

## **IN THE CIRCUIT COURT TWENTIETH JUDICIAL CIRCUIT**

<b>IN RE: 20<sup>TH</sup> JUDICIAL CIRCUIT</b>	)	<b>GENERAL ADMINISTRATIVE</b>
<b>ST. CLAIR COUNTY,</b>	)	
<b>ILLINIOS, CONTINUITY OF</b>	)	<b>ORDER NO. 20-14</b>
<b>OPERATIONS</b>	)	

An Order of the Illinois Supreme Court was entered on March 20, 2020 allowing the Chief Judge of each Circuit to continue all trials, including in-custody trials, for the next 60 days and until further order of the Illinois Supreme Court without the continuance being attributable to the State or the Defendant for purposes of Section 103-5 of the Coded of Criminal Procedure of 1963 (725 ILCS 5/103-05):

A subsequent Order of the Illinois Supreme Court was entered on April 3, 2020 allowing the Chief Judge of each Circuit to continue all trials, including in-custody trials, until further order of the Illinois Supreme Court.

Therefore: All criminal jury trials in the Twentieth Judicial Circuit are continued until August 3, 2020 or until further Order of the Illinois Supreme Court and the Twentieth Judicial Circuit without this delay being attributed to the State or the Defendant.

Additionally, all civil jury trials currently scheduled in 2020 shall be vacated and are to be reset on a case by case basis.

### **GENERAL RECOMMENDATIONS**

The following strategies should be used by all patrons of the St. Clair County Courthouse Building to promote the health and well being of all:

1. BEFORE coming to the Courthouse, check your court date as many court dates and times have changed. This can be accomplished by contacting the St. Clair County Circuit Clerk.
2. Arrive no earlier than 15 minutes prior to your scheduled court time; leave the building promptly when finished.
3. Only people necessary to the proceeding should come to court, leave family and friends at home.
4. Bring only your keys, photo ID, cash/credit card and court papers into the building. In order to speed entry into the Courthouse, no purses, backpacks, bags, electronics, etc. are allowed in. Also avoid wearing too much metal (large or multiple jewelry

items, large belt buckles, steel-toe shoes, money clips, watches, etc.) to speed entry through building security. Metal items trigger the magnetometer, slowing entry to the St. Clair County Courthouse Building.

5. Wearing masks or face coverings and practicing social distancing is required in all areas of the St. Clair County Courthouse Building. Any person who is experiencing fever, chills, other symptoms, or has been exposed to COVID-19 or lives with a family member who has symptoms of COVID-19, should notify their attorney or if there is no attorney representation, should notify the Circuit Clerk of the Court of their inability to appear.

All members of the Court, Court staff and employees at the Courthouse should abide by the following during the reestablishment process:

1. Everyone will exercise social distancing guidelines. Avoid close contact with others (six (6) feet distance) and any non-essential physical contact (i.e. handshakes).
2. Court staff may remove their face covering or mask in their office or work space when not in contact with others. Litigants, attorneys or others may remove their face covering or mask when directed to do so by the presiding judge. Judges shall exercise their discretion whether to wear a face covering or mask while conducting court proceedings.
3. Practice good cough/sneeze etiquette.
4. Clean and disinfect frequently touched surfaces and objects often.
5. Wash hands often with soap and water for at least 20 seconds or use hand sanitizer when hand washing is not available.
6. Avoid touching your face and eyes.
7. Refrain from using other employee's phones, desks, offices or other work tools and equipment when possible. If necessary, clean and disinfect equipment before and after use.
8. Anyone who is experiencing fever, chills, other symptoms or has been exposed to COVID-19 or lives with a family member who has symptoms of COVID-19 shall notify the Chief Judge, Presiding Judge, or supervisor before coming to the St. Clair County Courthouse Building.

#### REMOTE VIDEO/TELEPHONIC HEARINGS

In order to meet the needs of the court system and its users during the pandemic and during the reestablishment plan, the 20<sup>th</sup> Judicial Circuit also created a *Committee on Guidelines for a Virtual Courtroom*. These guidelines are available from the St. Clair County website and

the State of Illinois Supreme Court website.

In an effort to address the unique needs created by the current COVID-19 pandemic and to create additional methods to allow for access to justice, the Court is encouraging the use of remote capabilities for all non-emergent matters.

## COURTROOMS

All of the courtrooms in the St. Clair County Courthouse Building have been cleaned and sanitized by Facilities Management. In addition, the Chief Circuit Judge, Circuit Clerk of the court and the Trial Court Administrator, in order to establish protocols for protective measures, have evaluated all courtrooms, and the following steps have been taken:

- Social distancing decals have been placed on the floor.
- Seating has been marked.
- Germ shields have been installed in some courtrooms.
- Hand sanitizer is present in all courtrooms.

Additionally, each division of the Court, Criminal, Family and Civil, evaluated their pre COVID-19 practices and has put forth the following plans in order to successfully manage their court proceedings:

## Felony Division St. Clair County, IL (\*as of 5/26/2020)

Beginning June 1, 2020, the dockets for Courtrooms 408 (Judge Haida), 409 (Judge Cruse) and 410 (Judge O’Gara) will proceed via audio/visual (Zoom). All cases set – whether set on the morning or afternoon dockets - will be heard by each judge at designated times:

Judge Haida: 8:30am – 9:30am Zoom Meeting ID: 739 911 6988:

Judge Cruse: 9:30am – 10:30am Zoom Meeting ID: 964 804 5859

Judge O’Gara: 10:30am – 11:30am Zoom Meeting ID: 371 092 7676

Whether the case is set in the morning or afternoon, all of the attorneys are expected to join the ZOOM meeting at the start of each Judge’s designated Zoom time (see below for contact information and any Judge-specific instructions).

Judge Haida – Courtroom 408 - [robert.haida@co.st-clair.il.us](mailto:robert.haida@co.st-clair.il.us)

Clerk Liz Henry: [elizabeth.henry@co.st-clair.il.us](mailto:elizabeth.henry@co.st-clair.il.us) 618-825-2322

Judge Cruse – Courtroom 409 – [zina.cruse@co.st-clair.il.us](mailto:zina.cruse@co.st-clair.il.us)

Clerk Jennifer Agne: [Jennifer.agne@co.st-clair.il.us](mailto:Jennifer.agne@co.st-clair.il.us) 618-825-2309

Judge O’Gara – Courtroom 410 – [john.ogara@co.st-clair.il.us](mailto:john.ogara@co.st-clair.il.us)

Clerk Lori Brede: [lori.brede@co.st-clair.il.us](mailto:lori.brede@co.st-clair.il.us) 618-825-2312

All in-custody cases must join the Zoom meeting. If a case is set for STATUS CONFERENCE only and the Defendant is out-of-custody, the attorneys may complete a proposed status order no later than 3:30pm on the prior business day – otherwise the attorneys must join the Zoom meeting. Contact the Court's Clerk for the Status Order form.

The Judges are available in chambers/courtroom outside of the designated Zoom meeting times. If the parties reach an agreed disposition prior to the next scheduled court date, or to request a modification of bond or any for any other matter, contact Judge/Clerk to arrange a setting. Further notice will be issued for Friday out-of-custody preliminary hearing and in-custody PTRP settings.

\*Note: These procedures are subject to change. Any updated NOTICE will be posted on the St. Clair County Circuit Clerk's website.

### TRAFFIC AND MISDEMEANOR COURTROOM 108 AM DOCKET (FIRST APPEARANCE – NO TRIALS)

Appearances will be in person. In order to comply with social distancing guidelines and to reduce the number of people in the courtroom, the dockets have staggered start times. Cases will be set at 9am, 10am and 11am for non-represented defendants. Courtrooms 108 and 109 will be utilized.

Attorneys representing defendants on this docket shall have access to the Assistant State's Attorneys at 8:30am, 11:30am and 2:30pm or by mutually arranged appointment. Attorneys can pick up the goldenrods from the Judge. Attorneys are highly encouraged to contact the ASA by email [Traffic.misdemeanor@co.st-clair.il.us](mailto:Traffic.misdemeanor@co.st-clair.il.us) to scheduled appointments to discuss any pending case or request offers. Litigants represented by counsel should not appear in court unless specifically directed by their attorney to appear with their attorney.

The bailiff will open the courtroom to the public and direct defendants to the correct courtroom for seating in keeping with the social distancing guidelines. The Assistant State's Attorneys will call the defendants to the table to discuss their cases. After writing court orders, the ASA will give the order to the courtroom clerk for processing. The defendants will return to the seating area. The clerk will call the defendant to pick up their papers with the disposition and possible future court date.

### COURTROOM 109 AM DOCKET (TRIALS, LOCAL MUNICIPAL DOCKETS AND COMMUNITY SERVICE)



Trials for State charges are set at 9:15am. Local dockets are scheduled for 8:30am. Large local dockets have been staggered for settings at 8:30am, 9:30am and 10:30am. Community Service is set at 8:30am. Attorneys representing litigants are encouraged to contact the local municipal attorney to discuss cases in advance.

#### **COURTROOM 108 PM DOCKET (DUI)**

Defendants represented by an attorney need not appear unless specifically directed by their attorney to appear. All other defendants shall appear in person.

Statutory Summary Suspension and DUI trials will be held in Courtroom 109. Hearings may be conducted via Zoom.

#### **COURTROOM 109 PM (PAY OR APPEAR DOCKET AND COMMUNITY SERVICE)**

On Wednesday and Thursday afternoons, the pay or appear dockets are scheduled for 1:30pm and 2:30pm. Defendants will appear in person unless all fines and fees have been paid in full.

#### **Domestic Violence - Courtroom 305**

##### **Emergency Orders of Protection – Monday, Wednesday, & Friday - 1:30 pm**

- Emergency Orders of Protection will be heard on Monday, Wednesday and Friday through July 10, 2020. Beginning July 13, 2020. We will resume hearings for EOP's Monday – Friday at 1:30.
- Only one Petitioner at a time will be allowed in the courtroom.
- Option will be given for Attorneys and parties to appear via Zoom conference.

##### **Plenary Orders of Protection/ Motion Hearings – Monday, Wednesday & Friday - 8:30 am - 12:00pm Tuesday and Thursday - 8:30 am - 12:00 pm.**

- All Plenary Orders of Protection Hearings will be scheduled for Zoom conference. Parties are required to call in at their scheduled time. Any witness must be available to participate when the case is called.
- Any party unable to utilize Zoom for video or telephone conference must file a written motion prior to the scheduled hearing date.
- Witnesses and Interpreters will be also be required to appear via Zoom.

### **Domestic Violence Misdemeanors – Friday 8:30 am -12:00 pm**

- **Diversion Participants:** Defendants who are in compliant status with Group Interventions and Tasc will not be required to appear. Cases will be continued 90 days until completion. Court may schedule a Zoom Court Appearances if necessary. If a Petition to Terminate from Diversion is filed by the State, in court appearance will be required.
- Counsel may appear on behalf of client for status conferences.
- Appearance times will be staggered.
- Option for attorneys to appear virtually on cases set for plea or status.
- No more than 10 people will be allowed in the courtroom at a time.

### **FAMILY DIVISION**

The Family Division is planning to conduct most matters via Zoom. The only exception will be matters set for all remaining issues. In those matters, there will be limited entry into the courtrooms to keep social distancing in place. The litigants, attorneys, and one witness by each party will be the only people allowed in the courtrooms. If more than one witness is required, the first witness must leave the courthouse. The second witness will gain entry to the courtroom only after the first witness has left. We are urging parties to call witnesses via Zoom to make social distancing and flow of trial better. Calling witnesses via Zoom is the responsibility of the individual litigant. The testimony will be streamed on the courtroom television.

Zoom conferences are currently being conducted in our division. Zoom links are emailed by the family clerks to the litigants or attorneys of record. Zoom is required. If someone is unable to attend a Zoom conference for lack of internet capabilities, there will be computers for litigants/witnesses to appear via Zoom in the law library on the first floor. Everyone is expected to be on the Zoom hearings promptly. Court reporters will be utilized for the keeping of the Court's record. Any other recording of the hearing is strictly prohibited. Any exhibits need to be marked and emailed to the judge's clerk and opposing attorney/litigant ahead of the hearing. Zoom hearings plan to be conducted for the foreseeable future in most matters.

### **JUVENILE DELINQUENCY**

<b>CASE TYPE</b>	<b>NECESSARY</b>
<b>PARTICIPANTS</b>	

9:00AM  
PLEAS  
PARENTS, ASA, APD/PA

MINOR,

\*\*\*\*\*

\*\*\*\*\*

10:00AM  
SUMMONS

MINOR & PARENTS  
PRETRIAL  
ASA & APD/PA  
REVIEWS  
ASA & APD/PA

PTRP/PTRS  
ASA & APD/PA

\*\*\*\*\*  
\*\*\*\*\*

1:30PM

TRIALS

MINOR, PARENTS,

ASA, APD/PA, WITS

SENTENCINGS

MINOR, PARENTS,

ASA, APD/PA, WITS

TRANSFER HEARINGS

MINOR, PARENTS,

ASA, APD/PA, WITS

EJJ HEARINGS

MINOR, PARENTS,

ASA, APD/PA, WITS

\*\*\*\*\*  
\*\*\*\*\*

\*AS NECESSARY

DETENTION HEARINGS

MINOR, PARENTS, ASA,

APD/PA, WIT'S

\*\*\*\*\*  
\*\*\*\*\*

\*ASA and APD/PA should appear at all settings.

\*Before, being allowed down the 3<sup>rd</sup> floor hallway; all participants should have their temperature taken.

\*During all court appearances, social distancing with the use of facemasks should be used while in the courthouse. And the Court may consider moving to a larger Courtroom as necessary for trials in order to allow for appropriate social distancing.

\*Due to limited seating/space; only necessary participants will be allowed into the courtroom or the connecting hallway outside of the courtroom. All caseworkers, treatment providers, probation officers and other non-necessary participants should not attend scheduled court appearance unless they are a going to testify as witnesses. Court orders can be mailed out by the clerk or obtained from the ASA.

\*For all pleas, the minor and parents (along with ASA and APD/PA) should be present in court. Times will be staggered in 30 minute increments. There will be a total of 6 pleas set each morning (9:00/9:30/10:00/10:30/11:00/11:30). APD/PA should inform minor and parents what time they will be needed in court.

\*For all summons, the minor and parents should be present in court. Parents should fill out request for appointed attorney (if necessary) and fill out PD Contact Form and be given a PD card. The matter will then be reset for pretrial. Minor and Parents should be asked if ZOOM is an option (if so need they will be asked to provide an email address).

\*For all pretrial, reviews, and PTRP/PTRS cases; minor and parents should NOT be in attendance. Prior to the court date; APD/PA should contact the minor and parents and inform them that they need not attend the court date. Negotiations will occur between the ASA and APD/PA. The case will then be set for trial, plea, motion, or continued as needed. APD/PA will then consult with the minor and parents by phone



outside of court. For any minors or parents that appear; they should be stopped outside of the metal detector at 3<sup>rd</sup> floor bailiff's desk, directed to fill out PD Contact Form, given a PD card and sent home.

\*For all trials, sentencings, transfer hearings, EJJ, and Detention hearings, minor and parents and witnesses should be present in court. If the witness is probation officer, treatment provider, or CW they will be allowed to testify by phone if the matter is transfer hearing or EJJ hearing.

\*All non-necessary participants (caseworkers, treatment providers, probation officers, etc.) should provide the ASA & APD/PA phone number and email for possible participation in remote hearings (ZOOM/Phone call).

\*Note: there is approximately room for 6 groups of 3 people outside of Courtroom 306; as such a total of 6 families (i.e. minor, mother, father) can be present at one time.

**KEY:**

**ASA (Assistant State's Attorney)**

**APD (Assistant Public Defender)**

**PA (Private Attorney)**

**WITs (Witnesses)**

**PTRP (Petition to Revoke Probation)**

**PTRS (Petition to Revoke Supervision)**

**EJJ (Extended Jurisdiction Juvenile Prosecution)**

**JUVENILE NEGLECT, ABUSE, DEPENDENCY**

<b>CASE TYPE</b>	<b>NECESSARY PARTICIPANTS</b>
9:00AM STIPULATION/DISPOSITION REP'S ATTYS, CW	GAL, ASA, REPs,
2 <sup>ND</sup> ADJ/TRIAL ATTYS, CW, WITS MOTIONS ATTYS, CW, WITS	GAL, ASA, REPs, REP'S GAL, ASA, REPs, REP'S
*****	
10:00AM SUMMONS REPs	
1 <sup>ST</sup> ADJ/PRETRIAL (PRO-SE REP'S)	GAL, ASA, REP'S ATTYS,
*****	
1:30PM PERMANENCY REVIEWS	GAL, REPs, REP'S



ATTYS, CW, WITS

\*\*\*\*\*  
\*\*\*\*\*

\*AS NECESSARY  
SHELTER-CARE HEARINGS  
REP'S ATTYS, INVST

GAL, ASA, REPs,

\*\*\*\*\*  
\*\*\*\*\*

\*GAL, ASA, REP's ATTYS should appear at all settings

\*Before, being allowed down the 3<sup>rd</sup> floor hallway; all participants should have their temperature taken.

\*During all court appearances, social distancing with the use of facemasks should be used while in the courthouse. And the Court may consider moving to a larger Courtroom as necessary for trials in order to allow for appropriate social distancing.

\*For Stipulation/Disposition, the minor and parents (along with GAL, ASA, REP's ATTYS) should be present in court. CW will be allowed to testify by phone. Times will be staggered in 30 minute increments. There will be a total of 6 Stipulation/Dispositions set each morning (9:00/9:30/10:00/10:30/11:00/11:30). ASA should inform CW of what time they should be available to testify by phone. REP's ATTYS should inform the parents what time they will be needed in court.

\*For trials, and motions minor, parents and necessary witnesses should be present in court.

\*For Summons the parents should be present in court. Parents should fill out request for appointed attorney (if necessary). Matter will then be reset for 1<sup>st</sup> Adj/pretrial. Parents should be asked if ZOOM is an option (if so need to get email addresses from each parent)

\*For 1<sup>st</sup> Adj, minor and parents should not be in attendance. Prior to the court date; REPs ATTYS should contact their clients (if possible) and inform them that there is no need for them to attend the 1<sup>st</sup> Adj court date. Negotiations will occur between the ASA, REP's ATTYS, and GAL. The case will then be set for 2<sup>nd</sup> Adj, Stip/Dispo, Motion, or continued for 1<sup>st</sup> Adj as needed. REP's ATTYS will then consult with the parents/REPs by phone outside of court. GAL can consult with minor outside of court as needed. For any REPs that appear; they should be stopped outside of the metal detector at 3<sup>rd</sup> floor bailiff's desk, informed that their attorney will contact them by phone, and sent home.

\*For Permanency Review GAL, REPs, REP's ATTYS should be present in court. CWs will testify by phone.

**KEY:**

**ASA (Assistant State's Attorney)**

**GAL (Guardian Ad Litem)**

**REPs (Respondent Parents)**

**REP's ATTYS (Respondent's Attorneys)**

**CW (Case worker)**

**INVST (Investigator)**

**WITs (Witnesses)**

**1<sup>st</sup> ADJ (First Adjudication)**

**2<sup>nd</sup> ADJ (Second Adjudication)**

## ARBITRATION/LM/FE&D DOCKET

Arbitration Center. All June settings are hereby vacated and continued to a later date to be determined.

Evictions. These matters will be resumed on July 6, 2020, with attorney represented cases being heard in the morning and self-represented litigants being set in the afternoon. All matters will be staggered every 30 minutes to accommodate necessary social distancing. According to the number of settings, we will also set matters (on a staggered basis) on Wednesdays, Thursdays and Fridays, as is necessary, and will be handled each week until we are able to resume jury trials.

AR First Appearance and Status Conferences. Set on Tuesdays and staggered every 30 minutes to reduce congestion and comply with social distancing requirements.

AR Motions. Set on Thursdays – to be scheduled for hearing via Zoom.

## CHANCERY

Notices have been sent from the Chancery Judge as to the time and nature of the proceedings in Courtroom 407. In the event that you have a matter set and have not received a notice as of yet, please contact the Clerk for Courtroom 407.

## PROBATE AND CHILD SUPPORT COURTROOM 107

CHILD SUPPORT – Monday and Wednesday

Dockets will be 8:30am, 9:30am and 1pm. From June 1, 2020 to July 31, 2020, no more than 18 total cases or 6 per docket.

Beginning August 1, 2020, dockets will be 8:30am, 9:30am, 10:30am, 1pm and 2pm. No more than five cases per docket.

No children to be admitted to the courtroom without permission of the Judge. Only parties to be present, no witnesses; witnesses to be available with reasonable notice.

When practical all hearings will be conducted by Zoom. Parties and or attorneys

must provide emails to be used for Zoom purposes.

PROBATE – Tuesday and Thursday

9am docket – status and pretrial

In month of June, if parties and or attorneys not present, all cases will be continued unless ordered by the Court. Thereafter, if attorneys want matter continued, they should submit a proposed order or correspond with Judge via email or telephone. All hearings on motions in excess of 15 minutes and all evidentiary hearings must be scheduled directly through Judge Cannady until further notice.

10am docket – Guardianship only. No more than 5 cases set per day. When practical, hearings to be conducted by Zoom.

1:30pm docket – Annual reports need to be filed timely, if filing on the day of the hearing, file with the Clerk of the Circuit Court.

Contested hearings beginning at 11am. When practical all hearings to be conducted by Zoom.

Fridays reserved for hearings.

#### GENERAL INFORMATION:

Correspond with Judge Cannady

1. Prior to conducting any contested hearings.
2. All settings to be scheduled directly with Judge Cannady.
3. All cases will be pre-tried prior to evidentiary hearings unless waived by Judge Cannady.
4. When practical all pre-trials to be conducted by Zoom.

Personal contact:

Chambers phone 618-825-2534 or [Thomas.cannady@co.st-clair.il.us](mailto:Thomas.cannady@co.st-clair.il.us)

#### SMALL CLAIMS/COLLECTION ADMINISTRATIVE SUGGESTIONS FOR PROPOSED ORDER

##### SMALL CLAIMS

- SMALL CLAIMS ANSWER FORMS WITH INSTRUCTIONS ARE NOW INCLUDED WITH ALL SMALL CLAIMS SUMMONS. DEFENDANTS ARE ENCOURAGED TO FILE THEIR ANSWER IN LIEU OF APPEARANCE.
- DEFENDANTS ARE GIVEN 30 DAYS FROM THE DATE OF THE FIRST APPEARANCE AS LISTED ON THE SUMMONS TO PAY THEIR ANSWER FEE OR SEEK A WAIVER AND THE MATTER IS SET FOR TRIAL 30+ DAYS.

- ALL SMALL CLAIMS 1<sup>ST</sup> APPEARANCES HAVE BEEN CONTINUED UNTIL JULY 6<sup>TH</sup>.
- BEGINNING JULY 6<sup>th</sup> SMALL CLAIMS 1<sup>ST</sup> APPEARANCE DATES HAVE BEEN SPREAD FROM MONDAYS A.M. TO MONDAY A.M.-TUESDAY P.M.- WEDNESDAY P.M. AND THURSDAY P.M. APPEARANCE TIMES ARE STAGGERED TO 4 DEFENDANTS PER 15 MINUTES.
- SOME SMALL CLAIMS TRIALS WILL RESUME ON JUNE 1<sup>st</sup>. LITIGANTS MAY RESCHEDULE ANY SMALL CLAIMS TRIAL BY AGREEMENT IN THE MONTH OF JUNE.

### COLLECTIONS

- THE CURRENT COLLECTION APPEARANCES OF MONDAY P.M. ARE HANDLED BY E-FILING. ANY PERSONAL APPEARANCE WILL BE STAGGERED TO 4 DEFENDANTS PER 15 MINUTES BEGINNING AT 1 P.M.

### CIVIL DIVISION

Until further Order of the Court, the Civil Division will be operating remotely on non-emergent matters. Each courtroom is equipped with Zoom and all parties are encouraged to participate utilizing this technology.

The Zoom meeting ID will be available on the St. Clair County Circuit Clerk's website. Parties should contact the civil judge's clerk to schedule all matters. Notices of hearing shall contain the universal link for that particular judge's Zoom account and prominently display it on the Notice of Hearing.

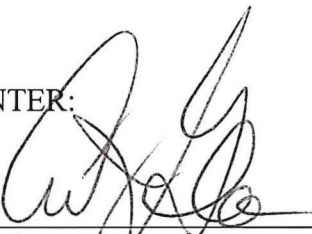
Parties should reference the Guidelines for Virtual Courtroom Proceedings of the Twentieth Judicial Circuit which are available on the St. Clair County website.



See Attached *Guidelines for Virtual Courtroom Proceedings of the Twentieth Judicial Circuit*.

DATED: May 28, 2020

ENTER:



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Andrew J. Gleeson  
Chief Circuit Judge

**GUIDELINES FOR VIRTUAL COURTROOM  
PROCEEDINGS OF THE  
TWENTIETH JUDICIAL CIRCUIT**



Virtual Courtroom Task Force:

Chief Judge Andrew Gleeson

Judge John O’Gara

Judge Stacy Campbell

Judge Julie Katz

May 2020

## Table of Contents

Guidelines for Virtual Courtroom Proceedings of the Twentieth Judicial Circuit .....	2
Zoom Accounts .....	2
Decorum .....	3
Notice to Parties .....	3
Virtual Hearing .....	3
Oath .....	3
Admonishments .....	4
Exhibits .....	5
Breakout Rooms .....	6
Waiting Rooms .....	6
Drafting and Signing of Orders .....	6
Interpreter .....	7
Court Reporter .....	7
Status Calls .....	8
Pleas/Judgments/Orders .....	8
Concluding a Zoom Proceeding .....	9
Scheduling a Zoom Proceeding .....	9
Running a Zoom Proceeding .....	9

## Guidelines for Virtual Courtroom Proceedings of the Twentieth Judicial Circuit

In an effort to address the unique needs created by the current pandemic, and in an effort to ensure that the administration of justice can continue during this time, the Virtual Courtroom Task Force has compiled the following guidelines and recommendations. These guidelines are intended to assist judicial officers in conducting proceedings remotely, whether they are physically in the courtroom or elsewhere. While there are several platforms for conducting virtual judicial proceedings, these guidelines are suggested with the employment of Zoom, which is the platform used by the 20<sup>th</sup> Judicial Circuit. Views may be different if a participant is accessing Zoom from a smartphone or iPad.

### Zoom Accounts

1. Each Judge shall be given a Zoom account through which he/she will conduct virtual court. Each Judge will be the “host” of the Zoom meeting (Judge/host). Litigants, defendants, and other participants will provide an email address to the clerk’s office in order to be sent an invitation to the Zoom proceeding. If a participant does not have access to Zoom, he/she shall be allowed to participate by conference call. The Judge/host will call the litigant and place him/her on speaker during the virtual proceeding. If preferred, the Judge/host can designate a “co-host” to assist in managing the participants. If the Judge/host chooses to have a “co-host,” he/she will notify the participants that he/she is using this feature.
2. The Judge can access Zoom through the app or through an Outlook account. “Schedule a Meeting” will allow a future meeting, while “Start Instant Meeting” will allow an instant meeting previously unscheduled.
3. Scheduling the hearing: Use the caption of the case and case number in the line for Meeting Topic.
4. The Judge/host should enable the Waiting Room feature in Zoom. This will allow the Judge/host to control who is admitted to the hearing and prevent participation by individuals who are not participants in the case. This also allows the Judge/host to keep the courtroom secure while still allowing the public to view the proceedings.
5. The telephone number of a participant may be displayed on the screen. The Judge/host should change the phone number to the participant’s name. The Judge/host may do this while the participant is in the Waiting Room. This will facilitate moving participants into Breakout Rooms or into the Waiting Room.
6. Use the “gallery view” to see all of the participants at once.
7. The Judge/host can choose to mute all or some of the participants. The Judge/host can allow all or some of the participants to self-unmute or to control access to mute. For



example, the Judge/host might mute everyone but allow the attorneys or parties if they are self-represented to unmute themselves when they need to speak. For those accessing via a smartphone or iPad, the participant may use the microphone at the bottom of the smartphone screen or the space bar on an iPad to unmute.

## Decorum

The Judge/host shall make every effort to maintain the same level of decorum as if physically present in the courtroom. The Judge/host shall remind those participating that the call is an extension of the Court and they are participating in a court proceeding. The same rules regarding dress codes, demeanor, language, and respect for the staff apply. The staff participating in the virtual proceeding should have a professional background displayed. A photograph of the courtroom should be used whenever possible.

## Notice to Parties

The Court shall provide adequate notice to the parties and ensure that the parties are able to participate remotely. Notice shall be provided to the parties in one of the following ways:

1. Court staff may telephone the parties before the hearing to obtain their email addresses. The invitation to the Zoom hearing and password shall then be emailed to the parties.
2. If the party does not have an email address or the ability to join by video, the party shall provide a telephone number to join the meeting via telephone.

## Virtual Hearing

At the beginning of the hearing, the Judge/host shall state the case number, case name, start and time of the hearing, require each participant to state and spell their name, and each participant to indicate in what form they are participating in the virtual hearing.

## Oath

The oath may be administered by the courtroom clerk, or by the individual Judge. This procedure would remain the same as during a physical court appearance if all parties appear by Zoom. If there is any question as to the identity of a participant appearing by Zoom, the Judge/host may require identification through a driver's license or another form of identification.

If a party is unable to appear by Zoom and is present by telephone only, the Judge/host must verify that the participant is the person he/she claims to be. This can be accomplished by asking other participants if they recognize the voice to be the person indicated. If verification is established, the oath can be administered as set forth above.

## Admonishments

The following admonishments will be given by the Judge/host prior to the commencement of the proceeding:

1. The court proceedings are on the record and are being recorded. All conversations can be heard by all of the other parties present and will become a part of the record.
2. Remember that this is a formal proceeding and treat it as if you were present in the courtroom.
3. There are multiple participants in this proceeding. If you are not speaking, mute yourself so we do not pick up background noise or unwanted audio feedback. Please take a moment to locate the mute button on your screen. Clicking the microphone will enable you to mute and unmute. If the Court mutes you, I will let you know that I will be doing so.
4. When you want to speak, unmute yourself and identify yourself by stating your last name. Identify yourself each time we change who is speaking, otherwise, the court reporter may have a difficult time determining who is speaking. If you have an objection, state the objection followed by your name or other identifying title. Wait until questions are completed before announcing an objection. The court reporter may interrupt from time to time to clarify who is speaking.
5. When you speak, please make sure that you speak slowly and clearly. Please do not speak over one another or interrupt one another.
6. The Court will admit witnesses into the virtual Courtroom from the Waiting Room one at a time. Do not communicate with the witness through any format during the proceeding. Witnesses may not hold any notes or paperwork in their hands while they are testifying.
7. Verbal responses are essential in order for the court reporter to take down what the speaker said.
8. Video or audio recording of this proceeding by any party through any device or format is strictly prohibited. Failure to comply with this admonishment may result in the imposition of sanctions or in a finding of contempt.

Other considerations during proceedings:

- Before concluding, the Judge/host should reaffirm that the participants were present for the entire virtual proceeding and that they were able to hear the entire proceeding.
- In criminal proceedings, the Defendant has a constitutional right to be present in court at every stage in the proceedings. The Judge should make a record at the beginning of the proceeding and inquire whether the Defendant is aware of his/her right to be physically present in court and whether he/she is waiving that right.

- Best practice would be to terminate the hearing if the Defendant waives his/her right to be physically present in court but changes his/her mind during the proceeding.
- Victims also have a statutory right to be present in court. The Judge should likewise admonish any victims regarding this right and the Judge should obtain the waiver of that right on the record.

## Exhibits

A courtroom clerk will be present either by video or in the courtroom with the Judge where applicable. The courtroom clerk is responsible for the exhibits. Parties shall send all exhibits, including documents, photographs, and videos, to the Judge, opposing counsel, and the courtroom clerk in advance of the hearing. Parties may submit unanticipated rebuttal evidence or impeachment during the hearing through the Share Screen feature. All exhibits should be numbered and labeled accordingly and include an exhibit list describing each item, along with columns that can help all parties identify whether a particular item was admitted into evidence. At the request of either side, or in the event of a technological malfunction, the courtroom clerk can display the requested exhibit on the party's behalf through the Share Screen feature.

Tangible exhibits will require the proponent to be present in court. If that is not possible, stipulations and photographs may be useful substitutes by agreement. The parties may also agree to deliver tangible exhibits to the courtroom clerk for preservation of the record. In appropriate circumstances, the Judge may require counsel to file an image of the physical item with the courtroom clerk in lieu of the original item. Parties may show tangible exhibits on video to or by a witness through Share Screen and should be viewable by everyone present in the virtual courtroom. Agreements regarding tangible evidence must be discussed in advance of the virtual proceeding.

Exhibits can be shown to witnesses by use of Share Screen on Zoom. Share Screen can be used to lay foundation, refresh recollection, and authenticate signatures. The Court should not allow an exhibit to be shown on Share Screen without permission. The Court can disable file sharing and then only enable it after the participant receives permission to show the exhibit. This also ensures no one improperly or accidentally uses exhibits.

For impeachment or rebuttal exhibits, the exhibit can be emailed to the appropriate participant or uploaded in the Share Screen feature in Zoom. The Chat feature can be used between parties and their attorneys. Attorneys and their clients may message one another privately using the Chat feature. The Court should remind a witness before he/she begins testifying that they may not communicate with their lawyer using the private Chat feature while they are testifying. The Judge shall admonish the parties that they cannot communicate with any other witness before, during or after the witnesses' testimony. The Judge shall further admonish



witnesses that they are not allowed to hold notes or paperwork in their hands while testifying. Witnesses should look into the camera while testifying.

Once the Court has ruled on an exhibit, the courtroom clerk will mark the exhibit list accordingly. The Judge will provide rebuttal or impeachment exhibits that were not previously included by email to the courtroom clerk who shall record the exhibit as part of the record.

For best practice, it should be noted that although the Chat feature does have upload capabilities, the uploaded items are only accessible by those on a computer, not by those using Zoom on an iPad or smartphone. Therefore, Share Screen is recommended over Chat for purposes of sharing exhibits during a hearing or trial.

### Breakout Rooms

The Judge/host is able to move participants to separate Breakout Rooms for privacy when appropriate. The Judge/host can create Breakout Rooms during the hearing or assign Breakout Rooms in advance of the hearing when scheduling the meeting. The Judge/host can create one or multiple Breakout Rooms. The Judge/host can message the separate participants and can also be part of a breakout session. For example, a Judge/host may use the Breakout Room with the attorneys for a side bar to rule on objections or may be used by an attorney to consult with their client. Interpreters and court reporters should be included in the Breakout Room when appropriate. Otherwise, the Breakout Room is not recorded. The Judge/host should remind participants to hit "return to main session" to exit the Breakout Room. Do not use "leave meeting."

### Waiting Rooms

The Judge/host has the ability to create and manage Waiting Rooms. The Judge/host can utilize a Waiting Room to keep people out of the virtual courtroom until their case is called. The Judge can return participants to the Waiting Room even after the Judge has admitted them. During a hearing or trial, the Judge can use the Waiting Room to exclude witnesses during testimony. Only the Judge/host is able to place people in and out of the Waiting Rooms. It is important that the Judge/host be mindful of the Waiting Room for participants who arrive late or of the participants the Judge/host has placed in the Waiting Room. While in a Waiting Room, a person is unable to see or hear anyone else involved in the proceedings.

### Drafting and Signing of Orders

Orders entered after court hearings will be signed by the judge and submitted to the clerk's office for dissemination to the litigants.



## Interpreter

The Judge/host of the Zoom Court proceeding has the ability to enable language interpretation to designate a participant(s) as the interpreter(s) in the proceeding. When the proceeding begins, the Judge/host can start the interpretation feature which will give the interpreter(s) access to their own audio channel(s). Participants can select an audio channel to hear their language of choice. Participants will hear the translated audio and can choose if they want to hear the original audio at a lower volume.

The Judge/host should ensure that the language interpreter has identified himself/herself for the record and that the record includes for whom the interpreter is present. The Judge/host should also administer the oath to the interpreter at the start of the proceeding.

## Court Reporter

Only a court reporter can prepare an official record of a virtual court proceeding. A court reporter can attend the proceeding as a Zoom participant and must be invited by the Judge/host, or the court reporter may transcribe the hearing at a later date by utilizing the recording made of the hearing. The court reporter is the only person authorized to record the remote Court proceeding by electronic means, stenography, or any other method. Any recording by a party or other person of a remote Court proceeding without the permission of the Court is not allowed. An admonishment regarding the use of recording devices has been included above, but best practice would be to remind witnesses and parties throughout the hearing that recording of the proceedings is strictly prohibited.

A Judge/host should keep the following guidelines in mind to assist the court reporter and help ensure a good record:

- Use of the Gallery View setting on Zoom so that the Judge/host and the court reporter can see all of the participants and more clearly know who is speaking.
- A Judge/host should make sure to unmute a participant's microphone when that participant is ready to speak; then mute the microphone when finished speaking.
- If a participant has his/her telephone number listed as their profile, change the profile to the participant's name and their role in the pending litigation, i.e. Plaintiff John Doe. Do not allow participants to display their telephone numbers as their profiles.
- Ask the participants to state and spell their first and last names for the record at the beginning of the proceeding. Ask the participant to reintroduce himself or herself by restating their title or their first and last name each time they speak.
- A participant should face the camera when speaking.
- Make sure that a participant waits until another speaker is finished before beginning to speak; one-at-a time is even more critical in a remote video setting.

- Remind participants to speak slowly.
- The court reporter has the same ability to interrupt and clarify if needed as if all participants were physically present in a courtroom.

### Status Calls

A Judge/host may conduct status calls via Zoom. An invitation will be sent to the participants in advance by e-mail as outlined in the Notice to Parties section. The invitation will have the meeting code and password. Any participant not able to access Zoom shall be allowed to participate by telephone. Status calls may involve only the attorneys of record if the Judge waives the presence of the litigant(s). The Judge/host should follow the procedures regarding profile names on Zoom to ensure that no one's telephone is disseminated to the public. Status calls would proceed in the same manner as if the parties were physically present in court. The Judge/host may have other status matters in the Waiting Room and should decide whether to set status matters in increments of time, i.e. groups in half hour increments. The Judge/host would take cases out of the Waiting Room and bring them into the courtroom as he/she called the cases. The Judge/host may choose to have the courtroom clerk as a co-host to assist with bringing cases into the courtroom from the Waiting Room. During the proceeding, the Judge/host should be mindful of whether participants are able to hear the entire proceeding. Orders regarding the status cases will be entered and signed by the Judge.

### Pleas/Judgments/Orders

In advance of the Court proceedings, attorneys must obtain all signatures required and prepare all necessary paperwork. Attorneys should number all pages and should also have the parties initial each page. The responsible attorney will then email all documents to the Judge. Once entered by the Court, the documents will be filed by the clerk's office. The Judge/host should only enter a plea or judgment with participants that have video capabilities to be able to see the documents referenced by the Judge. A court reporter must be present either in person or by Zoom for entry of the orders or judgment.

The Judge/host would conduct the hearing as outlined above, utilizing Share Screen to show the party the document and affirm all initials and signatures. The Judge/host would give admonishments as if in the physical courtroom and should proceed only after the participant acknowledges the proper waivers on the record. If a court reporter is not present at the virtual proceeding, the Judge/host should enter an additional order following the proceedings to indicate all who were present, including the name of the interpreter, as well as the start time and end time of the proceeding.

If the Judge/host and courtroom clerk were present in the courtroom, the Judge/host can print the documents, sign the documents, and give them to the Deputy Circuit Clerk for entry. If the

Judge/host and courtroom clerk are not in the same room, the Judge/host will have to print the documents, sign them, and forward them to the clerk's office to file.

### Concluding a Zoom Proceeding

At the end of the Zoom proceeding, the Judge/host should conclude the matter in the same manner as if physically in court. The Judge/host should then end the Zoom proceeding by clicking on "End Meeting." The Judge/host should be careful to not click "Leave Meeting," as this would allow the Zoom proceeding to continue without the Judge's presence.

### Scheduling a Zoom Proceeding

The Committee on Judicial Education conducted a webinar entitled "Remote Hearings 101" which addressed the procedures for scheduling a Zoom proceeding. The webinar can be found at this location:

[https://www.pathlms.com/aoic/courses/18376/video\\_presentations/157566](https://www.pathlms.com/aoic/courses/18376/video_presentations/157566). When you click the link, you will have to sign in, but after you sign in, the link should take you straight to the webinar recording.

### Running a Zoom Proceeding

The Committee on Judicial Education conducted a webinar entitled "Remote Hearings 101" which addressed the various tools that can be used for conducting a Zoom hearing. That webinar can be found at the following location: [https://www.pathlms.com/aoic/courses/18376/video\\_presentations/157566](https://www.pathlms.com/aoic/courses/18376/video_presentations/157566).

When you click the link, you will have to sign in, but after you sign in, the link should take you straight to the recording.