



# **301<sup>st</sup> Judicial District Court**

## **Judge Mary Brown, District Judge**

## **Judge Drew Ten Eyck, Associate Judge**

**600 Commerce Street  
Dallas, Texas 75202  
214-653-7385**

### **PROCEDURES DURING COVID 19 (amended June 26, 2020)**

#### GETTING ORDERS SIGNED

The Court is waiving prove ups of final orders as long as an affidavit of testimony is on file. You must efile an affidavit of testimony, the Austin form and the final orders. Once you receive confirmation that it has been accepted for filing by the District Clerk, send an email to the Court Coordinator ([cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org)) with the orders attached in PDF format. The orders will be returned to you by email. You may obtain certified copies from the District Clerk by emailing [dcrecords@dallascounty.org](mailto:dcrecords@dallascounty.org)

All other orders may also be emailed to the Court Coordinator ([cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org)) for submission.

Please note that the Seventeenth Emergency Order issued by the Texas Supreme Court on May 26, 2020, extends the answer date on all cases served during the pandemic to August 15<sup>th</sup>. The Court will not consider any defaults until after August 15<sup>th</sup>.

#### Ex Parte orders

Efile the motion and proposed order along with a Certificate of Conference for Ex Parte Matters

Email the Court Coordinator ([cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org)) and copy opposing counsel/pro se where appropriate. Attach the motion, proposed order and Certificate of Conference for Ex Parte Matters to the email. Provide a telephone number.

The Court Coordinator will confirm a time that a judge will consider the motion by telephone or notify you that it will be considered by submission only.

Child Support Account forms can be emailed to [childsup@dallascounty.org](mailto:childsup@dallascounty.org)

Family Court Services orders can be emailed to [Destini.McInnis@dallascounty.org](mailto:Destini.McInnis@dallascounty.org)

## SETTING HEARINGS

Setting hearings on Judge Brown's docket:

Email the Court Coordinator ([cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org)) and copy opposing counsel/pro se for available dates. The subject line of the email must include the cause number.

Zoom invites will go out the week before the docket each Thursday to all counsel/pro se with email addresses on file. If you do not receive a Zoom invite by the close of business Thursday for a hearing the following week, email the Court Coordinator ([cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org))

Setting hearings on Judge Ten Eyck's docket

Call the Clerk at 214-653-7385 to set your hearing

Zoom invites will go out the week before the docket each Thursday to all counsel/pro se with email addresses on file. If you do not receive a Zoom invite by the close of business Thursday for a hearing the following week, email the Court Coordinator ([cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org))

Notice of Hearing for hearings by Zoom

The following language should be included in your notice of hearing.

“This hearing will be held electronically by remote appearance. You are instructed to contact the Court Coordinator ([cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org)) by email within 24 hours of receiving this notice so that you may receive the remote appearance instructions.”

## HEARINGS IN-PERSON VS. HEARINGS BY ZOOM BEGINNING JULY 6, 2020

Based upon guidance from the Office of Court Administration, the 17<sup>th</sup> Emergency Order from the Texas Supreme Court and guidance from Dallas County officials, Judge Brown and Judge Ten Eyck will continue to have hearings by Zoom. There are some hearings that will only be by Zoom for the foreseeable future. The option to appear in person may be available beginning July 6<sup>th</sup> for some hearings but you must have approval from the Court. Per the Seventeenth Emergency Order Regarding the Covid-19 State of Disaster issued by the Texas Supreme Court, the Court will not require anyone to appear in person. **If you wish to appear in person, you must email the Court Coordinator ([cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org)) a minimum of 3 business days before the hearing and you must copy the other side so the Court can make appropriate arrangements. Your request to appear in person must state the reason for your request. You may not appear in person without Court approval.**

## ZOOM PROCEDURES

Zoom is free to download at [www.zoom.us](http://www.zoom.us) or you can download the app directly to your cell phone.

Your computer must have internet access, a video camera and a microphone preferably by the way of a headset. You may appear using a smart phone using the Zoom app which is free to download. If you do not have a computer or a smart phone, you may still appear by audio by calling the phone number on the Zoom invite.

To preserve the record, everyone should be appearing with a separate connection. Witnesses must be in a separate location and with a separate connection so that a witness placed under the rule can be placed in the waiting room.

Zoom invites will be emailed the week before the docket each Thursday to all counsel/pro se with an email address on file. Attorneys need to ensure they have a Notice of Appearance on file. Pro se litigants need to ensure they have an email address on file.

If you do not receive a Zoom invite by the close of business Thursday for a hearing the following week, email the Court Coordinator ([cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org))

#### BEFORE THE HEARING

If you intend to offer any exhibits during the hearing, you must email them to all counsel/pro se two business days before the hearing per the instructions below.

The subject of the email should be “*full cause number* - Mother’s/Wife’s Exhibits \_\_\_\_\_” or “*full cause number* – Father’s/Husband’s Exhibits\_\_\_\_\_”. The exhibits must be premarked/saved by exhibit number in PDF or MP3 format. The maximum file size per email is 20MB.

**For hearings before Judge Brown**, email them to [sbeheler@dallascounty.org](mailto:sbeheler@dallascounty.org)

**For hearings before Judge Ten Eyck**, email them to [dc301@dallascounty.org](mailto:dc301@dallascounty.org)

The Court cannot consider any exhibits not emailed in a timely manner. If you fail to follow this requirement, the Court Reporter will not maintain these documents in the record.

#### THE DAY OF THE HEARING

As you join the meeting with the meeting ID, make sure your Zoom name is your correct name. Some people have personal accounts or shared accounts and the name on the account might not be one the Court recognizes or might simply be your phone number. Once you join the meeting, you cannot change your name. For large dockets such as the pretrial docket, the Court will bring each case in one at a time so it is important we can easily identify you by name.

Make sure you click on Join with Video and Join with Audio. As you enter the meeting, you will automatically be on mute.

Zoom proceedings are actual court proceedings conducted in a virtual courtroom. Hearings will be live streamed to the public, so participants must treat Zoom proceedings with the same respect as in -person court proceedings. All of the usual in-person courtroom decorum, demeanor and dress code rules apply.

You should have all of your exhibits ready on your computer. If you have submitted them per the above procedures, the Court and opposing party will have all of your exhibits. In the event there is a question or you want to be able to point to something specific, the Court can enable you to share your screen and show the exhibit from your computer.

If requested, counsel and parties may be moved by the Court into a Breakout Room for private conferences, settlement discussions, etc. Breakout Room discussions are not recorded or live streamed and only persons in the Breakout Room are able to hear the discussion.

**PROCEDURES FOR WITNESSES:**

Witnesses **MUST** appear by video. The attorney/pro se calling the witness is responsible for ensuring that the witness has a separate video and audio feed and the Meeting ID. No one should attempt to “share” a connection with a witness. Everyone should be in a separate location with a separate connection so that a witness placed under the rule can be placed in the waiting room. It is the responsibility of the attorney/pro se offering the witness to ensure that the witness has the link to the proceedings and that all exhibits are available to the witness, including those of opposing parties.

**FOR THE PUBLIC:**

**THE OPEN COURTS PROVISION OF TEXAS LAW ALLOWS ACCESS TO COURT PROCEEDINGS. BE AWARE THAT VIDEO OR AUDIO RECORDING IS PROHIBITED. ANY RECORDING OF THE HEARINGS BY AUDIO OR VIDEO, BY ANY PARTY, ATTORNEY, WITNESS, OR THIRD PARTY IS STRICTLY PROHIBITED DUE IN PART TO THE NATURE OF FAMILY LAW PROCEEDINGS. THIS IS TO PROTECT THE SAFETY AND WELFARE OF THE CHILDREN AND PROTECTED HIPPA INFORMATION. WITNESSES PLACED UNDER THE RULE ARE PROHIBITED FROM VIEWING THE PROCEEDING ON YOUTUBE UNTIL THEY HAVE BEEN RELEASED FROM THE RULE BY THE COURT. VIOLATORS MAY BE HELD IN CONTEMPT OF COURT.**

YouTube channels:

Judge Mary Brown

<https://www.youtube.com/channel/UCJBfFlN44h1R7NXfk9pJpFw>

Judge Drew Ten Eyck

<https://www.youtube.com/channel/UCvZk-RAOuCFazRsIc1TKcbw>