

TEMPORARY VIDEOCONFERENCE HEARING PROCEDURES DUE TO COVID-19

JUDGE DIANA TENNIS
ORANGE COUNTY DOMESTIC RELATIONS DIVISION 30

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 until May 27, 2020. **No parties, attorneys, witnesses or court reporters will be allowed to attend in person at the Orange or Osceola 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. Division 30 may use a combination of Microsoft Teams and Zoom.

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 a computer is to be used. You will have option to “call in” to Zoom hearing, if you do not have the ability to use a computer or a smartphone. Additional equipment will NOT be needed to participate in hearings. If you would like a “practice” session, please contact ctjakw1@ocnjcc.org upon receiving your notice for virtual hearing.

HOW TO ACCESS:

1. **All devices:** You will be sent a link to follow in an email “Outlook” invitation. IF you have Outlook please accept the invitation so that we know you have received it. IF you do not have a computer with a speaker, or a Smartphone, the invitation will include a phone number you can use to call in to the hearing.

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. **Zoom will not require pre-loading of software but a small app will auto download when the first video conference is initiated.**

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. **Zoom appears to work across all platforms.**

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.

PREPARING FOR THE VIDEOCONFERENCE

1. Upon receipt of these instructions, IF the notice indicates a Teams hearing, **no less than 2 business days prior to the videoconference hearing**, all participants shall download the *free* Microsoft Teams App from <https://teams.microsoft.com/downloads> (for a computer) or the App Store their smart phone or device. If this is a Zoom hearing this is not necessary.

2. Counsel and/or pro se parties shall provide that the judicial assistant with the email address for each hearing participant **at least 5 business days prior to the hearing**. Participants include counsel, parties, witnesses, interpreters, and court reporters. If not provided timely, Counsel will be responsible for providing link to the hearing to all parties and witnesses. If a party is unrepresented they will be instructed to give the link to their witnesses.

3. The Court will send an invitation to the virtual hearing to the hearing participants at emails provided, and the link to the hearing that will indicate whether it is Team or Zoom. IF there are many witnesses or anticipated need to have “breakout rooms”, the Court may select the Zoom option, as long as it is available.

4. 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. NOTE: You may be entering a “room” that has many other participants. IF you are not given instructions, please say your name upon entering. You may be placed into a “waiting room”, if the hearing is in Zoom, in which case the Judge will know you are there and will be with you shortly. You may be entering the hearing with your video or microphone off, those can be turned on by using the video and mic icons (They are on the bottom of your screen in either platform.) Do not worry if you cannot figure this out, the Judge will have the ability to turn those on for you.

Preparing Evidence for the Videoconference

1. **No later than 5 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. Exhibits to be entered via other witnesses should be shared with those persons as well. 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. Documents must be in PDF format and marked for identification in some way and documents over 5 pages must be bated stamped, which is available in Adobe Pro and other programs.

2. After the substantive, good faith telephone conference and **no later than 3 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 the Court. 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 the Court with the opposing side copied on any such correspondence.

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 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. IF a Zoom hearing is being used, the

Parties may elect for that witness to be moved to a “breakout” room, or they may be called back at a later time.

3. The witness must be provided copies of all pre-marked exhibits prior to the hearing. Moved up.

4. The witness shall be instructed not to look or refer to any other document or device during his or her testimony, nor have any communication of any kind to anyone that is not the lawyer questioning them or with authorization of the Court.

5. Counsel and/or self-represented party is responsible for providing these instructions to any witnesses and ensuring their compliance.

6. Witness are discouraged from being 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 same 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, other otherwise impact or influence the witness’ testimony “off camera.” Having two participants in the same room using different devices is extremely discouraged as the “feedback” from the two devices will make most proceedings impossible. ALL participants using different devices should be in different rooms.

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. If you do not include a Court Reporter (who will participate just as everyone else), then there is not a “record” per se. The hearing may or may not have the participation of a clerk, meaning may or may not have court minutes. The Court’s intention is to enter an Order after all electronic hearings.

2. All participants shall place their microphones on mute unless they are speaking or wish to make an objection. On Zoom if you push the Space bar you can unmute to ask question or make objection.

3. All efforts shall be undertaken not to interrupt other speakers during the videoconference hearing, unless it is necessary to assert an objection. Please instruct all witnesses that if they hear someone talking after the question they need to pause before answering so the Court can take up any objections. Everyone needs to understand that although everyone will get their turn to talk, this process may need to be slowed down. Lawyers are reminded that there is no “jury” and that family judges are often called upon to “ignore” inadmissible evidence and may need to hear more to make that determination.

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 fully. Any case with

interpreters must be designated as such in any request for hearing, and a “practice run” may be required.

5. Participants **MAY NOT** use the Microsoft Teams App to record the video conference. In some situations, the Parties may agree to have a proceeding recorded. They will be asked on the recording whether they agree that it may be used as the official record. The Court cannot guarantee quality, nor lack of possible technical difficulties. This is **NOT** the substitute for a court reporter, but a matter of convenience for the Parties. A link to the recording “in the cloud” will be provided after the hearing, and will expire at some point.

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.