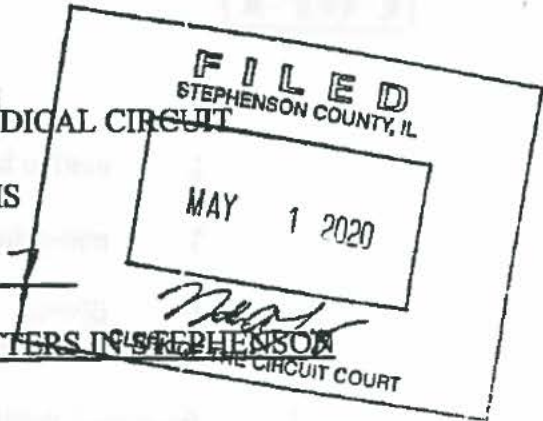


IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT

STEPHENSON COUNTY, ILLINOIS

ADMINISTRATIVE ORDER NO. 2020-7

PROCEDURES FOR REMOTE HEARINGS IN CIVIL MATTERS IN STEPHENSON COUNTY



WHEREAS, under Illinois Supreme Court Rule 241, the court may, for good cause shown in compelling circumstances and upon appropriate safeguards, permit presentation of testimony in open court by contemporaneous transmission from a different location; and

WHEREAS, the Supreme Court of Illinois has issued Order M.R. 30370 dated March 17, 2020, and the Governor of the State of Illinois has issued a disaster proclamation in response to the COVID-19 pandemic; and

WHEREAS, Order M.R. 30370 directed circuit courts to continue hearing essential matters and proceedings, allowed circuit courts to conduct those hearings remotely by telephone or video or other electronic means, if feasible and subject to constitutional limitations, and allowed circuit courts to hear non-essential matters and proceedings remotely; and

WHEREAS, pursuant to Administrative Orders entered in the Fifteenth Judicial Circuit and Stephenson County, the Stephenson County Circuit Court is hearing only essential and emergency matters through May 30, 2020; and

WHEREAS, Stephenson County's Civil Court judges have familiarized themselves with various software and platforms that enable remote hearings and after April 30, 2020, are prepared to hear civil matters remotely, in accordance with the following procedures.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

I. Platform

The Court expects to initially use Zoom for remote hearings. All parties participating in a remote hearing must create an account for the platform being used for that hearing. Should Zoom prove to lack appropriate safeguards, the Court shall, in its discretion, substitute a more secure platform.

II. Eligibility for Remote Hearings

A. Presumed Eligibility. The following civil matters are presumed eligible for remote hearings:

1. Progress calls, status conferences, and case management conferences;

2. motion hearings other than motions for default;
3. non-evidentiary hearings; and
4. divorce prove-ups and entries of agreed Judgments of Dissolution and Parenting Allocation judgments.

B. Presumed Ineligibility. The following civil matters are presumed ineligible for remote hearings:

1. First appearances;
2. shelter care, adjudicatory, and dispositional hearings in juvenile matters;
3. hearings regarding orders of protection and no-contact/stalking orders;
4. hearings in which a party is seeking a sanction for contempt of court;
5. hearings in which a party is seeking a finding of default or entry of a default judgment;
6. evidentiary hearings;
7. settlement conferences; and
8. final pre-trial conferences.

C. Remote Hearings by Agreement. If all parties and the judge to whom the case is assigned agree, a matter presumed to be ineligible for remote hearing, as well as any other type of hearing, may be heard remotely.

III. Scheduling a Remote Hearing

- A. Matters Presumed to be Eligible for Remote Hearing. If a matter is presumed to be eligible for remote hearing or the parties have agreed to a remote hearing, the party scheduling the matter shall obtain a time and date for the hearing from the Court staff member for the judge to whom the case is assigned. Although the Court staff assigned to a particular judge may change, the assignments and contact information for each staff member currently are as follows:

Judge Olson (Courtroom 2)

Mikki Buman (815) 599-8415

Judge Schorsch (Courtroom 3)

Claire Burke (815) 801-8305

Debbie Dietz (815) 235-8348

- B. Remote Hearings by Agreement. If a matter is presumed to be ineligible for remote hearing or is another type of hearing not presumed to be eligible for remote hearing and all parties agree to a remote hearing, one of the parties shall contact the appropriate Court staff member to determine whether the judge will hear the matter remotely.
- C. Notice of Remote Hearing. After the time, date, and platform have been determined, the party scheduling the hearing shall provide notice of the hearing to all other parties. In the notice, in addition to the time, date, and subject matter of the hearing, the party shall specify:
1. that the hearing is to be conducted remotely;
 2. the platform through which the hearing will be conducted; and
 3. the e-mail address or telephone number at which each party may be reached for the hearing.

If an opposing party has not appeared and/or the party providing notice does not have an opposing party's e-mail address or telephone number, the notice also shall inform the party that the party may participate in the hearing personally at the designated time and place and that, if the party prefers to participate in the hearing remotely, the party must at least one full business day before the hearing (a) inform the appropriate Court staff member (whom the party shall identify in the notice) of the party's desire to participate remotely and (b) provide the Court staff member the party's e-mail address or, if none, telephone number.

- D. Objections. If any party objects to conducting the noticed hearing remotely or to the platform designated, that party, as soon as practicable, shall file the party's objection in writing and notice the objection for hearing before the noticed remote hearing. If feasible and appropriate, the Court may resolve the objection by requiring or allowing the objecting party to attend the noticed hearing in person.

IV. Conduct of Remote Hearing

The precise method in which a remote hearing will be conducted remains within the discretion of the judge assigned to the case, within the bounds of applicable law, rules, and

practice procedures. Unless otherwise directed by the Court, however, remote hearings shall be conducted as follows:

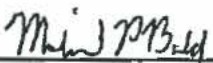
- A. The Court will host the hearing, send all invitations and passwords for the hearing, and otherwise control entry into the hearing;
- B. the Court will invite to the hearing the attorneys and self-represented litigants identified in the notice of hearing, at the e-mail address identified in the notice. If a party intends to appear through a different attorney or different e-mail address, the party must provide the name of the different attorney and/or the different e-mail address to the appropriate Court staff member at least one full business day before the hearing.;
- C. all persons must use their real names (not aliases) while online to ensure they will be allowed to enter the hearing. Passwords to the hearing shall not be shared to any person not previously authorized by the Court to participate;
- D. except as otherwise provided in this Order, hearings shall be conducted as if all parties were personally present and in accordance with the Illinois Rules of Civil Procedure, Illinois Rules of Evidence, Illinois Supreme Court Rules, and the Local Rules of the Circuit Court of the Fifteenth Judicial Circuit;
- E. if requested by a party and if technologically feasible, the Court will allow breakout meetings, private chats, or other private communication between attorneys and clients during the hearing; provided, however, that during the testimony of any person, that person may not communicate by private chat with any other person;
- F. the Court will make the official record of the remote hearing, and no party may record any part of the hearing through the platform or any other means;
- G. all participants must wear appropriate attire and present themselves as they would if they were appearing personally;
- H. all participants must be in an environment free of video and/or audio distractions;
- I. when a participant is not speaking, the participant should mute his or her microphone;
- J. any person testifying must appear remotely by both video and audio;
- K. if a party intends to call a non-party witness during a remote hearing, that party shall be responsible for providing the invitation to the remote hearing to the witness;

- L. each witness will be sworn or affirmed by the judge or clerk before the witness testifies and must be alone in a secure room with the doors closed;
- M. each witness should ensure there will be no interruptions or distractions for the duration of his or her testimony;
- N. no exhibit may be used during a remote hearing unless a copy of the pre-marked exhibit was provided to all other parties and the appropriate Court staff member at least one full business day before the hearing;
- O. if a party or a party's witness requires the use of an interpreter, that party shall be responsible for coordinating with the appropriate Court staff member how the interpreter will be obtained and involved in the hearing; and
- P. the Court may terminate or suspend the remote hearing for technological or other reason at any time.

V. Public Access

The Court, parties, and attorneys shall be cognizant that civil courts are generally open to the public and that it remains highly desirable that the operations of the civil courts are as transparent as practicable. In this regard, parties should be aware that although hearing participants may appear remotely, the judge hearing the matter most likely will be in the courtroom and that the courtroom will be open to the public. If conditions provide that the judge hearing the matter must also appear remotely, the courtroom shall remain open and the hearing shall be live streamed thereto. Moreover, the Court and parties must consider how the media and public can have access to a remote hearing. The daily court schedule shall reflect that a hearing is remote and the date and time of the hearing. Observers are prohibited from communicating with witnesses or potential witnesses concerning any testimony or evidence until after the evidence has closed.

Dated: April 30, 2020.



Michael P. Bald, Presiding Judge