

**IN THE 223<sup>RD</sup> JUDICIAL DISTRICT COURT**  
**GRAY COUNTY, TEXAS**  
**UPDATED EMERGENCY STANDING ORDER**  
**(Corrected June 3, 2020)**

This Court, in accordance with The Supreme Court of Texas Misc. Docket Order No. 20-9071, made and entered on May 26, 2020, renewing and amending The Supreme Court of Texas Misc. Docket Order No. 20-9059, hereby enters the following **Updated Emergency Standing Order** relating to proceedings occurring in the 223<sup>rd</sup> Judicial District Court of Gray County, Texas, (“the Court”). This Order is effective on June 1, 2020.

The Supreme Court of Texas Misc. Docket Order No. 20-9071, Paragraph 4, provides “Courts must not conduct in-person proceedings contrary to guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions. ... Courts must continue to use all reasonable efforts to conduct proceedings remotely.”

The Supreme Court of Texas Misc. Docket Order No. 20-9071, Paragraph 6, provides “A court must not hold a jury proceeding, including jury selection or a jury trial, prior to August 1, except as authorized by this Order.”

To provide public access to this Court and the Courts of this State unless closed by specific provisions in the law, anyone may call the 223<sup>rd</sup> District Court Coordinator 806.669.8014 or by email [223rddistrictcourt@gmail.com](mailto:223rddistrictcourt@gmail.com) for information on how to obtain access to the proceedings via the 223<sup>rd</sup> District Court’s YouTube channel.

**Conferences between/among counsel**

This Court’s policy has and continues to contemplate a MEANINGFUL conference between/among opposing counsel whenever possible prior to the Court’s intervention which requires the Court to make a determination of issues in dispute. **Parties and counsel are hereby advised that the continuing present Public Health Crisis demands that whenever possible, attorneys come to agreement without necessity of Court intervention.**

**Mediation**

At this time, any Order requiring mediation remains in full force and effect; provided, however, any party or individual **MUST** appear at mediation via technology (such as Skype or Zoom) or telephonically, and, even though participating remotely, **MUST** remain present for the entirety of the Mediation process.

### **Proceeding Remotely**

Until further order, all matters will proceed remotely, by teleconferencing, videoconferencing (via Zoom), or other technological means deemed appropriate by and satisfactory to the Court, if at all possible.

### **Non-Jury Hearings**

1. All participants involved in any hearing, deposition, or other proceeding – including, but not limited to, a party, attorney, witness, or court reporter – are **required** to participate remotely, by videoconferencing (via Zoom), teleconferencing, or other means deemed appropriate and satisfactory by the Court.
2. Whenever possible, evidence typically presented via the testimony of live witnesses shall be discouraged. Rather, parties are hereby required to make such presentment via affidavits or sworn statements consistent with The Supreme Court of Texas Misc. Docket Order No. 20-9071 (2)(d) or by deposition. Affidavits, sworn statements, or depositions are required to be furnished to the Official Court Reporter, the Court, and all opposing counsel and pro se parties in the same manner as exhibits set forth below in Paragraph 3. Affidavits, sworn statements or depositions will be offered during the hearing.
3. Each counsel shall furnish a list of witnesses to to Karen Morris, the Official Court Reporter of the 223<sup>rd</sup> Judicial District Court in PDF format no later than 24 hours before the time and day of the hearing. EMAIL: [karencsr108@yahoo.com](mailto:karencsr108@yahoo.com) Mobile Phone: 806.282.9932.
4. Exhibits for remote hearings must be furnished electronically, already pre-marked for identification with exhibit stickers and chronologically numbered for ease of reference, to Karen Morris, the Official Court Reporter of the 223<sup>rd</sup> Judicial District Court in PDF format no later than 24 hours before the time and day of the hearing. EMAIL: [karencsr108@yahoo.com](mailto:karencsr108@yahoo.com) Mobile Phone: 806.282.9932.
5. Witness lists and copies of exhibits (along with affidavits, sworn statements, and deposition testimony) pre-marked for identification with exhibit stickers and chronologically numbered for ease of reference must be contemporaneously directed to opposing Counsel and emailed to the Court [223rddistrictcourt@gmail.com](mailto:223rddistrictcourt@gmail.com) 24 hours before the time and day of the hearing. The Court cannot consider any exhibits not so delivered in a timely manner.

6. Counsel will confer in a meaningful manner and reach agreement on the authenticity and admissibility of as many exhibits on which agreement may be reached.

### **Court Reporter Administration of Oath**

The Court Reporter, regardless of the court reporter's location vis a vis the locale of a witness, for all purposes, including depositions, is authorized to administer an oath remotely.

### **Motions**

- a. Motions shall be determined by submission and based on written pleadings with attachments and responses with attachments of the parties, without oral argument. Motions shall continue to be set for hearing by the 223<sup>rd</sup> District Court Coordinator as is the customary practice. The date of the hearing as reflected in a Motion's Fiat, Notice of Hearing, or Order Setting Hearing shall be considered the date of submission to the Court for determination.
- b. Any pleading responsive to or objection to a Motion must be filed no less than three (3) days before the Motion is set for hearing. Time periods for Motions for Summary Judgments in the Texas Rules of Civil Procedure apply for Summary Judgment motions.
- c. Requests for oral argument shall be made to the Court through the 223<sup>rd</sup> District Court Coordinator. The Court will consider each such request upon a showing of good cause.
- d. Oral argument, if permitted, will be conducted remotely via videoconferencing via Zoom.
- e. Presentment of witnesses' testimony for purposes of Motions are required to be made by sworn statements, affidavits or depositions.
- f. Exhibits must be attached to written pleadings or responses to be considered by the Court.

### **Depositions**

Until further order of this Court, any deposition must be noticed to proceed technologically and remotely. Such Notice shall specifically provide the locations of the prospective witness and the court reporter. The Notice will also notice all counsel of record and any other persons of the requirement to participate remotely.

### **Miscellaneous**

- A. VIDEO OR AUDIO RECORDING OF COURT PROCEEDINGS IS AND REMAINS STRICTLY PROHIBITED.** The only official record of the proceedings is and remains that of the Official Court Reporter for the 223<sup>rd</sup> Judicial District Court, Gray County, Texas.

- B.** Although proceedings may be conducted by videoconferencing or teleconferencing or other remote means, the remote proceeding is and remains a Court proceeding conducted in an office Courtroom albeit a virtual Courtroom. As such, decorum will be maintained and dress will be appropriate and in accordance with the Rules of the Ninth Administrative Judicial Region, as if attorneys, parties and other participants are present in a physical Courtroom.
- C.** Every participant in a proceeding, witness, counsel, paralegal, client or other individual who appears at the District Court is ORDERED to alert the Court staff, specifically including the Bailiff of the Court, if the participant has, or knows of another participant who has: (i) COVID-19, or other flu-like symptoms, or a fever, chills, repeated shaking with chills, cough, shortness of breath or difficulty breathing, muscle pain, headache, sore throat, loss of taste or smell, diarrhea; or (ii) been in close contact with a person who is confirmed to have COVID-19.
- D.** Be advised this Court will take any reasonable action to avoid exposing court proceedings to the threat of COVID-19.

IT IS SO ORDERED.

Signed this 3<sup>rd</sup> day of June, 2020.



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Presiding Judge  
223<sup>rd</sup> Judicial District Court