



HARRIS COUNTY PROBATE COURT 1

**INSTRUCTIONS FOR VIDEO HEARINGS & TRIALS**

Updated: August 27, 2020

- **Required equipment**
  - a telephone; or
  - a smart phone with camera; or
  - a computer with camera and microphone and access to internet service.
- **Software**
  - All probate courts use Zoom video conferencing. You do not have to have zoom downloaded on your phone or computer to join; however, it would be more efficient
    - The 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.
  - Zoom has addressed most security issues. It is now AES 256 compliant, which is the highest standard rate of encryption.
  - A video about using Zoom in probate court can be viewed on YouTube at <https://youtu.be/jFmAQUXAIUg>
- **Setting your video 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 an Outlook calendar invitation with complete instructions on how to join the video hearing. If you do not have Outlook, let the Coordinator know and she will send you an email with instructions on how to join the video hearing.
  - 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.
  - Documents can be shared with participants using the “chat” tab and in 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>

- **What to expect when you sign on to Zoom for your hearing**
  - Courtroom Decorum – We will continue to observe appropriate courtroom decorum, demeanor, and dress codes. Remote hearings are still official court hearings.
  - You will be placed in a “Waiting Room” until your docket is called. You may send messages to the Court Coordinator while you are there. When your docket is called, the Coordinator will open your video conference with the Judge.
  - You will not be able to see the proceedings via Zoom while you are in the “waiting room”; however, you can monitor the live proceedings on YouTube at <https://www.youtube.com/c/harriscountyprobatecourt1>. This link will also be available in the “waiting room”.
  
- **Uncontested dockets**
  - Probate of Wills, Heirships, and Administrations, and Guardianships
    - **IMPORTANT:** File *unexecuted* proposed orders, proof of death and other facts, and witness statements well in advance of the hearing<sup>1</sup>. The filing of these documents is required by Administrative Order 2019-1 effective July 1, 2019 when Probate Court 1 started using only digital documents in court.
    - For the Probate of Wills - The Court will have reviewed the purported testamentary document filed by the parties and display the will on the screen for identification by the testifying witness. You should ask that the judge take judicial notice that the purported document is an original document, then ask your prove up questions.
      1. 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>
    - Documentary evidence may be submitted and offered using the “file” upload button on the right side in the “Chat” section or by using “Screen Share”. The judge can provide assistance if you need any.
    - At the conclusion of the hearing, you must follow this required sequence:
      1. Sign, execute, and file the testimony that has been reduced to writing as appropriate for your case (e.g. Proof of Death and Other Facts, Witness Statements, Proof of Signature, or Proof by a Subscribing Witness) as “no fee documents”.
      2. The court clerk will notify the judge as soon as the documents are accepted.

---

<sup>1</sup> File these unexecuted documents as “Proposed Orders” and each as a separate “Lead Document”.

3. Once the Court has verification that your documents have been accepted and the documents have been reviewed, the Judge will sign the judgment and file it with the Clerk.
  4. **IMPORTANT: Do not execute the oath until the Order Probating Will or Judicial Declaration of Heirs and Order Appointing Administrator or the Order Appointing Guardian are signed.** Do Not efile the executed oath until the Signed Order is Viewable Online.
    - The Court Reporter will appear remotely via Zoom for Heirship and Guardianship dockets.
    - Interpreters can be designated by the judge via zoom so parties needing interpretation can listen to just that language channel. To take advantage of this feature, please give the court the interpreter's contact information at least three days in advance of the hearing.
- **For Contested Dockets and Trials**
    - Supreme Court Eighteenth and Twenty-Second Emergency Order expressly prohibit jury trials and non-essential in-person hearings until October 1<sup>2</sup>, but that date could be extended. Bench trials are currently available and being conducted.
      - This Court has received clearance from the Office of Court Administration to conduct jury trials in person during the general prohibited period. 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 51.0052.
      - 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 will appear 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

---

<sup>2</sup> With a limited exception.

Probate Courts will order those witnesses not to view the proceedings subject to contempt of court.

- Discovery – Depositions may be taken remotely, pursuant to Texas Supreme Court First, Third, Twelfth, Seventeenth, and Twenty-Second 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, scheduling, and unique or novel issues. Our staff cannot give legal advice, but they are happy to direct attorneys to applicable statutes, rules or other resources.
  - 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 issue in their case to avoid ex parte communications. However, staff may still answer questions about court procedures or scheduling.

## 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>

### OTHER LINKS

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

Probate Court 1 YouTube Channel <https://youtube.com/c/harriscountyprobatecourt1>

Texas Judicial Branch <http://txcourts.gov/>  
(Supreme Court Emergency Orders,  
Court procedures during COVID, etc.)