



COUNTIES:

ATASCOSA

FRIO

KARNES

LA SALLE

WILSON

JOURDANTON

PEARSALL

KARNES CITY

COTULLA

FLORESVILLE

# 81<sup>ST</sup> AND 218<sup>TH</sup> DISTRICT COURTS

## ATASCOSA, FRIO, KARNES LA SALLE & WILSON COUNTIES

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May 27, 2020

Re: First Directive Reopening Limited Personal Appearance Civil Settings.

In the interest of the safety and welfare of the public, attorneys, clients, and courthouse staff, the 81<sup>st</sup> and 218th County Civil District Courts have made the following decisions regarding the civil dockets in Atascosa, Frio, Karnes, La Salle and Wilson Counties.

The Texas Supreme Court has mandated that personal appearances in non-essential matters be governed by the written guidance of the Office of Court Administration, which is:

*Courts should use all reasonable efforts to conduct proceedings remotely. All proceedings, both essential and non-essential, should occur remotely (such as by teleconferencing, videoconferencing, or other means) **unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control.** Courts may need to conduct hybrid hearings in certain proceedings. (emphasis added)*

### COURT HELD IN COMPLIANCE WITH REOPENING PLAN

Court will be held in compliance with the reopening plan approved by the Regional Administrative Judge, and the Office of Court Administration.

### PREFERENCE FOR DISPOSITION WITHOUT A HEARING

COVID-19 has brought court almost to a halt for ten weeks, creating an unprecedented backlog. Traditionally, the expectation has been that even uncontested cases will be proven up in open court, and counsel have not attempted to dispose of many types of uncontested cases, and hearings, by

affidavit, or written submission, without a particular justification for doing so. That expectation is reversed. **Counsel should not set an uncontested matter for hearing for hearing without a particular justification for doing so.** The Judges in the 81<sup>st</sup> and 218<sup>th</sup> Districts have previously posted forms that may be used to dispose of civil cases without a hearing:

1. [Request for Ruling Without Hearing](#), allowing agreed matters, and those suitable for written submission, to be heard without a hearing.
2. [Consent to Uncontested Divorce by Affidavit](#).
3. [Self-Represented \(pro-se\) Divorce With Children](#).
4. [Self-Represented \(pro-se\) Divorce Without Children](#)

These forms are offered, but not mandatory.

#### CIVIL DOCKETS BY REMOTE APPEARANCE

Beginning Monday, June 1, 2020, civil dockets will resume, by remote appearance, using the [Online Setting Request](#). The number of cases on civil dockets will be limited. Any matter, from Atascosa, Frio, Karnes, La Salle and Wilson Counties, except a final hearing on the merits, or on the merits, with the consent of all parties, may be heard on any civil docket by remote appearance personal appearance, but priority will be given to cases from the county on which a nonjury docket is scheduled on that day.

#### PERSONAL APPEARANCE IN A CIVIL CASE

Personal appearance at civil dockets is limited to hearings where it has been demonstrated that “litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court’s control.” Those requesting personal appearance must submit a [Request for Civil Hearing by Personal Appearance Form](#).

#### JURY TRIALS

Pending receipt, and implementation, of guidance from the Office of Court Administration, civil jury trials will not be held. Rather than continually setting, postponing and repostponing jury trials, until further Order, NO JURY TRIALS WILL BE SET. When jury trials resume, notice will be posted at least 60 days before the first jury selection date.

The District Judges retain the inherent discretion to add or remove a case from the civil dockets.

If a personal appearance is allowed and a participant exhibits any COVID-19 symptoms, including fever, coughing, or sneezing, or has a particularized reason to believe they have been exposed to COVID-19, the Court ORDERS them to NOT APPEAR, but notify the Court Coordinator at 830-769-3750, or [coordinator@81-218.txcourts.gov](mailto:coordinator@81-218.txcourts.gov), for rescheduling.