

TEMPORARY VIDEOCONFERENCE HEARING PROCEDURES DUE TO COVID-19

JUDGE GREG A. TYNAN
ORANGE COUNTY DOMESTIC RELATIONS DIVISION 42

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 29, 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. The Court will be using Microsoft Teams to conduct 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. 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, Kisha Peel at to ctjakpl@ocnjcc.org **immediately.**

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.

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* Microsoft Teams App from <https://teams.microsoft.com/downloads> (for a computer) or the App Store their smart phone or device.

2. 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. 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. 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.

5. All participants will be waiting in the virtual Microsoft Teams “lobby” until the judge initiates the videoconference hearing.

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 the JA, Kisha Peel at to ctjakp1@ocnjcc.org. The parties shall also provide a physical copy of all exhibits to the Court. Physical exhibits are to be delivered to **room 320** of the Orange County Courthouse. Please note the Judge, case number, and date of hearing for the clerk. 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 JA, Kisha Peel at to ctjakp1@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 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. 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."

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 use the Microsoft Teams App to record the video conference.
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.
8. Witnesses who will be testifying, as well as interpreters, are required to have a valid picture ID with them at the hearing. For identification purposes, the witness or interpreter must display their valid picture ID to the Judge to be sworn in by the Judge.

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, Kisha Peel, at ctjakp1@ocnjcc.org to see 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.