



HARRIS COUNTY PROBATE COURT 1

INSTRUCTIONS FOR REMOTE AND IN-PERSON HEARINGS & TRIALS

Updated: January 2, 2022

- **IMPORTANT**: Procedures for remote hearings are slightly different from in-person hearings. Please review the differences below where indicated. The Courts have upgraded their technology to accommodate in-person, remote, and hybrid in-person/remote appearances seamlessly.
- **Remote hearing basics**
 - **Required equipment**
 - a telephone; or
 - a smart phone or tablet with camera; or
 - a computer with camera and microphone and access to internet service.
 - **Software**
 - All probate courts use Zoom video conferencing. It is not necessary to download zoom on your phone or computer to join; however, it would be more efficient.
 1. The app for Phones is available at the Apple App Store for iPhones and Google Play for Androids.
 2. 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 remote hearing**
 - Call the Court at 832-927-1401. You may need to leave a message initially; however, our staff does have the ability to answer and return calls remotely.
 - Once confirmed, the Court Coordinator will send you a link with instructions to join the Zoom meeting.
 - On the day of the hearing, click the link at least 5-10 minutes before your hearing to test your microphone, speakers, and camera.
 - Attorneys and witnesses giving testimony should appear by video rather than by phone.

- **For the Optional 1-Minute Prove-Up of Wills**
 - Whether *in-person or remote*, please file all proposed orders, unexecuted Proofs of Death, and unexecuted Witness Statements **at least five (5) business days** before the hearing. The court will review all documents in advance.
 - Probate Court One offers a 1-Minute Prove-Up of certain wills. A video that explains this procedure is posted on YouTube at <https://youtu.be/55ejuoTTfdg>
- **At the conclusion of the hearing:**
 - REMOTE - Sign, execute, and file the documents as appropriate for your case (e.g. Proof of Death and Other Facts, Witness Statements, Proof of Signature, Proof by a Subscribing Witness) and the executed Oath “no fee documents”.
 - IN-PERSON – the judge will sign the proposed order electronically. The Clerk will show you, your clients, and witnesses the Proof of Death, witness statements, and the Oath (that were previously filed) and instruct each person how to sign electronically using a pad. Proofs of Death, Witness Statements, and Oaths will be notarized by the Clerk.
- **For Contested Dockets and Trials**
 - Probate Court 1 is conducting contested dockets, bench trials, and is approved for in-person jury trials during the Governor’s and Texas Supreme Court’s Emergency Orders. Attorneys will be provided with instructions and safety protocols in advance of voir dire.
 - Service of Citation – If personal service of citation is not possible, TEC 51.052 allows service of citation by mailing the citation via certified mail, return receipt requested. Be careful to follow the procedures in TEC 51.052.
 - If service in person or by mailing is ineffective, Tex. R. Civ. P. 106 gives judges discretion to allow service of citation by any other manner shown to be reasonably effective to give notice.
 - The Court Reporter may appear either remotely or in the courtroom with the judge.
 - Any digital documents that may 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 evidence.
 - Digital documents may be shared during the time of the hearing or trial through Zoom Chat by selecting “files”, or through the Screen Share option. A video is available on YouTube to help you manage your exhibits in Zoom at <https://youtu.be/ctMV2vDc5ms>
 - Parties may invoke the Rule to exclude non-party witnesses. The Judge can move remote witnesses to a virtual meeting room out where they will be unable to view the proceedings. However, because each proceeding is broadcast live on YouTube, the Probate Courts will order those witnesses not to view the proceedings subject to contempt of court.

- Discovery – Depositions may be taken remotely, pursuant to current Texas Supreme Court Emergency Orders.
- Mediation – many mediators are equipped with Zoom or other remote video services. Zoom offers main “rooms” for opening statements and private meeting rooms for caucuses.
- A note about our staff
 - Our staff is here to help with questions about Probate Court 1 procedures and unique or novel issues. Our staff cannot give legal advice, but they are happy to direct attorneys to applicable statutes or rules.
 - Please do not contact the staff regarding cases in other courts, cases that have not yet been filed (unless it is a procedural or scheduling question), or general questions of law.
 - Attorneys and parties in contested matters should avoid contacting court staff regarding any substantive matter in their case to avoid ex parte communications. However, staff may give information regarding internal procedural or scheduling issues.

RESOURCES

Probate Court 1 Phone Number: 832-927-1401

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 (Regular dockets)	https://youtube.com/c/harriscountyprobatecourt1
Probate Court 1 YouTube Channel 2 (Special settings and trials)	https://www.youtube.com/channel/UC9ZmzvN8yPzeM_txq3zETIA
Texas Judicial Branch (Supreme Court Emergency Orders, Court procedures during COVID, etc.)	http://txcourts.gov/