

## **Local Rule 10 – Remote Hearings**

The intent of Local Rule 10 is to promote uniformity in the practices and procedures related to remote appearances in cases where such an appearance is permitted by these rules, court order, statute, or other rules of court.

### **(A) Definitions**

- (1) “Remote” is defined as the use of live two-way video or audio technology. Notwithstanding any other provisions of this Rule, a judge may order a party’s personal appearance in Court for any conference, hearing, or proceeding.
- (2) “In Person Hearing” is defined as a hearing conducted where the Court and all participants appear physically in the same location.
- (3) “Video Hearing” is defined as a hearing conducted using *Zoom*, or other video conferencing software where the Court and all participants appear remotely.
- (4) “Telephonic Hearing” is defined as a hearing conducted where the Court and all participants appear using a telephone.
- (5) “Hybrid Hearing” is defined as a hearing conducted using a combination of any of the above-listed appearance types (e.g., the Court appears in person in the courtroom and the remaining participants appear via *Zoom*).

### **(B) Telephone Appearances**

The Juvenile Court may conduct conferences, hearings, and other proceedings via telephone with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Division (F) of this Rule.

- (1) All evidentiary proceedings involving a telephone appearance must be recorded and reported to the same extent as if the participants had appeared in person.
- (2) The Court may specify the time and the person who will initiate the conference and any other matter or requirement necessary to accomplish or facilitate the telephone appearance.
- (3) Upon convening a conference, hearing, or proceeding involving a telephone appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.
- (4) The Court may require a party to appear in person, including video conferencing, at a conference, hearing, or proceeding in which a telephone appearance is otherwise permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.
- (5) If at any time during a conference, hearing, or proceeding conducted by telephone, the Court determines a personal appearance, including video conferencing, is necessary, the Court may continue the matter and require a personal appearance.

**(C) Video Conferencing**

- (1) The Juvenile Court may conduct conferences, hearings, and other proceedings via a live two-way video conferencing platform with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Division (F) of this Rule.
- (2) All evidentiary proceedings involving a video conference appearance must be recorded and reported to the same extent as if the participants had appeared in person.
- (3) Upon convening a conference, hearing, or proceeding involving a video conference appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.
- (4) The Court may require a party to appear in person at a hearing, conference, or proceeding in which a video conference appearance is otherwise permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.
- (5) If at any time during a hearing, conference, or proceeding conducted by video conference the Court determines a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

**(D) Confidential Attorney-Client Communication**

Provisions shall be made to preserve the confidentiality of attorney-client communications and privilege during any conference, hearing, or proceeding involving a telephone or video-conference appearance.

**(E) Witnesses**

A witness may testify via telephone or video conference if not otherwise prohibited by this Rule, statute, the Court, or other rules of Court, or upon motion.

**(F) Technical Standards and Equipment**

The equipment and platform used in any hearing or proceeding conducted under this Rule must conform to the following minimum requirements:

- (1) All participants must have the ability to hear and communicate with each other simultaneously.
- (2) All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other medium.
- (3) The equipment or platform must allow for the Court to generate a verbatim record of the conference, hearing, or proceeding.
- (4) The equipment or platform must be able to be used by people with disabilities to accommodate their disabilities under the Americans with Disabilities Act.
- (5) The use of telephone or video-conferencing platform used to conduct the conference, hearing, or proceeding shall in no way abridge any right of the public.

**(G) Hearing Management Plan**

Unless for good cause shown, the Court may conduct conferences, hearings, and proceedings in the following manner:

Type of Proceeding	In Person	Video <sup>1</sup>	Telephone	Hybrid <sup>2</sup>
Arraignments	X	X		X
Plea Hearings	X	X		X
Pretrial Hearings	X	X	X	X
Review/Status Hearings	X	X	X	X
Evidentiary Hearings	X	X		X
Sentencing Hearings	X	X		X
Post-Conviction Proceedings	X			
Motion Hearings	X	X	X	X
Traffic Proceedings	X	X		X
Civil Proceedings	X	X		X
Adjudication (Juvenile)	X	X		X
Disposition (Juvenile)	X	X		X
Administrative Proceedings	X	X	X	X

- 1 Some types of proceedings may require the consent of one or both parties to be conducted remotely using video- conferencing technology.
- 2 Some types of proceedings may require the consent of one or both parties to be conducted in a hybrid manner.