

**423<sup>RD</sup> JUDICIAL DISTRICT COURT OF BASTROP COUNTY, TEXAS**

**SECOND AMENDED  
COURT PROCEEDINGS PER TEXAS SUPREME COURT AND COURT OF CRIMINAL  
APPEALS FIRST EMERGENCY ORDER REGARDING THE COVID-19 STATE OF  
DISASTER**

This Court hereby adopts incorporates and amends all Emergency Orders for the 423<sup>rd</sup> District Court of Bastrop County, that were signed, entered and recorded on the 20<sup>th</sup> day of March, 2020, and the 24<sup>th</sup> of April, 2020, and adopts and incorporates all of the **EMERGENCY ORDERS REGARDING THE COVID-19 STATE OF DISASTER** as handed down by the Supreme Court of Texas into this ORDER and the **COVID-19 OPERATING PLAN for the Bastrop County Judiciary**. Pursuant to said ORDERS, this Court does hereby ORDER the following for all cases heard by the 423<sup>rd</sup> Judicial District Court of Bastrop County, Texas:

- (1) This Court's Order of March 16<sup>th</sup>, 2020, concerning procedures per the first emergency order is void. This Order amends this Court's Orders that were signed, entered and recorded on the 20<sup>th</sup> day of March, 2020, and the 24<sup>th</sup> of April, 2020.
- (2) **JURY TRIALS:** All jury trials that had been previously scheduled before the 423<sup>rd</sup> District Court for the weeks beginning March 23<sup>rd</sup>, 2020, April 20<sup>th</sup>, 2020, May 18<sup>th</sup>, 2020, and June 15<sup>th</sup>, 2020, are hereby cancelled and will be rescheduled.
- (3) **ALL NON-JURY TRIAL HEARINGS AND TRIALS:**
  - a. All hearings and trials conducted by the 423<sup>rd</sup> District Court will conducted according to the **COVID-19 OPERATING PLAN for the Bastrop County Judiciary**;
  - b. The 423<sup>rd</sup> District Court will determine, on a case-by-case basis, which hearings need to be conducted in person and which hearings can be heard remotely through the ZOOM program;
  - c. **EVERYONE (the Court, Court staff, Bastrop County employees, attorneys, litigants, witnesses and members of the public, etc.) MUST have some type of mask or facial covering when entering the courtroom when the 423<sup>rd</sup> District Court is in session.**
  - d. Attorneys and/or litigants must contact the 423<sup>rd</sup> District Court [512-581-4037] to arrange a date and time for an in-person public hearing for any type of proceeding;
  - e. All telephonic appearances by attorneys, witnesses and/or parties must be previously set up by the attorney and/or party in advance of the hearing and receive prior approval by the Court;
  - f. The 423<sup>rd</sup> District Court will provide the Zoom ID for attorneys, litigants and witnesses if a hearing is going to be through the Zoom program;
  - g. Any attorney, litigant or witness that does not have access to the Zoom Program

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Sarah Loucks  
District Clerk, Bastrop County

- and/or Wi-Fi may appear in Court in person for a set hearing;
- h. All remote hearings will be broadcast live over YouTube. The YouTube channel is "423rd District Court – Christopher Duggan."
  - i. All exhibits for remote hearings through the Zoom program will need to be marked as exhibits with an exhibits list and presented to the court reporter at least 2 working days before the hearing with a copy of the exhibits and list to opposing counsel. Each party will be required at the hearing to either stipulate to admissibility of each document or respond to the court with the reasons for objection to any document. At the beginning of the hearing, the court will admit into evidence each exhibit stipulated by the parties and reserve ruling on contested exhibits. At the same time that exhibits are due, each party must submit a proposed disposition of issues.
  - j. All exhibits for remote hearings through the Zoom program will need to be either mailed or hand delivered to the District Clerk's office at least 2 days prior to the hearing.
  - k. Continuances – the 423<sup>rd</sup> District Court will be very lenient with the granting of any continuances should they be requested by any party and/or by their attorney; Requests for continuances may be made in accordance with the Texas Rules of Civil Procedure, electronically, and/or telephonically;
  - l. Criminal Cases: All criminal cases set before the 423<sup>rd</sup> District Court on April 15, 2020, and May 4<sup>th</sup>, 2020, will be reset to a future court date except as permitted by the Court. The 423<sup>rd</sup> District Court will have a criminal docket on June 8<sup>th</sup>, 2020 at 9:00 a.m. if permitted by national, state and local orders and guidelines.

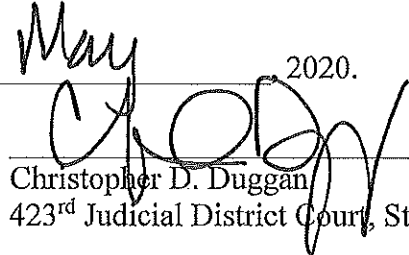
(4) All hearings and trials will be cancelled and rescheduled **should** the Bastrop County Judge decide at some point to totally close the Bastrop County Courthouse. Habeas Corpus proceedings and other emergency matters will be handled as the 423<sup>rd</sup> District Court directs in the event that the Bastrop County Courthouse is closed.

The 423rd District Court reserves the right to waive and/or modify any part of this Order at any time and modify this Order on a case by case basis.

**THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY AND SHALL REMAIN IN EFFECT UNTIL FURTHER ORDER OF THIS COURT.**

**IT IS SO ORDERED.**

SIGNED and ENTERED this 20<sup>th</sup> day of May 2020.

  
 Christopher D. Duggan  
 423<sup>rd</sup> Judicial District Court, State of Texas

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