



HARRIS COUNTY PROBATE COURT 3

**INSTRUCTIONS FOR VIDEO HEARINGS & TRIALS**

Updated: March 31, 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. Please download the Zoom Client well in advance of the hearing:
    - The free app for smartphone is available at the Apple App Store for iPhones and Google Play for Androids.
    - The Free 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.
- **Setting your video hearing**
  - Call the Court at 832-927-1403. You may need to leave a message initially; however, our staff does have the ability to receive messages and return calls remotely.
  - Once confirmed, the Court Coordinator will send attorneys (only) an email with an Outlook calendar invitation and 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.
    - **NOTE:** Attorneys are responsible for sending the link and information to their clients and witnesses if they will need to join the hearing from another location separate from the attorney.
  - On the day of the hearing, click the link at least 5-10 minutes before your hearing to test your system.
  - It is strongly recommended that attorneys and witnesses giving testimony appear by video.
- **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 case is called. You may send messages to the Court Coordinator while you are there. When your case is called, the Coordinator will open your video conference with the Judge.
- You will not be able to see the proceedings while you are in the “waiting room” in Zoom; however, you can monitor the live proceedings on YouTube at [https://www.youtube.com/channel/UCWL8x5Xb2dyKwT6WmVTzPpg?view\\_as=subscriber](https://www.youtube.com/channel/UCWL8x5Xb2dyKwT6WmVTzPpg?view_as=subscriber)
- The Court Reporter will appear remotely via Zoom for Heirships, Guardianships, Ancillary Dockets, and Trials.
  - **Recording of any Probate Proceeding by anyone other than the Court Reporter is strictly prohibited by Administrative Order 2020-3.**
- Interpreters may appear by audio only through zoom; however, they should have access to a computer screen to be able to received view documents that may need translating.
- Documents can be shared with participants using the “Chat” tab in Zoom. Use the “To:” drop-down selection to choose to whom to send your document and click the “File” button to upload your document. Zoom can upload documents directly from your computer or from your Dropbox, Box, Google Drive, and One Drive. Additional set up may be required. See <https://zoom.us/integrations> for more.
- **For uncontested dockets**
  - Probate of Wills, Heirships, and Administrations, and Guardianships
    - Testifying parties will be placed under oath
    - For the Probate of Wills - The Court will have reviewed the purported testamentary document filed by the parties. You may ask that the judge take judicial notice that the purported document is an original document, then ask your prove up questions.
    - Proceed as usual during the hearing
    - Documentary evidence may be submitted and offered using the “file” upload button on the right side in the “Chat” section.
    - At the conclusion of the hearing, you must follow this required sequence:
      - First, 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, Proofs of Signature, or Proof by a Subscribing Witness) as “no fee documents” and immediately thereafter email the staff attorney James Conrad: [James.Conrad@prob.hctx.net](mailto:James.Conrad@prob.hctx.net)
      - **NOTE:** Please use unsworn declarations (Tex. Civ. P. Rem. §132.001, Authorized Online Notaries, or a notary in your office to complete the testimony. Please do not file it with a blank for the Court Clerk.

- Second, the court clerk will notify the Court as soon as the documents are accepted.
- Third, once the Court has verification that your documents have been accepted, the Judge will sign the judgement/order and a copy will be emailed to counsel.
- **IMPORTANT: Do not execute the oath until you receive the signed Order Probating Will or Judicial Declaration of Heirs and Order Appointing Administrator or the Order Appointing Guardian.** Once you have the order, then you may execute and file the Oath. You may use the unsworn declaration for Oaths.
- Original Wills and Bonds may be mailed or delivered to the County Clerk's Drop-off Box located on the outside, left side of the civil courts building at 201 Caroline St.
  - The Harris County Clerk's mailing address for probate matters is:  
Harris County Clerk, Probate Department  
Harris County Civil Courthouse  
201 Caroline, Suite 800  
Houston, TX 77002  
Phone: (713) 274-8585
- **For Contested Dockets and Trials**
  - Supreme Court Emergency Orders expressly prohibit jury trials until further notice.
  - 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.
  - Any digital documents that may be offered into evidence should be shared with all parties prior to the hearing. To the extent possible, make an agreement on what is admissible.
  - Parties may invoke the Rule to exclude non-party witnesses. The Judge can move remote witnesses to a virtual meeting room 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 Texas Supreme Court First and Third 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.