

Hon. George Barnstone
County Civil Court at Law No.1



Hon. LaShawn A. Williams
County Civil Court at Law No.3

Hon. Jim F. Kovach
County Civil Court at Law No.2

Hon. Lesley Briones
County Civil Court at Law No. 4

FIRST EMERGENCY

§
§
§
§
§

IN THE COUNTY CIVIL COURTS

ADMINISTRATIVE ORDER

03/20/2020

FOR HARRIS COUNTY, TEXAS

**FIRST EMERGENCY ORDER REGARDING
THE COVID-19 STATE OF DISASTER**

Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the COVID-19 pandemic and the Supreme Court of Texas and the Court of Criminal Appeals of Texas have issued four (4) Emergency Orders Regarding the COVID-19 State of Disaster, as of March 19, 2020 (the “*Supreme Court Orders*”). The Supreme Court Orders are available at www.txcourts.gov. The Supreme Court Orders state that all courts in Texas, subject only to constitutional limitations, must avoid risk to court staff, parties, attorneys, jurors, and the public. The Harris County Civil Courthouse has been closed to public access for all “non-essential cases.”

THEREFORE, given the current COVID-19 state of disaster, the severity of the risk of spreading COVID-19, and the aforementioned governing Supreme Court Orders, the Harris County Civil Courts at Law hereby **ORDER:**

1. This First Emergency Order Regarding the COVID-19 State of Disaster (this “*Order*”) shall be effective immediately and will expire on April 30, 2020, unless otherwise extended or terminated.
2. Harris County Civil Court at Law judges will continue reviewing and ruling on all filings and pleadings remotely while this Order is in effect.
3. All Oral Hearings will be reset by each Court to a date after the expiration of this Order. Parties are not to file Notices of Oral Hearings until further Order from the Courts.
4. All Motions set in April must be set on the Submission Docket for each Court. While this Order is in effect, Submission Dockets for each Court will be on both Tuesday and Friday mornings.
5. Parties may request to be moved from the Submission Docket and set for a preferential oral hearing by filing a Motion Requesting Oral Hearing and Proposed Order with the new date left blank. Such Motion must include: (i) an explanation of the need for a preferential setting prior to the expiration of this Order; (ii) the number of expected attendees participating in the hearing; and (iii) the availability of attendees to attend remotely vs. those who need to appear in person. The Court will review such motions, and in its discretion, will decide whether, when, and how (remotely vs. in-person) to schedule such hearing. The maximum number of people in the courtroom will be in compliance with the Supreme Court Orders, the Centers for Disease Control and Prevention’s guidance, and any other applicable regulations.
6. If a preferential oral hearing is granted during this emergency period, the Courts will be scheduling such hearings remotely via phone and videoconferencing, to the maximum extent possible. The Courts’ Trial Coordinators will provide additional information regarding logistics and technology requirements.
7. All jury trials will be reset to a date after expiration of this Order.
8. Non-jury trials will be rescheduled to a date after expiration of this Order, unless the Parties receive approval for a preferential setting. Please be advised that pursuant to the Supreme Courts Orders, courts may consider sworn statements as evidence, which may be applicable to certain non-jury trials such as debt

collection cases. This would eliminate the need for witnesses to appear live.

9. All proceedings related to evictions will not be held until expiration of this Order, unless, pursuant to the Supreme Court Orders, there is an imminent threat of criminal activity or physical harm to the plaintiff, plaintiff's employees, or other tenants.
10. Writs of Possession will not be issued until after the expiration of this Order, unless there is an imminent threat.
11. Court Appointed Receivers may remain active, but are directed not to freeze any bank accounts until after the expiration of this Order, unless express written approval is granted by the Court.
12. Writs of Garnishments will not be issued until after the expiration of this Order.
13. Parties are responsible for monitoring the Courts' websites and dockets applicable to their cases. Notices may not be mailed as usual during this time.
14. To the extent this Order contradicts the Local Rules, this Order applies and modifies the Local Rules for the period this Order is in effect.
15. Nothing in this Order affects the discretion and ability of each Harris County Civil Court at Law judge to further adjust and/or modify each Court's own dockets and vary this protocol on a case-by-case basis.

The Harris County Civil Courts at Law also seek to highlight several of the accommodations provided for in the Supreme Court Orders that will affect its Courts' functioning during this COVID-19 state of disaster:

- The modification and suspension of all deadlines and procedures until 30 days after the Governor's State of Emergency has been lifted (*See* 2.a. of Supreme Court First Emergency Order).
- The ability for Courts to "consider as evidence sworn statements made out of court or sworn testimony given remotely, such as by teleconferencing, videoconferencing, or other means" (*See* 2.c. of Supreme Court First Emergency Order).
- The suspension of any trial, hearing, or other proceeding, and the tolling of all deadlines, related to an action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of the Texas Rules of Civil Procedure until April 19, 2020, and the ordering that an execution of a writ of possession may not occur until after April 26, 2020. As stated above, however, all proceedings related to evictions will not be held until the expiration of this Order. Notwithstanding the foregoing, evictions on the basis of an imminent threat of criminal activity, or physical harm to the plaintiff, the plaintiff's employees, or other tenants may proceed (*See* Sections 3 & 4 of Supreme Court Fourth Emergency Order).

Any questions about this Order should be sent via email to the Courts' Trial Coordinators.

Dated: March 20, 2020



George Barnstone, Judge
Harris County Civil Court No. 1



Jim F. Kovach, Judge
Harris County Civil Court No. 2



LaShawn A. Williams, Judge
Harris County Civil Court No. 3



Lesley Briones, Judge
Harris County Civil Court No. 4