARANCE**

- Please click the link to join Zoom at least 5 to 10 minutes before your hearing to test your microphone, speakers, and camera.
- Do not sign on to more than one Zoom account in a single room. Please be sure additional users either share one camera and microphone or are placed in separate rooms to prevent audio feedback and echo problems.
- Documents can be shared with participants using the “chat” tab and with the “screen share” options in Zoom. Probate Court 1 has an instructional video explaining these two ways to manage evidence at <https://youtu.be/ctMV2vDc5ms>
- Courtroom Decorum – We will observe appropriate courtroom decorum, demeanor, and dress codes for attorneys, parties, and witnesses.
- Participants must be in a room that allows for privacy and avoidance of external noises or other interruptions. **Participants may not appear in a vehicle or in public areas where interruptions, background noises, or other disturbances may occur.**
- **Smartphones are generally not permitted for remote appearances.**
- **Troubleshooting:** If you experience slow internet, video freezes, or audio problems,



ID and Participant ID. The judge will be able to merge your phone audio with your video so that, even if your video is unstable, your audio will be clear.

- **INTERPRETERS**

- In-Person – Multi-channel audio is available in the courtroom for simultaneous audio interpretation. ASL interpreters and closed-captioning are also available.

- Remote – Probate Court 1 uses an interpretation module in Zoom that allows simultaneous audio translation on a separate audio channel for non-English speaking witnesses, and a special enlarged window for American Sign Language interpreters.
 - **Important: Persons needing audio language interpretation cannot share a video with others who do not need interpretation.** They must use a separate zoom video and audio for interpretation.
- Please advise the court when setting your docket that you will require an interpreter, and we will provide a certified interpreter at no cost.
- UNCONTESTED DOCKETS – WHAT TO FILE AND WHEN
 - Probate of Wills¹, Heirships and Administrations, and Guardianships
 - **REMOTE** – File *unexecuted* proposed orders² (only) **at least 5 business days** before the hearing. The Order will need to be in the system for digital signing by the judge.
 - At the conclusion of your hearing, please sign, execute, and file the documents as appropriate for your case (e.g. Proof of Death, Witness Statements, and the Oath).
 - **IN-PERSON** – File *unexecuted* proposed orders, Proofs of Death, Witness Statements, Oaths, etc.³ (as they may apply in your case) **at least 5 business days before** your hearing.
 - At the conclusion of your hearing, the judge will sign the order electronically. The Clerk will show your client and witnesses the pre-filed Proof of Death, Statements, and Oath and instruct each person how to sign using the digital pad.
 - Optional 1-Minute Prove-Ups of Wills
 - Whether in-person or remote, to qualify for the 1-Minute Prove-Up, you must file the *unexecuted* Proposed Order, Proof of Death and Other Facts, and the Oath.
 - Please refer to this [Checklist](#) for other requirements and more information. You may also view the instructional video using the link under resources on the last page.
- FOR CONTESTED DOCKETS AND TRIALS
 - Attorneys, parties, and witnesses must be physically present in the courtroom for all contested dockets, pre-trials, and trials. TRCP 21(d)(1).

¹ See Optional 1-Minute Prove Ups that require additional documents to be filed in advance.

² File these unexecuted documents as “Proposed Orders” as a “Lead Document”.

³ See Administrative Order 2019-1, Electronic Filing Rules (online at <https://probatect1.harriscountytexas.gov/pages/LinksForms.aspx>)

- Objections to Method of Appearance pursuant to 21(d)(d) should be filed and brought to the attention of the Court within a reasonable time before the proceeding is set.
- Digital documents expected to be offered into evidence should be shared with all parties in advance of the trial. To the extent possible, parties should agree on the admissibility of the evidence.
- The Court has Dropbox folders available for all parties to manage their evidence.
- Witnesses who appear remotely **must** appear with video and audio. It is difficult to gauge the credibility of a remote witness who is not visible. This also helps detect any prohibited coaching of the witness while testifying.
- **Smartphones are generally not permitted for remote video appearances.**
- For large or lengthy trials with remote testimony, attorneys should consider hiring professional videographers with multiple cameras and microphones for the best results.
- A NOTE ABOUT THE STAFF
 - Staff members are available to answer questions about Probate Court 1 procedures, local rules, and unique or novel issues. Although staff are prohibited from giving legal advice, they are happy to direct attorneys to applicable statutes or rules.
 - **Please do not contact staff regarding cases in other courts, cases that have not yet been filed, or general questions of law.**
 - Attorneys and parties in contested matters must not contact the staff regarding any substantive matter in their case in order to avoid prohibited ex parte communications. However, staff may give information regarding court procedural or scheduling issues.
 - **A final note:** our caseload has more than tripled over the past decade, yet the number of staff members has remained the same. Please be patient and understanding if a staff member cannot return your call or email right away.

RESOURCES

Instructional Video Links:

Using Zoom in Probate Court <https://youtu.be/jFmAQUXAIUg>

Managing Digital Evidence in Zoom <https://youtu.be/ctMV2vDc5ms>

The One Minute Prove Up <https://youtu.be/55ejuoTTfdg>

Pro Tips in Heirships <https://youtu.be/eNfQJOnzQF0>

Other Links:

Harris County Probate Court 1 <https://probatect1.harriscountytexas.gov>

Probate Court 1 YouTube Channel 1
(Regular dockets) <http://youtube.com/c/harriscountyprobatecourt1>

Probate Court 1 YouTube Channel 2
(Special settings and trials) <https://www.youtube.com/c/ProbateCourt1Channel2>

Other Resources <https://probatect1.harriscountytexas.gov/pages/LinksForms.aspx>