



Hon. Jerry W. Simoneaux, Jr.
Presiding Judge of Harris County Probate Court No. 1
Assistant State Presiding Judge of the Statutory Probate Courts

INSTRUCTIONS FOR REMOTE AND IN-PESON HEARINGS & TRIALS

Updated: March 20, 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 court. Tex. R. Civ. P. 21(d)(1). That rule applies in Probate Court 1 to all contested hearings, pre-trials, and trials, except upon leave of court. Motions for Leave to Appear Remotely must be filed within a reasonable amount of time prior to the proceeding. Motions to Appear Remotely may be heard remotely or set on the Submission Docket.

Exceptions for Some Uncontested Dockets. Parties participating in uncontested dockets for the probate of wills, heirships and administrations, and guardianships may appear either in person or remotely. For these dockets, there is no need to inform the court in advance of your method of appearance. Zoom links will be sent out automatically prior to your setting, should you choose to appear remotely.

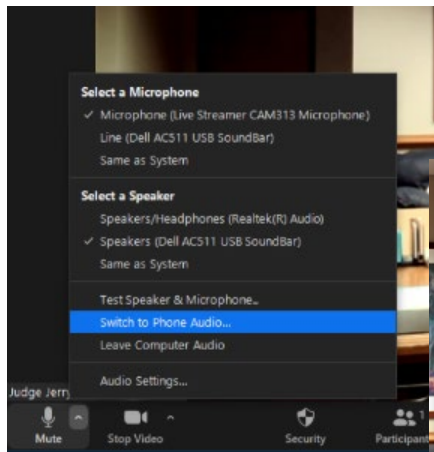
21(b) Notice. Please review Tex. R. Civ. P. 21(b) for new notice requirements. Pursuant to the rule, “Information for Participants” has been posted on Probate Court 1’s website at <https://probatecr1.harriscountytexas.gov/Pages/Information-for-Participants.aspx>

• **Equipment Required for Remote Appearances**

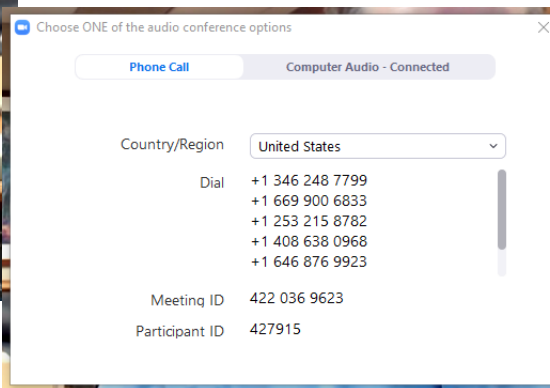
- A laptop or desktop computer with a monitor of at least 12” diagonal, a camera, microphone, and access to reliable internet service. **Smart phones and tablets are generally not permitted for court appearances due to their small screens and the difficulty some experience in muting/unmuting and turning 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. 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://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.
 - 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 and tablets are not permitted to be used for remote appearances.**
- **Troubleshooting:** If you experience slow internet, video freezes, or audio problems,



you can switch your audio setting in Zoom to use your cellular or landline phone along with the video. Click on the microphone icon and select “Switch to Phone Audio” then call the number in the next dialogue box using the Meeting



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** – Probate Court 1 uses an interpretation module in Zoom that allows simultaneous translation on a separate audio channel for non-English speaking witnesses.
 - **Important:** In order to utilize the interpretation 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 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).

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”.

- **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, except upon leave of court. TRCP 21(d)(1).
 - 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 have been granted leave to 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 and tablets are not permitted for remote 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.**

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

- 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