

VIDEOCONFERENCE HEARING PROCEDURES

JUDGE CHRISTINE E. ARENDAS

Osceola County Criminal Division 70H

ATTENTION ATTORNEYS AND SELF- REPRESENTED PARTIES:

PLEASE CAREFULLY READ AND BE FAMILIAR WITH THESE PROCEDURES BEFORE YOUR SCHEDULED 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. During Phase I, parties and attorneys **in person** appearance at the Courthouse is limited to **Essential or Critical Proceedings**. During Phase II, parties, attorneys and witness **in person** appearance is limited and authorized for certain proceeding types (refer to **Fl. S. Ct. Admin Order AOSC20-23 Amendment 5 and any subsequent updates**) During Phase 3, in person contact is more broadly authorized. 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 for all person participating in the Video Hearing. A microphone is required for all persons participating in a Videoconference Hearing. **A camera and microphone is required for all person who will be testifying.** Most devices have a built in microphone and camera. If you do not have any of this equipment available to you, please **immediately** contact the Judicial Assistant, Nyree Fraser at 70Osceola@ninthcircuit.org .

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 by the court if the user is operating on Microsoft Edge or Google Chrome web browsers. 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 by the court if the user is operating on Microsoft Edge or Google Chrome web browsers. The program WILL NOT work with the Safari or Internet Explorer web browsers. It is preferred to download the program which will auto-launch when the link is clicked.
3. **Android based mobile devices and tablets.** Download the free Teams application 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.
4. **Apple/iOS based mobile devices and tablets.** Download the free Teams application 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.

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 for their smart phone or device.
2. Counsel and/or pro se parties shall provide the judicial assistant with the email address for each hearing participant at the time of scheduling the videoconference hearing but not later than **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. Counsel and/or pro se parties may share the link with their witnesses.
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. Witnesses will remain in the lobby until such time as they are called to testify. DO NOT leave the waiting room unless excused.

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.

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 (i.e. Defense Ex A, State Exhibit C, ect) that they intend to use during the hearing, scan, and email those exhibits to 70Osceola@ninthcircuit.org . If a video is being used, the original video shall be provided to the Judge's chambers no later than 2 business days before the hearing. Counsel introducing the video shall have the ability to play the video (with sound) from their electronic device and share the screen with all participants. 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 at the appropriate time during the hearing. After hearing argument, the court will rule on the objection(s).

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. Witness must be provided copies of all pre-marked exhibits prior to the hearing.

3. The witness shall be instructed not to look or refer to any other document or device during his or her testimony.

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

5. Witness 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 self-represented 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 (other than the Court) MAY NOT use the Microsoft Teams App or any other device 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.

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 70Osceola@ninthcircuit.org if our office can assist you with any questions about these 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.