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BY Virginia Dickson DEPUTY

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MAR 16 2020

LOCAL ADMINISTRATIVE ORDER
For Somervell County Texas

Virginia Dickson
DISTRICT CLERK
SOMERVELL COUNTY, TEXAS
BY SM DEPUTY

This Standing Order is effective from March 16, 2020 through April 5, 2020.

Following the directives of the Texas Supreme Court, the Court of Criminal Appeals, the Office of Court Administration, the Center for Disease Control, and other authorities, and pursuant to the authority of Chapter 74 of the Texas Government Code, the undersigned Judges enter the following order which is hereby binding upon all who have actual or constructive notice of same.

Absent unforeseen circumstances, the 18th and 249th District Courts will limit court proceedings to essential hearings.

IT IS ORDERED that all juries between these dates are cancelled.

For the purposes of this order, self-represented litigants are considered to be the attorney of record in the case and shall follow the instructions for the attorney herein.

IT IS ORDERED that any agreed continuances of trials and/or hearings set between March 16, 2020 and April 3rd, 2020 will be granted if signed by all attorneys of record.

IT IS ORDERED that all non-agreed continuances shall be submitted to the respective Court via written submission. Each attorney shall present a written argument as to why the continuance should or should not be granted. The attorney arguing against the continuance shall present the Courts with alternatives to personal appearances, if possible.

IT IS ORDERED that cases such as protective orders, temporary restraining orders, and emergencies involving immediate danger to persons or children and/or substantial risk to property will be heard, if possible. The Courts may enter interim orders pending a full evidentiary hearing, if possible. The Courts will make every effort to accommodate those who do not desire to enter the Courthouse. Cases are not automatically continued, but continuances will very likely be granted if there is not an emergency and if one party or one attorney requests a continuance.

Between March 16, 2020 and April 3, 2020, the Courts will not require any attorney, party, and/or witness to appear in person before the Courts. IT IS ORDERED that any witness who is subpoenaed to appear before the Courts between March 16, 2020 and April 3rd, 2020, shall inform the attorney who issued the subpoena of his or her desire not to attend court. IT IS ORDERED that a subpoenaed witness must provide a phone number at which he or she may be reached at the date and time listed

on the subpoena and shall remain available via that phone number until released as a witness.

IT IS ORDERED that the attorneys and/or self-represented litigants ("Parties") shall confer with each other as to the preferred course of action when they become aware that an attorney, party, and/or essential witness does not desire to appear before the Courts during the period covered by this Order. IT IS ORDERED that after such a conference, each Party shall send one email to the Court reflecting their joint desires. If there is not an agreement or if there is no response from an attorney, party, and/or essential witness, one representative for each Party shall inform the Court of the Party's desires via one email to the Court Coordinator, copied to all attorneys of record and/or self-represented litigants.

IT IS ORDERED that all uncontested matters heard between these dates shall be submitted by written submission if all parties and all attorneys of record, if any, have signed that order. Uncontested cases involving self-represented litigants that are set between March 16, 2020 and April 3, 2020, shall be considered via written submission. If the Court declines to sign an order, the case will be set for a telephone conference or for a hearing after April 6, 2020.

IT IS ORDERED that the attorneys and parties attempt to work together to avoid evidentiary hearings and/or trials. The following are suggested ways of avoiding a final trial when the parties do not agree:

- Attorneys may submit stipulated facts pursuant to Rule 261 of the Texas Rules of Civil Procedure for ruling by the Court. If desired, attorneys may present argument via telephone if the case is submitted with stipulated facts.
- If the attorney arranges for the technology, appearances may be held via telephone and/or video conference upon the agreement of the parties and the consent of the court.
- Attorneys may consider proffered testimony. The attorneys can agree that if called to testify, a witness would testify to specific facts, without stipulating to the truth of those facts. They can likewise agree to the submission of sworn testimony without agreeing to the truth. As there can be no cross-examination, this should not be a critical witness but a witness that is offering simple facts such as character witnesses. This may also be a means to present child support and spousal support claims by agreeing to the written submission of documents required by local rules. This will only be by agreement of all attorneys of record in a case.
- Cases that do not require a record or in which the record is waived can utilize remote means of appearance with greater ease than cases that require a record.

IT IS ORDERED that if the parties request an interim order via written submission, the parties may set the case for a hearing after April 6, 2020, to argue their case without prejudice.

Court staff may be working remotely. Court staff will be experiencing a high volume of emails and phone calls. Repeated phone calls and emails will slow this difficult process. Phone calls go to a voicemail that is sent to the Court Coordinator's email. IT IS ORDERED that all communication with the Court Coordinator be via only one email per topic. IT IS ORDERED that phone messages should be avoided when an email is possible. IT IS ORDERED that if a phone message is left, an email should not be sent regarding the same topic.

Each court will continue to operate and all requests for hearings or continuances shall be made to the respective court coordinators.

CRIMINAL CASES

The Courts will make every effort to limit the size and duration of the criminal dockets. Some hearings may be passed in an effort to accomplish this directive. Preference shall be given to hearings involving those who are in Custody. Attorneys shall contact the respective criminal court coordinator for scheduling of hearings.

CHILD PROTECTIVE SERVICES CASES

IT IS ORDERED that if there are concerns about home visits, an attorney shall visit with the children after the date of the order or via telephone or video conference. IT IS ORDERED that if an attorney is required to meet, but cannot meet with a child in person between March 16, 2020 and April 3, 2020, the attorney shall meet with the children at the earliest possible date after the expiration of this order.

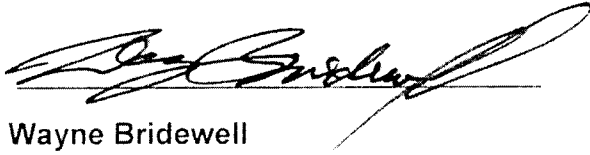
IT IS ORDERED that final trials already scheduled during these dates will commence but may adjourn after a witness is sworn and begins testimony unless a written Order on Motion for Continuance is signed with the requisite extension.

CLARIFICATION re Spring Break Visitation

For purposes of custody exchanges, spring break visitation begins and ends according to the official school district calendar where the child was enrolled as of March 1, 2020, without considering any extension or closure due to the COVID-19 issues. All provisions of the custody decree remain in force and shall be followed unless the parties are able to agree otherwise.

IT IS ORDERED that persons with a respiratory illness and/or a suspected case of the COVID-19 and/or any other virus shall not come to the Courthouse.

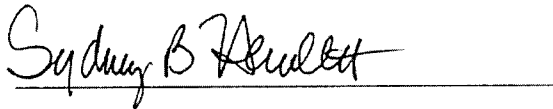
Signed and entered on this 15th day of March, 2020.

A handwritten signature in black ink, appearing to read "Wayne Bridewell", written over a horizontal line.

Wayne Bridewell

Judge, 249th District Court

Local Administrative Judge

A handwritten signature in black ink, appearing to read "Sydney B. Hewlett", written over a horizontal line.

Sydney B. Hewlett

Judge, 18th District Court