

**PRESENTED AT**

Advanced Texas Administrative Law Seminar

September 17-18, 2024

Austin, Texas

**Your Hearing Will Be Remote,  
But You Can't Be "Distant"**

**Susan Dillon Ayers**

Jackson Walker LLP  
100 Congress Ave., Ste. 1100  
Austin, Tx 78701  
[sayers@jw.com](mailto:sayers@jw.com)  
512.236.2336

“Happiness is not a goal . . . it’s a by-product of a life well lived.”  
Eleanor Roosevelt

### **Know the Rules**

In addition to the usual Rules, SOAH, and many courts, have adopted formal Rules or informal guidance, governing participation in remote proceedings. No matter how many times you have appeared in the forum, always check the Rules.

SOAH has a page dedicated to attendance at a virtual hearing: [Attend a Virtual Hearing or Mediation | State Office of Administrative Hearings \(texas.gov\)](#)

In May 2023 the Travis County District Court adopted new Local Rules. Chapter 9 governs Remote Proceedings. [Civil Courts \(traviscountytexas.gov\)](#)

The Texas Rules of Civil Procedure, Texas Rules of Appellate Procedure, and Texas Rules of Judicial Administration require courts to post their local rules, forms and standing orders. Texas Online Public Information – Courts (TOPICs) is the repository for those materials. [Home Page \(txcourts.gov\)](#) It is searchable by county.

No one wants the procedures for a deposition, hearing, or trial to impede your efficiency and effectiveness. If you have a situation that is not addressed by the Rules, consult opposing counsel and, hopefully, propose a solution by agreement. If not, file a motion, explain the situation, propose a solution, and ask for an Order.

“You will never be happy if you continue to search for what happiness consists of. You will never live if you are looking for the meaning of life.”  
Albert Camus

### **Choose the Court Reporter Carefully**

Confirm that the technology the court reporter uses – their hardware, software, and specific platform for exhibits – is reliable and compatible with yours. Choose a company that is responsive and has great customer support. Get the name and contact information for the court reporter in advance so that on the day of your deposition or hearing, you can reach out to them directly (rather than a scheduler or 800 number) if you have any issues. Confirm several days, and 1 day, before your deposition or hearing.

Really think about videography. If there are any technical problems, a videographer who is physically present with the witness may deliver better results that can be used in a hearing or trial.

Test the court reporter’s (Zoom, Teams, etc.) link in advance.

Help the court reporter do their job. I do these things for in person hearings, and they are even more important for remote depositions or hearings. Show up early and provide all the names, terms of art, and technical words (and spelling) to the court reporter. Invite them to ask for breaks when they need them. Invite them to interrupt if they need help of any kind. Be careful not to talk over anyone – instruct your team and witnesses of the same – and be ready to step up to tell anyone, “ONE at a time, or the court reporter will mutiny.”

“Rules for happiness: something to do, someone to love, something to hope for.”  
Immanuel Kant

### **Consider EVERYONE’S Technology**

You may be a social media influencer in your spare time. But take nothing for granted about how savvy the other members of your team, your client, and witnesses are. Does everyone you want to appear on screen and in video have a good camera and do they know how to use it?

Does everyone you want to hear and to be transcribed accurately have a good enough microphone – and know how to mute themselves?

Does every person have back up technology, whether another laptop, iPad, or iPhone?

Does everyone have good lighting?

Instruct your team and witnesses to have all devices fully charged and backup power handy. There are countless portable chargers – my husband has one that will charge his phone and his lawn edger.

What are the file size limitations for the court reporter, witnesses, opposing counsel, and your support staff?

“Of all the means to ensure happiness throughout the whole life, by far the most important is the acquisition of friends.”  
Epicurus

### **Consider EVERYONE’S Location**

Again – make no assumptions. Discuss the details with opposing counsel and work to reach explicit agreement in advance. If not, file a motion, explain the situation, propose a solution, and ask for an Order.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Your Hearing Will Be Remote But You Can't Be "Distant"

First appeared as part of the conference materials for the  
19<sup>th</sup> Annual Advanced Texas Administrative Law Seminar session  
"Your Hearing/Deposition Will Be "Remote" But You Can't Be "Distant" "