

# VIDEO CONFERENCE HEARING PROCEDURES DUE TO COVID-19

JUDGE JANET C. THOPE  
ORANGE COUNTY PROBATE DIVISION 1

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## ATTENTION ATTORNEYS AND SELF-REPRESENTED PARTIES:

PLEASE CAREFULLY READ AND BE FAMILIAR WITH THESE PROCEDURES AT LEAST FIVE (5) BUSINESS DAYS BEFORE YOUR UPCOMING VIDEO CONFERENCE HEARING AS THERE ARE TIME SENSITIVE DEADLINES AND TASKS TO COMPLETE PRIOR TO YOUR HEARING.

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Due to the COVID-19 pandemic and Administrative Orders from the Florida Supreme Court and Ninth Judicial Circuit, there is limited Court access until further notice. **No parties, attorneys, witnesses or court reporters will be allowed to attend in person hearings at the Orange or Osceola County Courthouses.** Courts are encouraged to conduct proceedings via remote technologies where available and appropriate. To ensure that your video conference hearings run smoothly, all participants shall abide by the following procedures:

## Technology & Device Requirements

**PROGRAM USED:** The Court will be using Microsoft Teams to conduct all Court proceedings.

**DEVICE NEEDED:** A desktop computer, laptop computer, tablet or smartphone may be used for the hearing. A camera is preferred but not required, but a microphone is REQUIRED. If you do not have any of the equipment available to you, please contact the Judicial Assistant, Kristina Gianni at [lorange@ninthcircuit.org](mailto:lorange@ninthcircuit.org) *immediately*.

## Preparing for the Video Conference

1. Upon receipt of these instructions, and **no less than two (2) business days prior to the video conference hearing,** all participants shall download the *free* Microsoft Teams App from <http://teams.microsoft.com/downloads> or the App Store on your smart phone/tablet device.

2. *Counsel and/or Pro Se parties shall provide the Judicial Assistant with email address for each participant when submitting a hearing request.* Participants include counsel, parties, witnesses, interpreters and Court reporters.
3. The Judicial Assistant will send an invitation to the Microsoft Teams meeting to the participants based only on the hearing request email provided by counsel or pro se parties.
4. Participants will click on the meeting link invitation provided by the Judicial Assistant at least five (5) minutes prior to the scheduled time of the video conference hearing.
5. All participants will be waiting in the virtual Microsoft Teams “lobby” until the Judge initiates the video conference hearing.

### **Preparing Evidence for the Video Conference**

1. **No later than three (3) business days before the hearing**, counsel and/or pro se parties shall exchange any and all exhibits and have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits.
2. After the substantive, good faith telephone conference and **no later than two (2) business days before the hearing**, the parties shall pre-mark the exhibits that they intend to use during the hearing. Exhibits shall be scanned and emailed to the Judicial Assistant, Kristina Gianni at [lorange@ninthcircuit.org](mailto:lorange@ninthcircuit.org). If there are objections to the admissibility of any exhibits, the party raising the objection shall identify the exhibit and identify the bases of any objection. Such objections shall be emailed to the Judicial Assistant, Kristina Gianni at [lorange@ninthcircuit.org](mailto:lorange@ninthcircuit.org), with opposing side copied on any such correspondence.

### **Preparing Witnesses for the Video Conference**

1. Pursuant to current COVID-19 CDC guidelines, all participants must abide by social distancing requirements and limit in-person contact. As such, witnesses do not need to be present with the attorneys or self-represented parties during the video conference hearing and it is preferred that such witnesses participate in the video conference hearing remotely from their own home or office.
2. In the event the rule of sequestration is invoked, the witnesses will be instructed to hang up from the video conference and counsel or self-represented party will be responsible for contacting the witness when it is time for their testimony.

3. The witness must be provided copies of all pre-marked exhibits prior to the hearing by email.
4. The witness shall be instructed *not* to look or refer to any other document or device during his or her testimony.
5. Counsel and/or self-represented party is responsible for providing these instructions to any witnesses and ensuring their compliance.

### **Procedures during the Video Conference**

1. At the beginning of the video conference hearing, the Judge will call the case and instruct all participants to announce themselves for purpose of the record.
2. All participants shall place their microphones on mute unless they are speaking or wish to make an objection.
3. All efforts shall be undertaken not to interrupt other speakers during the video conference hearing, unless it is necessary to assert an objection.
4. If an interpreter is necessary, all participants shall speak slowly in short complete sentences or questions allowing time for the translation. No one shall respond to a question posed by another participant until the question has been fully translated.
5. Participants may NOT use the Microsoft Teams App to record the video conference.
6. All participants are required to identify anyone that may be observing the proceedings with them. This is essential for the rule of sequestration to be effective and ensure the credibility of testimony and record.
7. Witnesses who will be testifying, as well as interpreters are required to have a valid photo ID with them at the hearing. For identification purposes, the witness and/or interpreter must display their valid photo ID to the Judge to be sworn.

### **Questions**

While these are new procedures and challenging times for everyone, are here to help and do our best to make sure your case is timely heard. Please do not hesitate to contact the Judicial Assistant, Kristina Gianni at [lorange@ninthcircuit.org](mailto:lorange@ninthcircuit.org) with any questions about these procedures.