

Dear Colleagues, Clients and Friends of the Firm,

Today **SPIVEY VALENCIANO, PLLC** is launching this platform to provide legal updates and analysis regarding our key practice area: **eminent domain**. This platform will deliver case updates and analysis, video content from our statewide CLE events, and video vignettes regarding FAQs. From time to time, we may post information regarding general litigation matters or provide guest posts from key real estate professionals.

Our mission is to deliver information that you find relevant, interesting and helpful.

Please feel free to share, save, and/or delete it.

### **Today's Post: Preparing for the Virtual Special Commissioners Hearing (Top 10 Tips)**

Before a judge or jury can make a determination of just compensation, the Texas Property Code requires an administrative hearing known as the Special Commissioners Hearing. This month we participated in a virtual Special Commissioners Hearing against TxDOT and set several others.

Here are our Top 10 Tips:

1. Familiarize yourself with the applicable video platform. Ex., TxDOT uses Zoom and WebEx, as determined by the project lead.
2. Confer with opposing counsel regarding exhibit delivery and other hearing protocols. Ex., Have protocols for interruptions, muting witness divulging confidential or privileged information, and technology snafus. Agree that someone will detail these protocols at the beginning of the hearing for the benefit of all participants.
3. Confer with opposing counsel regarding how exhibits will be provided to the Special Commissioners during the hearing.
4. Circulate the Special Commissioners' Award ahead of time. Create a "virtual room" for deliberations.
5. Prepare for your hearing by scheduling an individual video conference with each witness where you are the host. Discuss the "Share Screen" function to access Google Earth, appraisals, engineering data, etc.
6. Set up a professional "video mute" photo. Use your name, not a nickname. Have your client and each of your witnesses do the same.
7. Place yourself on "mute" unless you are conducting a direct or cross examination. Use the space bar to quickly un-mute for objecting, asserting privilege, answering questions, etc. Unless they are in the process of testifying, always have your client and witnesses on mute.
8. Pay attention to lighting. Lighting should be in front of you – not over you or behind you. A window and a lamp in front of you work well.
9. Pay attention to the "frame." Your shoulders and entire head should be visible, at minimum. Dress professionally in solid colors, paying close attention to what is in the "background."
10. Interruptions by family, pets, and phones should be avoided.

### **Closing Thoughts:**

Our priority over the past 30 days has been making sure that those close to us are staying healthy and feeling supported. We are in awe at the strength and resilience of our clients and colleagues who have weathered a tough 30 days, and we champion the innovation and sense of community that has emerged. We hope that you and your family stay healthy and well.

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This document is intended to provide general information about legal matters of current interest. This document is not intended as legal advice applicable to specific facts and circumstances, nor does it create any attorney-client relationship between any reader and SPIVEY VALENCIANO, PLLC. Readers should not act upon the information contained in this document without professional counsel.

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### **About SPIVEY VALENCIANO, PLLC**

SPIVEY VALENCIANO, PLLC is a litigation boutique that represents property owners across the the State of Texas in complex eminent domain matters. The firm also represents property owners with significant

holdings or affiliated property owners in contested PUC electric transmission line routing cases (CCN Applications). The firm also represents clients in select litigation matters and is frequently engaged to serve as trial co-counsel in pending jury trials. The firm provides complimentary case reviews for prospective eminent domain clients, which may be scheduled by contacting Jim or Soledad via email.

For more information, visit [SPIVEY VALENCIANO, PLLC](#).

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