



HARRIS COUNTY PROBATE COURT 1

**INSTRUCTIONS FOR REMOTE AND IN-PERSON HEARINGS & TRIALS**

Updated: June 1, 2022

Probate Court 1 offers remote, in-person, and hybrid hearings and trials in most matters. The Courts are open to the public and the mask mandates have expired. We are no longer restricted to remote appearances only (please update your notice of hearing forms). Parties may choose whether to appear in person or via remote video. There is no need to advise the court in advance how you wish to appear (in most cases). Our new courtroom technology can seamlessly accommodate simultaneous remote and in-person appearances without the need for special equipment.

Please review the following instructions, as some have changed.

• **Equipment Required for Remote Appearances**

- a telephone; or
- a smart phone with camera; or
- a computer with camera and microphone and access to internet service.
- Zoom software
  - All probate courts use Zoom video conferencing. It is not necessary to download zoom to your phone or computer to join; however, it would be more efficient.
  - The Zoom app for Phones is available at the Apple App Store for iPhones and Google Play for Androids.
  - Software for your computer is available at Zoom.us. Click on the “Resources” tab at the top right 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 your Probate of Wills, Heirship / Administration and Submission Docket matters online at <https://probatect1.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.



- **Interpreters** – Interpreters can be specially designated in Zoom by the Court. Probate Court 1 uses an interpretation module strictly for use with Zoom that allows simultaneous translation on a separate audio channel for non-English speaking witnesses.
  - **Tip:** In order to utilize this module successfully, persons needing interpretation cannot share a video with others who do not need interpretation. They must use a separate zoom video and audio for interpretation.
- **Uncontested dockets – What to File and When**
  - **Probate of Wills<sup>1</sup>, Heirships and Administrations, and Guardianships**
    - **REMOTE** – File *unexecuted* proposed orders<sup>2</sup> (only) **at least 5 business days** before the hearing. The Order will need to be in the system for digital signing by the judge.
      1. At the conclusion of your hearings, 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.<sup>3</sup> (as they may apply in your case) **at least 5 business days before** your hearing.
      1. 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.
    - **Further Requirements for the Optional 1-Minute Prove-Ups of Wills**
      1. 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.
      2. 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**
  - Probate Court 1 is conducting bench and jury trials. Attorneys, parties and witnesses may appear either remotely or in-person. Jurors will be in the courtroom in-person only.

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

<sup>2</sup> File these unexecuted documents as “Proposed Orders” as a “Lead Document”.

<sup>3</sup> See Administrative Order 2019-1, Electronic Filing Rules (online at <https://probatecert1.harriscountytexas.gov/pages/LinksForms.aspx>)

- 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 may offer shared Dropbox folders for all parties to manage their evidence.
- Witnesses and Attorneys who appear remotely are strongly urged to appear with video and audio. It is not easy to gauge the credibility of remote witnesses who are not visible. This also helps detect any prohibited coaching of the witness while testifying.
- For large or lengthy trials conducted remotely, attorneys should consider hiring professional videographers with multiple cameras and microphones for the best results.
- Parties may invoke the Rule to exclude non-party witnesses. The Judge will move them to the Zoom waiting room where they will be unable to view the proceedings. However, because each proceeding is broadcast live via YouTube, the Probate Courts will order the witness not to view the proceedings (or talk to any other witness) subject to contempt of court.
- **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 should avoid contacting 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	<a href="https://youtu.be/jFmAQUXAIUg">https://youtu.be/jFmAQUXAIUg</a>
Managing Digital Evidence in Zoom	<a href="https://youtu.be/ctMV2vDc5ms">https://youtu.be/ctMV2vDc5ms</a>
The One Minute Prove Up	<a href="https://youtu.be/55ejuoTTfdg">https://youtu.be/55ejuoTTfdg</a>
Pro Tips in Heirships	<a href="https://youtu.be/eNfQJOnzQF0">https://youtu.be/eNfQJOnzQF0</a>

### Other Links:

Harris County Probate Court 1	<a href="https://probatecr1.harriscountytexas.gov">https://probatecr1.harriscountytexas.gov</a>
Probate Court 1 YouTube Channel 1 (Regular dockets)	<a href="http://youtube.com/c/harriscountyprobatecourt1">http://youtube.com/c/harriscountyprobatecourt1</a>
Probate Court 1 YouTube Channel 2 (Special settings and trials)	<a href="https://www.youtube.com/c/ProbateCourt1Channel2">https://www.youtube.com/c/ProbateCourt1Channel2</a>
Other Resources	<a href="https://probatecr1.harriscountytexas.gov/pages/LinksForms.aspx">https://probatecr1.harriscountytexas.gov/pages/LinksForms.aspx</a>