

TEMPORARY VIDEOCONFERENCE HEARING/TRIAL PROCEDURES DUE TO COVID-19

JUDGE LAURA SHAFFER
OSCEOLA COUNTY JUVENILE DIVISION 41

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/TRIAL, AS THERE ARE TIME SENSITIVE DEADLINES AND TASKS TO COMPLETE PRIOR TO YOUR HEARING/TRIAL.

TECHNOLOGY AND DEVICE REQUIREMENTS AND VIDEOCONFERENCE HEARING PROCEDURES

PROGRAM USED. The Court will be using Microsoft TEAMS to conduct Trials and Motion/Evidentiary Hearings.

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. 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, Allison Rivera at ctjaar1@ocnjcc.org, *immediately*.

PREPARING FOR THE VIDEOCONFERENCE HEARING

1. The judge or judicial assistant will send an invitation to the TEAMS meeting to the attorneys participating in the hearing.
2. The attorneys are responsible for providing the TEAMS meeting link to their clients, witnesses, and other hearing participants. Counsel and/or pro se parties shall provide that the judicial assistant with the email address for each hearing participant at least 2 business days prior to the hearing. Participants include counsel, parties, witnesses, interpreters, and court reporters.

3. Hearing participants will click on the meeting link invitation provided by the judicial assistant at least five minutes prior to the scheduled time of the videoconference hearing. The Judicial Assistant will send an invitation to the Microsoft TEAMS meeting to the hearing participants based only on the emails provided by counsel or pro se parties.
4. All participants will be waiting in the virtual waiting room until the Judge initiates the videoconference hearing.
5. **INMATES:** Please Inform the JA *immediately* if a parent is incarcerated. Currently, TEAMS is NOT available at the Osceola County Jail. This issue is currently being addressed, and hopefully will be resolved by October 2020. Inmates will be transported to a hearing room (NOT the Judge's Courtroom) at the Osceola County Courthouse and will be provided with a TEAMS device. The JA must be informed as soon as possible, so she can make arrangements with both the jail and Court Administration.

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 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. **PLEASE PROVIDE AT LEAST ONE WEEK'S NOTICE FOR ANY INTERPRETER REQUESTS.**
5. Participants MAY NOT use the 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.

PREPARING WITNESSES FOR THE VIDEOCONFERENCE HEARING

1. Pursuant to current COVID-19 CDC guidelines and orders from all levels of government, 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 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 instructed to hang up from the videoconference 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.
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."

PREPARING EVIDENCE FOR THE VIDEOCONFERENCE HEARING

1. **Unless good cause is shown, no later than 3 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. (Note: 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. The parties shall confer regarding the evidence and **no later than 2 business days before the hearing**, the parties are to pre-mark the exhibits that they intend to use during the hearing and email the Juvenile Clerk-Sandie Shelton: sandra.Shelton@osceolaclerk.org to set an appointment with the clerk, so that they can receive and tag the evidence. Copy the other parties and try to coordinate a time with them so that they can attend and inspect the evidence if they choose to. Wear a mask and socially distance yourself at the meeting.
3. The trial clerk will have the evidence with them in the virtual courtroom during the trial/hearing.
4. During the trial/evidentiary hearing, when authenticating evidence, ask the clerk to show the evidence to the camera so that the witness may see it. The witness should have a previously provided copy of the exhibit to review in-person.

IMPORTANT NOTES FOR AN IN-PERSON MEETING WITH THE CLERK

1. Take the evidence out of bags, the clerks will not be expected to manipulate or open bags containing evidence for you.
2. If the evidence you are trying to admit is a weapon, or of a sensitive nature, try admitting a photo of the evidence instead of the actual object. If this isn't going to work, please contact the judge to determine how best to proceed.
4. If the evidence is drugs, try to get a stipulation from the parties that a photo of the drugs is sufficient (so that the clerk does not have to handle narcotics. If you do not get a stipulation, again, please contact the judge to determine how to best proceed.

PUBLISHING EVIDENCE DURING THE VIDEOCONFERENCE HEARING

1. Division 41 is currently using the Microsoft TEAMS for most evidentiary hearings. The parties must familiarize themselves with Zoom.
2. Unless agreed otherwise by all parties, after an Exhibit is accepted into evidence the party offering the evidence must be able to publish the evidence through the use of screen sharing.
3. If the evidence is not admitted, it is your responsibility to take custody of the evidence back from the clerk. If the evidence is of a sensitive nature (drugs, firearm, etc...), then you will need the law enforcement agency to come and take possession from the clerk. The clerk is not equipped to hold evidence other than the discs, documents and photos from your case.

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, Allison Rivera at ctjaar1@ocnjcc.org for Osceola Division 41 cases 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.

HOW TO ACCESS MICROSOFT TEAMS

1. Windows based device. The program can be downloaded from the Microsoft website for free. Alternatively, the program can be accessed by clicking the link provided to the court if the user is operating on Microsoft Edge or Google Chrome web browsers. However, it is preferred to download the program which will auto-launch when the link is clicked.
2. Mac/Apple Based Products. The program can be downloaded from the Microsoft website for free. Alternatively, the program can be accessed by clicking the link provided to the court if the user is operating on Microsoft Edge or Google Chrome web browsers. The program WILL NOT work with Safari web browser. However, it is preferred to download the program which will auto-launch when the link is clicked.
3. Android based mobile devices and tablets. It is strongly recommended that the Teams application be downloaded (Free) from the Google Play Store and install it on your device. Allow camera and microphone access. Once the link is emailed to you, clicking the link will automatically launch the Teams program. Alternatively, the program can be used in your mobile web browser.
4. Apple/IOS based mobile devices and tablets. It is strongly recommended that the Teams application be downloaded (Free) from the App Store and install it on your device. Allow camera and microphone access. Once the link is emailed to you, clicking the link will automatically launch the Teams program. Alternatively, the program can be used in your mobile web browser if you are using Chrome. This will reportedly NOT work with Safari.