

TEMPORARY VIDEOCONFERENCE HEARING PROCEDURES DUE TO COVID-19

JUDGE HEATHER PINDER RODRIGUEZ
ORANGE COUNTY DOMESTIC RELATIONS DIVISION 38

ATTENTION ATTORNEYS AND SELF- REPRESENTED PARTIES:

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

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

TECHNOLOGY & DEVICE REQUIREMENTS

PROGRAM USED. The Court will be using Zoom to conduct Court proceedings.

DEVICE NEEDED. A desktop computer, laptop computer, tablet, or smartphone may be used for the hearing. A camera and microphone ARE REQUIRED. Please note, most devices have a built in microphone and camera, and additional equipment will NOT be needed to participate in hearings. If you do not have any of this equipment available to you, please contact the JA, Diana Rico at 38Orange@ninthcircuit.org **immediately**.

PREPARING FOR THE VIDEOCONFERENCE

1. Upon receipt of these instructions, and **no less than 2 business days prior to the videoconference hearing**, all participants shall download the *free* Zoom App from <https://zoom.us/> (for a computer) or the App Store their smart phone or device. Attorneys are well-advised to conduct a practice session with their clients or witnesses prior to the hearing to identify any technical issues or concerns. Pro se parties may also practice using the Zoom application prior to the hearing. The court cannot always extend the time allotted for the hearing if the parties, witnesses, or attorneys have technical difficulties. Please prepare to ensure your hearing runs smoothly.
2. All orders or notices setting hearings, shall include the link to the judge's Zoom virtual courtroom and the QR code that can be scanned to join the court proceedings.
3. Hearing participants will log on to the virtual court proceeding at least five minutes prior to the scheduled time of the videoconference hearing.
4. All participants will be waiting the virtual Zoom "lobby" until the judge initiates the videoconference hearing.
5. Although this is a virtual court proceedings, all parties, witnesses, and attorneys are required to abide by all administrative orders regarding appropriate courtroom decorum. All participants should be in a quiet place for the hearing, and may not be operating a vehicle or driving during the hearing. All participants are expected to behave, dress, and act appropriately for court.

Preparing Evidence for the Videoconference

1. **No later than 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. This is the same requirements as set forth in Administrative Order Establishing Ninth Judicial Circuit Court Domestic Court Guidelines, Admin. Order No. 2014-19, which may be found at www.ninthcircuit.org.
2. After the substantive, good faith telephone conference and **no later than 2 business days before the hearing**, the parties are to pre-mark the exhibits that they intend to using during the hearing, scan, and email those exhibits to 38Orange@ninthcircuit.org. If there are objections to the admissibility of any exhibits, the party raising the objection shall identify the exhibit and identify the ground(s) of any objection. Such objections shall be emailed to 38Orange@ninthcircuit.org, with the opposing side copied on any such correspondence.
3. Please note, at this time, the clerk is unable to attach electronic evidence to the court file or print and mark voluminous records. As such, if your total evidence is more than 20 pages, **you must provide hard copies of the evidence to the court to be used by the clerk** at

least 2 business days prior your hearing or trial, along with an “evidence control sheet.” Evidence must be tagged with official tags from the Clerk of Court. Tags may be obtained in room #150 in the clerk’s office or by emailing robyn.zeiger@myorangeclerk.com for them to be mailed to you. If you are hand delivering evidence to the court, please email the court’s judicial assistant in advance, as we are working remotely on certain days of the week due to the pandemic.

Preparing Witnesses for the Videoconference

1. Pursuant to current COVID-19 CDC guidelines and orders from all levels of government, all participants must abide by social distancing requirements, masking, and limit in-person contact. As such, witnesses do not need to be present with the attorneys or self-represented parties during the videoconference hearing and it is preferred that such witnesses participate in the videoconference hearing remotely from their own home or office.
2. In the event the rule of sequestration is invoked, the witnesses will be placed or kept in the Zoom virtual “lobby” and counsel or self-represented party will be responsible for coordinating with 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.
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.
6. Witnesses are discouraged from being in the same physical space as the attorney or self-represented party. However, in the event a witness or party testifying is in the same physical space as the attorney or pro se party questioning the witness, the witness must be at least 6 feet away from any other person in the room and the camera shall be directed at the witness. The attorney or self-represented party may not assist the witness with answers in any way, including but not limited to gestures, notes, or facial expressions, or otherwise impact or influence the witness’ testimony “off camera.”

Procedures During the Videoconference Hearing

1. At the beginning of the videoconference hearing, the judge will call the case and instruct all participants when to announce themselves for purposes 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 videoconference hearing, unless it is necessary to assert an objection.

4. If an interpreter is necessary, all participants shall be speak slowly, in short complete sentences or questions, and allow time for translation. No one shall respond to a question posed by another participant until the question has been translated.

5. Participants MAY NOT record the video conference or take photographs of any court proceedings without permission from the court.

6. All participants are required to ensure that no children are able hear or see the videoconference hearings.

7. 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.

Questions

We recognize that these are new procedures and challenging times for everyone. We 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 at 38Orange@ninthcircuit.org if our office can assist you with any questions about these temporary procedures or preparations for the videoconference. With practice and patience, we will all get more proficient with these new technologies and platforms. Thank you for your commitment to your clients, our legal community and profession.