

TEMPORARY VIDEOCONFERENCE HEARING PROCEDURES DUE TO COVID-19

JUDGE VINCENT S. CHIU
ORANGE COUNTY DOMESTIC RELATIONS DIVISION 31

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 County Courthouse.** 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. Unless otherwise specified by the Court, 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 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, Krysta Robinson at to ctjakr3@ocnjcc.org.

PREPARING FOR THE VIDEOCONFERENCE

1. Counsel and/or pro se parties shall provide the zoom invite to each additional hearing participant **at least 2 business days prior to the hearing**. Participants include counsel, parties, witnesses, interpreters, and court reporters.

2. 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.

3. All participants will be waiting the virtual Zoom “waiting room” until the judge initiates the videoconference hearing.

4. **Notwithstanding the use of remote technology, Counsel and Litigants are expected to appear appropriately dressed for Court proceedings.**

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 email those exhibits to the Judicial Assistant at ctjkr3@ocnjcc.org. Each exhibit shall be provided as a separate file, and marked clearly (i.e. Petitioner’s Exhibit A, Respondent’s Exhibit A, etc...). Voluminous exhibits should be emailed in the form of a link to a file hosting service such as DropBox, Google Drive, or OneDrive.

3. 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 Judicial Assistant at ctjkr3@ocnjcc.org, 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 sent to the virtual waiting room until they are called to testify.

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 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 absent leave of the Court.

6. All participants are required to ensure that no children are able to 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 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.