

IN THE DISTRICT COURTS AND COUNTY COURTS AT LAW OF NUECES COUNTY, TEXAS  
NUECES COUNTY ORDER REGARDING REMOTE PARTICIPATION IN VIDEOCONFERENCED  
DEPOSITIONS AND/OR THOSE TELEPHONICALLY RECORDED

Due to the coronavirus (COVID-19) crisis and to ensure the health and safety of the public, court staff(s), and litigants, the District Court Judges and County Courts at Law Judges of Nueces County, during a specially called meeting on March 17, 2020, and continued to March 18, 2020, adopted the following resolution regarding videoconferencing depositions and telephonically recorded testimony.

The Nueces County District Courts and County Courts at Law acknowledge the severity of the COVID-19 pandemic, and the advisability of “social distancing” to contain it. However, depositions noticed and taken remotely pose no risk of spreading the coronavirus. On the other hand, a blanket cessation of discovery in civil cases creates constitutional concerns as it could deprive citizens of their access to open court, TEX. CONST. art. 1, Sec. 13, and the ability to prepare their cases for a right to trial by jury, a guarantee that shall remain inviolate under the Texas constitution, TEX. CONST. art. 1, Sec. 15, and “shall be preserved” under the Seventh Amendment to the United States Constitution. U.S. CONST., 7<sup>th</sup> Amend.

Allowing a party to unilaterally choose to not participate in discovery noticed to be conducted remotely unfairly stalls the ability of litigants to prepare their cases for trial. Given the uncertainty concerning how long social distancing countermeasures will be necessary to prevent the spread of COVID-19, The Nueces County District Courts and County Courts at Law enter this Order to prevent a party from unilaterally stalling depositions conducted by remote means during this pandemic.

On March 13, 2020, the Supreme Court of Texas and the Court of Criminal Appeals of Texas issued their First Emergency Order Regarding COVID-19, State of Disaster (Misc. Docket No. 20-007). By way of that Order the Supreme Court of Texas authorized that all courts in Texas to “[a] allow or require anyone involved in a hearing, deposition or other proceeding of any kind – including, but not limited to a party, attorney, witness, or court reporter, ... - to participate remotely, such as by teleconferencing, videoconferencing, or other means.” Additionally, the Supreme Court authorized all courts in Texas to “[c]onsider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means.”

In light of the Supreme Court’s authorization set forth in Misc. Docket No. 20-007, and in the interest of safety and welfare of the public, attorneys, and clients amid the ongoing concerns and escalation of COVID-19, the Nueces County District Courts and County Courts at

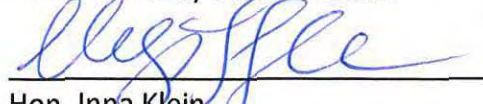
Law have made the following decisions regarding the procedure for taking depositions, and the admissibility of depositions taken by non-standard means, and hereby orders the same:

1. All depositions for cases filed in Nueces County may be noticed to take place remotely;
2. All notices shall specifically advise the location of the witness, the court reporter, the plaintiff's lawyers, the defense lawyers and any other persons to attend remotely;
3. All deposition notices shall explain how the parties in the case may access the remote connection being utilized (i.e., Zoom, GoToMeeting.com, etc.)
4. Pursuant to Misc. Docket No. 20-007, it shall not be grounds for a motion to quash that a witness, the court reporter, the plaintiff's lawyer, the defense lawyer or any other person wishes to attend in person, and such a motion shall not stay the deposition.
5. Pursuant to Misc. Docket No. 20-007, it shall be grounds for a Notice to Modify deposition notice that a witness, the court reporter, the plaintiff's lawyers, the defense lawyers, and any other persons who do not wish to attend in person, and such a notice shall modify the deposition notice to allow remote attendance.
6. Subject to proper written notice provided in advance after the date of this Order, any deposition in a civil case may proceed telephonically or by recorded videoconference, and the COVID-19 pandemic shall not be grounds to quash the same.
7. Any depositions so recorded telephonically or by videoconferencing during the pendency of the Order of the Supreme Court of Texas, may be admitted at trial with the same effect as one recorded in-person.

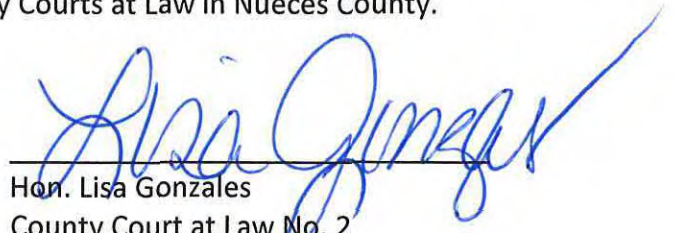
THIS NUECES COUNTY STANDING ORDER SHALL BECOME EFFECTIVE ON 18th DAY OF MARCH, 2020 and will apply to all District Courts and County Courts at Law in Nueces County.



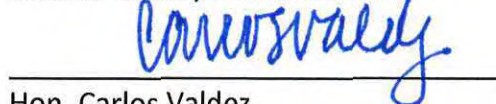
Hon. Nanette Hasette  
28<sup>th</sup> District Court  
*Local Administrative Judge*  
Nueces County District Courts



Hon. Inna Klein  
214<sup>th</sup> District Court



Hon. Lisa Gonzales  
County Court at Law No. 2  
*Local Administrative Judge*  
Nueces County Courts at Law



Hon. Carlos Valdez  
148<sup>th</sup> District Court

David Stith

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Hon. David Stith  
319<sup>th</sup> District Court

Sandra L. Watts

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Hon. Sandra L. Watts  
117<sup>th</sup> District Court

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Hon. Jack Pulcher  
105<sup>th</sup> District Court

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Hon. Robert Vargas  
County Court at Law No. 1

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Judge Timothy McCoy  
County Court at Law No. 5

Missy Medary

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Hon. Missy Medary  
347<sup>th</sup> District Court

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Hon. Bobby Galvan  
94<sup>th</sup> District Court

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Hon. Deeanne Galvan  
County Court at Law No. 3

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Hon. Mark Woerner  
County Court at Law No. 4