

How to Conduct a Remote Hearing Webinar

July 7, 2020



THE SUPREME COURT *of* OHIO
OFFICE OF COURT SERVICES



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How to Conduct a Remote Hearing Webinar

July 7, 2020 | 12:30 p.m. – 2:00 p.m. | Zoom

AGENDA

- 12:30 – 12:40 Welcome & Introductions
Kyana Pierson, *Supreme Court of Ohio*
- 12:40 – 2:00 **How to Conduct a Remote Hearing Webinar**
Hon. Todd L. Grace, *Athens County Municipal Court*
Magistrate Patricia Hider, *Butler County Probate Court*
Hon. Diane M. Palos, *Cuyahoga County Domestic Relations Court*
- 2:00 – 2:05 Wrap up and Evaluation
Kyana Pierson, *Supreme Court of Ohio*

Presenter Bios

JUDGE TODD L. GRACE is in his fifth year as Athens County Municipal Court Judge. Prior to taking the bench, he served for 13 years as a Magistrate in Athens County Juvenile Court while maintaining a private law practice in Athens. During his time at Athens Municipal Court, Judge Grace has significantly expanded the Court's diversion programs and has moved the Court progressively towards digital files and digital court management processes. Judge Grace has served on task forces and workgroups for the Ohio Supreme Court and the Ohio Judicial Conference including the areas of Bail/Bond reform, Model Bond Schedule, New Judge Mentoring Program, Continuing Jury Operations, and Remote Hearings.

In March 2020, with the coronavirus pandemic, Judge Grace and Athens County Municipal Court set up the framework for resolving cases through video conferencing. The Court was able to accept changes of pleas, conduct preliminary hearings, and conduct motion hearings. On May 1st, the Court resumed its pre-trial docket, by Zoom. The practitioners quickly adjusted and more cases were being resolved throughout May and progress was demonstrated on many other cases throughout that time. With the lifting of the Governor's stay at home Order at the end of May, the Court transitioned to a hybrid system where most court participants are still appearing by Zoom, but a limited number of participants are being permitted to come into the courtroom as needed. Each of these transitions has required problem solving and flexibility, and Judge Grace is extremely thankful to have the staff and practitioners that have made it possible to transition (somewhat) smoothly through each of these changes.

Judge Grace and his wife, Sarah, have four children ranging from 7 to 19 years old. As you might expect, they do not feel like they can ever get enough done or get enough sleep.

PATRICIA A. HIDER has been a magistrate in Butler County, serving under Judge Randy Rogers at the Butler County Probate Court, since January of 2003. Prior to joining the Probate Court, Magistrate Hider worked as an aide to the Area Courts judges and was engaged in private practice.

Before working for the courts, she was the Director of the Patent Estate for Ethicon Endo-Surgery, Inc. and also worked for the Procter & Gamble Company as Counsel for Patents. Before her career in the law, Magistrate Hider worked in the medical field in a variety of positions, including Manager of Product Acquisitions and Licensing for Medisense, Inc., Business Development Manager and Manger of Clinical Affairs for Baxter Healthcare Corporation, and Clinical Trials Coordinator at Becton Dickinson & Company.

She has published numerous articles in medical journals and spent time as an instructor for the Emory University Hospital & School of Medicine. Magistrate Hider has given probate presentations for the Supreme Court of Ohio Judicial College, the Ohio State Bar Association, the Ohio Association of Magistrates, Miami University Office of Continuing Education, and the Butler County Board of Mental Retardation and Developmental Disabilities.

Magistrate Hider earned her BS in Biology from the University of Cincinnati, a Master of Medical Science degree in Clinical Microbiology from Emory University, and her JD, cum laude, from Suffolk University Law School in Boston, Massachusetts.

DIANE M. PALOS serves on the Cuyahoga Court of Common Pleas, Division of Domestic Relations. Before her appointment in 2009, she served as a Magistrate and Referee in that court. She was the 2016-17 President of the Ohio Association of Domestic Relations Judges (OADRJ) and served from 2016 to 2017 as the Chair of the Ohio Judicial College Board of Trustees. She is the current Chair of the SCO Commission on the Rules of Superintendence.

Judge Palos chaired the planning committee for the Ohio Domestic Relations Summit in 2014. She was appointed by the Chief Justice to the Task Force on Access to Justice in 2014. She serves on the Supreme Court of Ohio Committee on Case Management. She is the co-chair of the Ohio Judicial Conference Law & Procedure Committee for Domestic Relations. Previously, she served on the Supreme Court of Ohio Advisory Committee on Children, Families, and the Courts from 2002 to 2008, and on the Ohio Judicial College Board of Trustees from 2005 to 2009 and from 2013 to 2018. Judge Palos has been a faculty planner for continuing legal education for judges and magistrates in Ohio since 1987. She served by appointment on the Ohio Child Support Guidelines Council, from 1999 to 2001 and as a proxy to Ohio Child Support Guidelines Council from 1995 to 1997.

She has been an executive officer and member of the Board of Trustees for The Center for Principled Family Advocacy since 2000. She was a founding member of the Center and has planned and facilitated many of the CLE presentations since its establishment.

Judge Palos worked as an adjunct professor at Cleveland-Marshall College of Law for 21 years. She taught various courses including Advanced Legal Writing with a Family Law focus, Legal Writing, Family Law, and Bar Strategies and Tactics from 1989 to 2009. Judge Palos is the author of Chapter 19, Child Support, Sowald Morganstern Domestic Relations Law and a member of the Editorial Advisory Board for the Domestic Relations Journal of Ohio.

HOW TO CONDUCT A REMOTE HEARING

It's not a faith in technology. It's a faith in people. – Steve Jobs



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WHY ARE WE HERE?

- COVID-19 caused a need for remote hearings.
- Data is showing positive outcomes and increasing support by litigants.
- There still remains some hesitation due to lack of familiarity with how remote hearings actually work.



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TODAY IS NOT ABOUT

DISCLAIMER

WHERE WE HAVE BEEN & WHAT'S NEXT

- Courts must make policy decisions as to what hearings are appropriate to be held remotely.
- Policy Considerations
 - Authority
 - Willingness and Consent of Parties
 - Technological Capabilities
 - Comfort Level

The Supreme Court of Ohio

ADMINISTRATIVE ACTIONS

March 27, 2020

[Civ. R. 69.2-70.9 Administrative Actions, 2020-Ohio-1186]

In re Tolling of Time Requirements Imposed by Rules Promulgated by the Supreme Court and Use of Technology

WHEREAS, on March 9, 2020, the Governor of Ohio issued Executive Order 2020-01D and declared a state of emergency in Ohio in response to COVID-19;

WHEREAS, on March 11, 2020, the World Health Organization publicly characterized COVID-19 as a global "pandemic" requiring "urgent and aggressive action" to control the spread of COVID-19;

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency;

WHEREAS, on March 27, 2020, the Governor of Ohio signed into law Am.Sub.H.B. No. 197, which immediately tolled, retroactive to March 9, 2020, all statutes of limitation, time limitations, and deadlines in the Ohio Revised Code and the Ohio Administrative Code until the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner;

WHEREAS, social distancing must be observed during the emergency period in all court proceedings and in each court in order to mitigate the spread of COVID-19;

WHEREAS, it is necessary for the Court to establish a temporary measure promoting uniformity and continuity amongst the courts of Ohio and ensuring the

UTILIZING VIDEO CONFERENCING PLATFORMS

GoToMeeting
Skype CourtCall
Microsoft Teams
WebEx
AmazonChime Zoom
Lifesize



CONSIDERATIONS FROM START TO FINISH

Before the Hearing Begins



CONSIDERATIONS FROM START TO FINISH

Before the Hearing Begins

Practice
Practice
Practice



CONSIDERATIONS FROM START TO FINISH

Conducting the Hearing



WHAT HAVE WE LEARNED?



WHAT OTHER COURTS ARE DOING

- Tablets being used in court parking lots in lieu of coming into the courtroom to participate in a hearing.
- Laptops set up in courthouse lobby or designated rooms for parties to use during hearings.
- Developing “how to” guides/trainings for attorneys and participants
- Utilizing 360-degree view cameras that pan and zoom for use when some parties are remote and others are in person.
- Create a QR Code instead of sending Meeting ID and password.



Practical Considerations for Conducting Remote Hearings

There are several platforms available for courts to use when conducting remote hearings. Whether you are using Microsoft Teams, Zoom, WebEx, Lifesize, CourtCall, or Amazon Chime, to name a few, there are a myriad of recommendations for a court to consider. [If your court has not yet selected its video conferencing platform, view the [Quick How-to Guide: Selecting Technology for Virtual Court](#) for helpful information.]

The Supreme Court of Ohio is not endorsing any of the products mentioned in this guide.

PREPARING TO CONDUCT A REMOTE HEARING

There is a lot of upfront work required to prepare for conducting a remote hearing before the first one is even scheduled. Work on the front end will save time during the hearings and avoid continuances due to technical difficulties.¹

- Develop protocols for how the court will receive and share documents, exhibits, or other paperwork in advance so that they can be reviewed and shared by the participants. Consider creating a court-specific portal or other services such as Dropbox or WeTransfer.² Documents that are shared and reviewed ahead of time can save time during the hearing.
 - Make sure there are alternatives available for self-represented litigants who do not have the capability of using such services for uploading documents.
- Implement a procedure for accepting electronic signatures whether that is on the front end for electronic filing or the backend where parties may be signing a settlement agreement.
 - This may require adopting a new local rule or administrative practice.
 - There are paid and free services available where documents can be exchanged and digitally signed (e.g. DocuSign, Adobe Sign, HelloSign).
- Develop a system for obtaining necessary contact information from required participants.³

¹ It is important to consider the resources needed to conduct remote hearings vs. in-person hearings in light of the social distancing requirements and other public health restrictions currently in place.

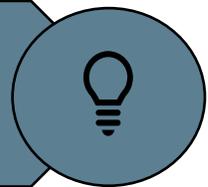
² Consider accommodations required for visually impaired participants.

³ See *Sample Contact Information Form*

- Determine a process for when an interpreter is needed.⁴ Some platforms offer a closed captioning and also the capability for an interpreter to directly address an individual with limited English proficiency or who is deaf or hard of hearing.⁵
- Determine how to accommodate any ADA disabilities (e.g. providing closed captioning for a party with a hearing impairment).
- If you are requiring parties to consent to participating in a remote hearing, formalize this process.⁶ Make sure you determine:
 - How consent will be obtained (e.g. form)?
 - Whether consent can be withdrawn and if so, at what point?
 - When requiring consent, best practice is to obtain both written and oral consent where allowable.

When using external products, be mindful of:

- Security issues
- ADA Accommodations
- Access to Technological Resources



PRACTICE, PRACTICE, and PRACTICE on your platform. Explore the various features that your platform may offer. It is important that you and your staff are comfortable using and helping others use the application you have selected. Watch tutorial videos and conduct test hearings to increase your comfort level. It is likely that something unexpected will occur at some point; therefore, it is important to have a contingency plan in place.

Platforms offer a wide variety of features that you can use to conduct your hearing such as:

- “Break-out rooms” for confidential conversations;
 - It is important that these conversations are not recorded. If by chance, a conversation is recorded, the court should not view or store the audio file.
- “On-hold” feature to disable video, audio, and chat access;
- Ability to “lock” a meeting after it has been started to prohibit additional participants from joining;
- “Waiting room” where participants remain until admitted into the meeting by the organizer;
- “Raise your hand” feature that can be used for asking questions, requesting breaks/recesses, raising objections,
- Whiteboarding and screen annotating functionalities; and
- Customizable greeting or message when participants enter the “waiting room.”

⁴ [Roster of Court Interpreters by Language](#) who are available by phone or video.

⁵ National Center for State Courts, [Video Remote Interpretation Solutions & Resources for Courts](#), June 2020.

⁶ Chesterfield County Virginia allows parties to submit a [Motion for Remote Hearing](#) in non-emergency matters.

It is important to note that remote hearings may not be a feasible option for all participants. Some parties may not have access to a smartphone or may have limited minutes or data plans. Consider compiling a list of possible workarounds and available resources for those unable to participate.



INSTRUCTIONS FOR THE PARTICIPANTS

The likelihood of the remote hearing being successful greatly hinges on the ability of the attendees to effectively join and participate. Participants may be unfamiliar with conference call lines or video conferencing, or anxious about using them; the court can include instructions and resources along with the notice for the hearing. You may want to develop separate instructions for attorneys and litigants (for instance, for courts that have e-filing only for attorney and want attorneys to use that system whenever possible). Remember to use plain language when communicating with participants and reiterate they should not appear in person at the courthouse.⁷

Obtaining email addresses from the necessary participants may prove to be a challenge; therefore, you may want to consider delivering the instructions and remote hearing information electronically and also by paper to help ensure receipt.⁸

Make sure to include:

- Information explaining the party's rights or other documents that would be included or available for an in-person hearing.
- An explanation of what the participants should expect upon joining the meeting.
- A reminder to not appear in person at the courthouse on the hearing date.
- Instructions for submitting exhibits or notifying the court of witnesses.
- Contact information where they can get assistance if there are questions and how to update the court if their contact information changes.
- A recommendation to counsel and parties to communicate prior to the hearing and stipulate as much as practicable.
- Instructions on what to do if they have difficulty joining the hearing or if they get disconnected during the proceeding. Have a designated phone number for participants to call to inform the court.

⁷ National Center for Court Management, [Plain Language Guide](#) (updated January 7, 2019)

⁸ See *Sample Summons to Appear by Video – Juvenile Court*

Helpful instructions to your participants:

- Visit the video conferencing website for helpful instructions on how to use the platform or application before your scheduled proceeding.
- Test your camera, speaker, and microphone in advance.
- Dress like you would if you were appearing in court.
- Limit distractions during the proceeding. Find a quiet place to participate.
- Place your camera/phone/tablet in a stationary place to minimize unnecessary movement.
- Make sure others using your Wi-Fi network minimize their use so that it does not disrupt your connection.
- Wait to speak until you are called on by the court and do not talk over others.
- Keep yourself on mute until it is your turn to talk.
- Do not use a virtual background.
- You should be in a room alone, unless with counsel spaced appropriately apart.
- Do not share the log on information and password with others.
- Recording by anyone beside the court is not permitted, unless the court gives permission prior to the hearing.
- Make sure your profile or screen name matches the one that the court has on file. You should use your first and last name.
- Explain the appropriate use of the chat feature.

GROUND RULES FOR HEARINGS

It is important to set ground rules for running a virtual hearing as this is new to most participants. Make sure to provide the ground rules to the parties prior to the hearing so they know what to expect and what is expected of them.

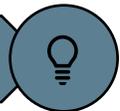
Address such items as:

- Parties should wait to speak until called on by the court and should not talk over others.
- Documents: Share any documents/exhibits that will be reviewed in advance. Use the “share screen” function while documents are being discussed during the hearing. Request that the documents are pre-marked for exhibit purposes.
- Witnesses: Consider providing specific rules and instructions for witnesses (i.e. to be alone, avoid using notes). Determine whether they can testify by phone and/or video and how you will administer the oath.⁹ Make sure to include their email address and/or phone number on the witness list.

⁹ Telephonic testimony may make it difficult to determine the witness’s credibility.

- Develop a process of verifying the participant’s identity such as holding a driver’s license or other government-issued ID near the individual’s face upon joining the proceeding.
- Sidebar and Attorney-Client Conversations: Consider using break out rooms or private chat features.¹⁰ Reiterate that these conversations will not be recorded.
- Breaks/Recesses: Develop a process for requesting breaks or recesses (i.e. put the request in the chat box, raise your hand). Make sure to inform participants that they should refrain from leaving the room or the camera without first asking to do so.
- Chat Box: Set parameters for using the chat feature if you decide to use this functionality as there could be an appearance of impropriety and constitute ex parte communication.

These rules should be reiterated at the start of the hearing.



CONDUCTING THE VIRTUAL HEARING

There are numerous logistical details to manage during the actual virtual hearing. It may be beneficial to designate a staff member to serve as the “host” or “organizer” of the video conference platform so that you can focus on handling the substantive and procedural matters of the hearing.

- Draft a script for the beginning of each proceeding with instructions, ground rules, admonishments, etc.¹¹
- Consider having a dedicated staff member attend the proceeding as the “host” or “organizer” to help manage and troubleshoot any technical difficulties.
- If you are not in your courtroom, consider using a virtual background of your courtroom to help simulate a “court-like” experience. A solid backdrop and sufficient lighting help to make the image display correctly.
- Utilize “waiting room” features to control who can join the proceeding. The waiting room can also be used as a holding room for witnesses.
- Verify attendees as they join the meeting. Immediately remove anyone who is uninvited.
- Remind participants to look into the camera and to speak one at a time. There can be a delay in the audio, so each speaker should pause prior to speaking.
- Make sure any required waivers have been obtained and are acknowledged at the beginning of the proceeding.
- Address public access accommodations that have been made if any.

¹⁰ Under Prof.Cond.R. 1.4, a lawyer has a duty to consult with and keep his client reasonably informed about matters concerning the case.

¹¹ See *Sample Introduction Script*

- Have participants mute themselves when not talking to minimize background noise.
- Reiterate that unauthorized recording of the proceeding is prohibited.
- Instruct participants what to do if they experience technical difficulties. Consider having a separate phone number not associated with the remote platform for the participant to call if they are unable to join or rejoin the hearing.
- Have a contingency plan for what happens if the technology fails including a process to notify participants that the proceeding has to be continued.

Be aware of your actions – facial expressions, body language, and gestures. Even more so than in a live courtroom, all eyes are watching you. Exaggerated movements can be distracting to the speaker and the audience.



RECORDING & RETAINING A RECORD OF THE HEARING

There are multiple ways to record the virtual hearing. Most video conferencing platforms have a recording feature where the audio file can be stored in the platform’s cloud or downloaded and stored on the court’s network. This method is oftentimes used if the judge and court staff are working remotely. Courts can also configure the platform into its existing audio system and record the proceeding as it normally would.

Any conversations that take place in break-out rooms between an attorney and client should not be recorded. In the event that this mistakenly occurs, the recording should be immediately deleted and should not be viewed.

Regardless of the method, make sure that the proceeding is recorded and a copy is stored/backed up according to the court’s retention schedule.¹² You may need to update your records retention schedule if necessary to incorporate video recording files.

PUBLIC ACCESS TO THE HEARING

It is important to consider how you will honor the public’s right to access court proceedings as a means to maintain integrity in the judicial system. Some courts have created systems whereby those wishing to view the proceedings request a link to the remote hearing from the court. Hearings can also be broadcasted via YouTube, Facebook Live or on your court’s website.¹³

¹² Note: some platforms offer closed captioning functionality. It is not recommended that this be used to create an official transcript of the proceeding.

¹³ Juvenile courts should be aware of Juv.R. 27.

Where appropriate, consider increasing public access by:

- Updating the online daily docket or calendar with links/instructions to access the remote proceedings.¹⁴
- Have the parties identify themselves on their screen names (e.g., John Smith, Prosecutor; Susie Doe, Defense Attorney).
- Adding a "Do Not Record" watermark to your live stream so that it cannot be edited for misuse.
- Disable commenting functionality for viewers.

COLLECTING DATA

As courts work toward returning to normal operations, it is important to evaluate the use and success of remote proceedings. What worked well and what did not? For what types of hearings is a remote platform best suited? Courts should keep track of the number and types of cases being conducted virtually and determine how best to incorporate the use of video conferencing in the normal course of business.

RESOURCES

How to Use Remote Platforms

- Amazon Chime: [How To Videos](#)
- Cisco Webex: [Meetings Video Tutorials](#); [How to Use Webex Guide](#)
- CourtCall: [What Is CourtCall](#)
- Lifesize®: [Support Center](#)
- Microsoft Teams: [Training Videos](#)
- Zoom: [Zoom Video Tutorials](#); [Zoom Hearing Instructions](#)

Instructions for Participants

- Michigan Legal Help Center: [What to Expect at a Virtual Zoom Hearing](#)
- Zoom Tutorial: [How to Join a Meeting](#)
- Arapahoe County, Colorado: [WebEx Instructions for Court Participants](#)
- Hawaii State Judiciary: [Remote Court Hearings via Zoom or WebEx](#)
- New York Courts: [How to Appear in Virtual Court - Skype](#)

Conducting Hearings

- National Center for State Courts: [Checklist for Judges in Virtual Proceedings](#)
- Texas Judicial Branch: [Zoom Hearing Instructions](#)
- Pierce County Washington Superior Court: [Guide for Electronic Hearings with Zoom](#)

¹⁴ Consider adopting a local rule outlining how public accessibility is conveyed with the use of remote hearings pursuant to Sup.R. 44-47 to ensure that the public is informed.

- Zoom Troubleshooting Audio Difficulties: [What to do when there is an audio echo](#)
- Zoom Troubleshoot Virtual Backgrounds: [Overview & Instructions](#)

Livestreaming

- National Center for State Courts: [Linking a YouTube Account to a Zoom Account](#)
- Michigan State Court Administrative Office: [Using Zoom and YouTube](#)
- Pierce County Washington Superior Court: [Live Courtroom Feed](#)

Remote Hearing Checklist

Upon the determination to conduct a remote hearing, you will need to obtain contact information, consent and/or waiver (if applicable), and whether or not there is a request for an interpreter or ADA disability accommodation from each of the parties and other required participants.

- Schedule the proceeding with a unique password.
- Send notice to all of the participants with the meeting information, along with all relevant case information. Include instructions for using the remote applications and a reminder not to share the meeting information.
- Sign into the online application well in advance of the hearing's start time. Check the meeting's settings to ensure that they are correct. Test audio and video connections.
- Admit the participants and verify they are appropriately attending the correct proceeding.
- Verify all participants are connected to audio and video.
- Start recording the proceeding.
- If you are broadcasting the proceeding, start the livestream connection.
- Begin the proceeding as you would if you were in the courtroom.
 - State case number and title
 - Introduce the participants
- Address on the record that the parties are waiving any rights they may have to be present in the courtroom and/or that they have consented to the remote proceeding (if applicable).
- Provide instructions for how a party can communicate with his/her attorney. If a chat feature is being utilized, explain the appropriate use of the chat box.
- Acknowledge any public access accommodations and that the unauthorized recording of the virtual proceeding is prohibited.
- Reiterate ground rules and expectations for virtual courtroom decorum.
- At the conclusion of the proceeding, end the proceeding on the remote platform.
- If you are broadcasting the proceeding, make sure to end the livestream connection.
- Download a copy of the recording and store it in the appropriate location.

SAMPLE CONTACT INFORMATION FORM

Case No: _____ Hearing Date: _____
Case Name: _____ Hearing Time: _____

The proceeding will be conducted via () Telephone, () Video Conference, or () In Person.

Telephone	Video Conference	In Person
Call in number	Log in information	Courtroom
_____	_____	_____
_____	_____	_____

PLAINTIFF

Email for hearing _____	Phone for hearing _____
Attorney Name _____	() No counsel appearing
Email for hearing _____	Phone for hearing _____

DEFENDANT

Email for hearing _____	Phone for hearing _____
Attorney Name _____	() No counsel appearing
Email for hearing _____	Phone for hearing _____

OTHER PARTIES

Name _____	Email _____	Phone _____
Name _____	Email _____	Phone _____
Name _____	Email _____	Phone _____
Name _____	Email _____	Phone _____
Name _____	Email _____	Phone _____

Information entered in Case Management Software check here _____

Clerk's Initials _____

SAMPLE MAGISTRATE’S ORDER – REMOTE HEARING NOTICE

IN THE COURT OF COMMON PLEAS

DIVISION

COUNTY, OHIO

Caption

MAGISTRATE’S ORDER

Due to the proactive steps the Court has implemented to help prevent the spread of the COVID-19 coronavirus, **the Hearing scheduled on INSERT DATE at INSERT TIME shall take place via INSERT NAME OF PLATFORM video conferencing.**

IT IS THEREFORE ORDERED AS FOLLOWS:

1. All counsel (and parties if unrepresented) shall provide an email address and telephone number to the Court at least 48 hours prior to the hearing so that the link for the hearing may be sent out in advance. If counsel or a party does not have internet access or video capabilities by cell phone, they shall notify the Court of that information at least 48 hours prior to the hearing. **Failure to provide this contact information to the Court shall constitute a failure to appear for the hearing.**
2. Counsel (or a party if unrepresented) may forward the video link provided by the Court to parties and witnesses ONLY. Only counsel, parties, and witnesses shall be permitted to participate in the hearing.
3. Exhibits shall be pre-marked and sent electronically to opposing counsel (or a party if unrepresented) within the time set forth in the Case Management Order. In the event of a hearing other than the trial set forth in the Case Management Order, exhibits shall be sent at least 48 hours prior to the hearing. For ease of presentation during the INSERT NAME OF PLATFORM hearing only, exhibits shall be sent electronically to the Court at INSERT EMAIL ADDRESS OR OTHER LOCATION at least 24 hours prior to the hearing. (The Court will not review exhibits prior to their presentation during the hearing.)
4. There shall be a separation of witnesses and no witness shall participate in or listen to the hearing except when he or she is testifying. All witnesses will be placed by the Court in a “virtual waiting room” until they testify. If a witness is physically located at the same place as a party, counsel, or other witness, he or she shall physically stay in a separate room except when testifying.

5. It is understood that there may be interruptions during the hearing. If anyone needs a break or a break becomes necessary due to interruption, the Court will place everyone in the “virtual waiting room”. It is the Court’s understanding that no one can be heard or seen in the “virtual waiting room”. At the conclusion of the break, the Court will add all participants back into the hearing. Further, if requested, the Court may have the ability to provide each counsel and his or her client with their own “virtual meeting room” in which they can confer privately during the video hearing outside of the hearing/view of the Court or opposing party/counsel.
6. As with in-person hearings, all INSERT NAME OF PLATFORM hearings will be recorded and a record kept by the Court. **No other individual shall record the hearings.**
7. **Parties shall participate in the video hearing outside of the presence of the parties’ minor children. Ideally, this will be in a separate room from the children with the door closed (at least when that party is testifying) to ensure the children are unable to hear the party’s testimony. In addition, and specifically if the Party is unable to be behind a closed door during the entire hearing, he or she shall use headphones or earbuds so that the audio portion of the hearing is not able to be heard by the children.**

IT IS SO ORDERED.

Magistrate

cc:

SAMPLE SUMMONS TO APPEAR BY VIDEO – JUVENILE COURT

IN THE COURT OF COMMON PLEAS

DIVISION
COUNTY, OHIO

Caption

A complaint filed in this court, a copy of which is attached hereto and made part hereof, alleges that **INSERT NAME** is in violation of §**INSERT SECTION** of the Ohio Revised Code/City Ordinance and against the peace and dignity of the State of Ohio.

It is ORDERED that you appear by video conferencing before the **INSERT COURT NAME** on **INSERT DATE** at **INSERT TIME** before _____. In accordance with the COVID-19 Administrative Emergency Order, **this hearing will be conducted by Video Conferencing. YOU WILL NOT NEED TO APPEAR IN COURT.**

It is further ORDERED that the Juvenile’s parents, legal guardians, or other person having care of the child, appear by video, and the person having the physical custody or control of the child shall bring **INSERT JUVENILE’S NAME** to the hearing by video. Only one parent or guardian needs to appear. The parties must appear before the Court by video at the time fixed to answer to the allegation of the complaint. It is further ORDERED that if **INSERT JUVENILE’S NAME** fails to appear, the parent, guardian, or other person having care of **INSERT JUVENILE’S NAME** may be subject to Court sanction, including a finding of contempt.

Due to the COVID-19 crisis and to protect your legal rights, pursuant to Juv.R. 4, an attorney has been appointed to represent the Juvenile at no cost. Juvenile may also hire an attorney of his/her choosing.

It is further ORDERED **INSERT JUVENILE’S NAME** must present to the Court, proof of **INSERT JUVENILE’S NAME**’s date of birth, social security number, current phone number and current mailing address.

Deputy Clerk

Instructions for Video Conferencing:

- Immediately upon receiving this, please provide the Court with a cell phone number and an email address for use on the day of the hearing to [INSERT EMAIL ADDRESS](#) or call [INSERT PHONE NUMBER](#) and leave a message. Make sure to your name and case number.
- Within 24 hours of the hearing, you will be sent a link to use and further instructions for the hearing via email.
- Click on the link at the time of the hearing using a smart device (e.g. laptop, tablet, smartphone, or personal computer with a camera and microphone).
- If you do not have access to a computer or smart device, or need help, please contact the Court at [INSERT PHONE NUMBER](#) right away, and at least 48 hours in advance of the hearing for instructions.
- All cell phone numbers and email addresses should be provided to the Court upon immediately upon receipt of this summons.
- Visit [INSERT WEBSITE](#) for helpful instructions on how to use the platform or application before your hearing.
- Make sure to test your camera, speaker, and microphone in advance.
- Dress like you would if you were appearing in court.
- Limit distractions during the proceeding. Find a quiet place to participate. Place your camera/phone/tablet in a stationary place to minimize unnecessary movement. Use headphones if you can to limit background noise.
- Make sure others using your Wi-Fi network minimize their use so that it does not disrupt your connection.
- Keep yourself on mute until it is your turn to talk. Wait to speak until you are called on by the court and do not talk over others. There may be a few seconds delay with the audio.
- Do not use a virtual background.
- You should be in a room alone, unless with counsel spaced appropriately apart.
- Have your government-issued identification card available.
- Do not share the log on information and password with others.
- No unauthorized recording of the proceeding is permitted.
- Make sure your profile or screen name matches the one that the court has on file. You should use your first and last name.

SAMPLE INTRODUCTION SCRIPT

Good morning/afternoon, I am **INSERT NAME/TITLE** presiding over **INSERT NAME OF COURT**. Today is **INSERT DATE AND TIME**, and we are here in the matter of **INSERT NAME OF CASE/CASE NUMBER**. Will the parties please identify themselves by name and state your affiliation to this case?

Today's proceeding will be conducted using **INSERT NAME OF PLATFORM**. Although we are meeting remotely, this proceeding is an extension of the courtroom and an official court proceeding. All participants are expected to act in the same manner as they would if this proceeding were being held in the courtroom. This proceeding is being recorded and everything said will be captured and made a part of the official court record unless otherwise noted.

[If applicable: The court provided notice to all parties that this proceeding would be conducted virtually. **INSERT DEFENDANT'S NAME** waived the right to appear in person.]

Do any of the parties have an objection to continuing with the remote proceeding? The record will reflect that there were no objections to moving forward.

Your laptop or mobile device should remain on a solid on a hard surface with the camera at eye-level. Keep your camera turned on unless otherwise directed to turn it off. You should be in a private, quiet location that is free of distractions.

Please keep yourself on mute until it is your turn to speak. When you do speak, make sure to speak clearly and do not interrupt others who are talking. There may be a few seconds delay with the audio.

It is recommended that you keep your device plugged in to avoid losing power during the proceeding. If you lose your connection, please immediately attempt to reconnect. The court will stop the hearing until you are able to rejoin the proceeding. If you are unable to successfully rejoin the proceeding, notify the court at **INSERT PHONE NUMBER**.

Should you become disruptive, the court has the ability to mute your audio and to dismiss you from the proceeding. The court also has the right to terminate this proceeding if the audio or video quality and experience is not acceptable.

[If you are using the chat function.] There is a chat box feature that can be used for two purposes. First, you can use it to privately consult with your attorney. Before sending, please make sure to select your attorney's name and not "EVERYONE" when you send your message.

You are expected to participate in the hearing until the end. If you need to take a break, need leave unexpectedly, or need to privately talk with your attorney, please send this request directly to me (by chat or raising your hand). We will stop the proceeding until all parties are back and ready again. The chat feature is not to be used to communicate with any party.

Is everyone aware of the procedure for participating? Do any of the parties have an objection to moving forward with the remote proceeding? The record will reflect that there were no objections.

SAMPLE LOCAL RULE: TELEPHONE AND VIDEO APPEARANCES

The intent of this rule is to promote uniformity in the practices and procedures related to telephone and video appearances in cases where permitted by these rules, court order, statutory or other rules of court. For all such telephonic or video proceedings, the court shall provide a means for access for the public at any time the public has the right to be present in the courtroom. Notwithstanding any other provisions of this rule, a judge may order a party's personal appearance in court for any conference, hearing, or proceeding.

- (A) Telephone Appearances. The court on its own motion or upon the request of any party may in its discretion conduct conferences, hearings, and proceedings via telephone with attorneys and unrepresented parties.
- (1) A party may appear by telephone at the following conferences, hearings, and proceedings:
 - (a) Case management/scheduling/status/review hearings;
 - (b) Non-evidentiary motion hearings;
 - (c) Hearings on discovery matters;
 - (d) Scheduling conferences and status conferences;
 - (e) Pre-trial hearings; and
 - (f) Any hearing approved in advance by the court for appearance by telephone.
 - (2) All proceedings involving telephone appearances must be recorded and reported to the same extent as if the participants had appeared in person.
 - (3) The court shall specify:
 - (a) The time and the person who will initiate the conference;
 - (b) Any other matter or requirement necessary to accomplish or facilitate the telephone conference.
 - (4) Upon convening a proceeding involving telephone appearance, the court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of hearing.
 - (5) The court may require a party to appear in person, including video conferencing, at a hearing, conference, or proceeding in which a telephone appearance is otherwise permitted if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.
 - (6) If at any time during a hearing, conference, or proceeding conducted by telephone the court determines that a personal appearance, including video conferencing, is necessary, the court may continue the matter and require a personal appearance.

(B) Video Conferencing.

- (1) The court on its own motion or upon the request of any party may in its discretion conduct conferences, hearings, and proceedings by video conference with attorneys and unrepresented parties with the following exemptions:

(a) **INSERT ANY EXEMPTIONS**

- (2) All proceedings involving video conference appearances must be recorded and reported to the same extent as if the participants had appeared in person.
- (3) Upon convening a proceeding involving 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 hearing.
- (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 that a personal appearance would materially assist in the determination of the proceedings or in the 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 that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

(C) Confidential Attorney-Client Communication. Provisions shall be made to preserve the confidentiality of attorney-client communications and privilege.

(D) Witnesses. In any pending matter, a witness may testify via telephone or video conference.

- (1) The court may require a witness to appear in person at a hearing, conference, or proceeding in which a video conference appearance is otherwise permitted if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.
- (2) If at any time during a hearing, conference, or proceeding conducted by video conference the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

(E) 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 be able to see and/or 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 method.
- (3) The telephonic or audiovisual technology must generate a verbatim record of the proceeding.
- (4) The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right of the public.

Works Cited

Capacity Building Center for Courts: [Conducting Effective Remote Hearings in Child Welfare Cases](#) (April 2020)

Joint Technology Committee: [JTC Quick Response Bulletin: Strategic Issues to Consider When Starting Virtual Hearings](#) (April 7, 2020)

Michigan Courts: [Setting Up and Conducting a Remote Proceeding Checklist](#) (April 15, 2020)

Michigan Courts: [Using Zoom and Virtual Courtroom Resource Center](#) (May 1, 2020)

National Center for State Courts: [Checklist for Judges in Virtual Proceedings](#) (April 22, 2020)

Tips for Managing Your Courtroom

Skills for Success:

- Identifying who is in the courtroom
- “Closing the courtroom door” or locking your hearing.
- Sharing documents
- Going on/off the record
- Patience

Common Troubleshooting Solutions:

- Two parties **on separate devices** in the same room may cause audio problems and feedback.
- Two parties **on one device** in the same room may not be able to be heard if they are wearing masks and social distancing.
- Have a party log-off, try again or just participate by phone
- Know how to invite parties to the hearing **while the hearing is being conducted**.
- Know how to provide assistance – Turning on/off microphones, video, chatting privately, adjusting volume

Tracking ID: 1473010 Date: 26-JUN-20

PROBATE COURT OF BUTLER COUNTY, OHIO

FILED

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20 JUN 25 PM 3:56

IN THE MATTER OF: ~~XXXXXXXXXX~~
CASE NO: ~~XXXXXXXXXX~~

BUTLER COUNTY
PROBATE COURT
JUDGE RANDY T. ROGERS

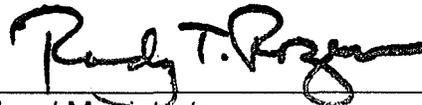
ORDER WAIVING APPEARANCE OF PARTIES AND ORDERING HEARING BY VIDEOCONFERENCE

Pursuant to a Temporary Order in Response to the COVID-19 (Coronavirus) Public Health Crisis filed by Judge Randy T. Rogers on March 13, 2020, the court finds that a hearing by videoconference is warranted. Therefore, pursuant to Civ. R. 53(D)(2)(a),

IT IS HEREBY ORDERED that the physical appearance of all parties is waived. No parties shall appear before the court and instead the parties are instructed to install the Cisco WebEx application on a technology based device and "join the meeting" on June 29, 2020 at 10:00 A.M. for the hearing in this matter. Upon the court scheduling the hearing by Cisco WebEx, an email invitation is automatically generated and sent to each party with instructions on how to join by video or telephone..

Prior to your hearing, the applicant is required to send in your Proof of Publication and any other documents needed for the hearing. Please either fax these to 513.887.3625 or email them to probfilings@butlercountyohio.org.

SO ORDERED,



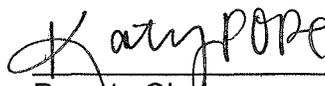
Judge / Magistrate

June 25, 2020

Date

CERTIFICATE OF SERVICE

A copy of the above Entry & Order was sent by email to: Traci Valerio-Combs, traci@lawtvc.com, and Jamie Lee Marlow, jl.marlow@hotmail.com on this 25th day of June, 2020.



Deputy Clerk

IN THE COMMON PLEAS COURT OF ALLEN COUNTY, OHIO
JUVENILE DIVISION

IN THE MATTER OF
BILLY THE KID

CASE NO. 2019 JG 36218

ALLEGED DELINQUENT CHILD

SCHEDULING ORDER
DISPOSITIONAL HEARING

This matter is assigned before the Court for **Dispositional Hearing on May 28 , 2020 at 2:15 o'clock P.M.** with one-half (1/2) hour allotted. Upon consideration of the current COVID-19 pandemic and its effect on Court operations, and for the safety of the community, the Court **ORDERS** that the Dispositional Hearing will be held on that date and time utilizing remote video technology. **The Court ORDERS that the Child and his parent, guardian, or custodian personally appear at the Allen County Juvenile Court, 1000 Wardhill Ave., Lima, OH** for the Hearing as scheduled.

However, counsel and any other interested persons whose attendance is authorized by the Court are not required to physically and personally appear in Court on that date and time. **The Court ORDERS that counsel and other interested persons whose attendance is authorized by the Court may appear and participate in the Hearing via remote video technology.** Counsel and those interested persons will be able to access and participate in the proceedings via remote video technology utilizing a computer, tablet, or cell phone. If counsel or other interested persons whose attendance is authorized by the Court do not have access to any of those devices, that person shall appear at the Allen County Juvenile Court, 1000 Wardhill Ave., Lima, OH fifteen (15) minutes prior to the scheduled hearing and will be provided remote video access without entering the courtroom. **Counsel are authorized by this Order, but not required, to attend utilizing remote video technology, but may instead elect to personally attend and participate with the client in the courtroom.**

IT IS THEREFORE ORDERED that counsel other interested persons whose attendance is authorized by the Court are to contact the Court's Technology Coordinator at jsadler@allencountyohio.com or (419)998-5261

at least one (1) business day prior to the scheduled hearing to make the necessary arrangements to appear via remote video technology.

Although being held via remote video technology, this remains a closed and confidential proceeding, and the Court ORDERS that no other person be present at any location at which any authorized person is remotely accessing the proceedings unless the presence of that person is with the prior approval of the Court.

Inasmuch as the proceedings remain closed and confidential, IT IS FURTHER ORDERED, pursuant to Ohio Juvenile Rule 37(B) and Ohio Revised Code 2151.35 that no video or audio recording of the Hearing is to be made by any person or entity except the Court, and that a violation of this Order will be treated and punished as contempt of court. The Court will make a record of the Hearing as required by Ohio Juvenile Rule 37(A) and Ohio Revised Code 2151.35(A)(2), and a transcript made available to the parties in accordance with statute and Rule.

IT IS SO ORDERED.

JUDGE

Cc: Clarence Perkins, Alleged Delinquent Child
Cc: Trinese Smith, Custodian
Cc: Athena Nyers, Esq., counsel for the Child
Cc: Allen County Prosecuting Attorney
Cc: Community Control Department
Cc: Allen County Juvenile Detention Center

IN THE COMMON PLEAS COURT OF ALLEN COUNTY, OHIO
JUVENILE DIVISION

IN THE MATTER OF
PETER PIPER

CASE NO. 2020 DEL 12345

ALLEGED DELINQUENT CHILD

SCHEDULING ORDER

This matter is assigned before the Court for (type of hearing) on (date), 2020 at (time) o'clock (A.M. or P.M.) with (amount of time) allotted. Upon consideration of the current COVID-19 pandemic and its effect on Court operations, and for the safety of the community, the Court ORDERS that the (type of hearing) will be held on that date and time utilizing remote video technology and that the parties and counsel are not required to physically and personally appear in Court on that date and time. **However, the Court ORDERS that the appearance of the Child, the Child's parent, guardian, or legal custodian, and counsel via remote video technology is required.** The parties and counsel will be able to access and participate in the proceedings via remote video technology utilizing a computer, tablet, or cell phone. If any party or counsel does not have access to any of those devices, the party shall appear at the Allen County Juvenile Court, 1000 Wardhill Ave., Lima, OH fifteen (15) minutes prior to the scheduled hearing and will be provided remote video access without entering the courtroom.

IT IS THEREFORE ORDERED that all parties and counsel are to contact the Court's Technology Coordinator at jsadler@allencountyohio.com or (419)998-5261 at least one (1) business day prior to the scheduled hearing to make the necessary arrangements to appear via remote video technology.

Although being held via remote video technology, this remains a closed and confidential proceeding, and the Court ORDERS that no other person be present at any location at which any party is remotely accessing the proceedings except the parties and counsel unless the presence of that person is otherwise approved by the Court. For purposes of this Order, the term "party" is as defined in Ohio Juvenile Rule 2(Y) and includes only the Child, the Child's spouse (if any), the Child's parents, the Child's legal

guardian or custodian, and any other persons specifically designated by the Court.

Inasmuch as the proceedings remain closed and confidential, IT IS FURTHER ORDERED, pursuant to Ohio Juvenile Rule 37(B) and Ohio Revised Code 2151.35 that no video or audio recording of the Hearing is to be made by any person or entity except the Court, and that a violation of this Order will be treated and punished as contempt of court. The Court will make a record of the Hearing as required by Ohio Juvenile Rule 37(A) and Ohio Revised Code 2151.35(A)(2), and a transcript made available to the parties in accordance with statute and Rule.

IT IS SO ORDERED.

JUDGE

Cc: Peter Piper, Alleged Delinquent Child
Cc: Patsy Piper, Parent
Cc: Perry Mason, Esq., counsel for the Child
Cc: Allen County Prosecuting Attorney
Cc: Technology Coordinator
Cc: Community Control Department
Cc: Allen County Juvenile Detention Center

PRELIMINARY INSTRUCTIONS TO ATTORNEYS AND CLIENTS FOR ZOOM HEARINGS (SHORT VERSION)

1) You should act as if you are physically present in the courtroom here at the Juvenile Court. If you were physically present here for a hearing, you would not be permitted to chat or consult with anyone other than your attorney during hearing. Therefore, you should not be talking or consulting with anyone else who may be there in the room with you.

2) You would not be permitted to talk or text on your cell phone if you were physically present in the courtroom here at the Juvenile Court, so you should not be talking or texting where you are now. Unless it's necessary in order to participate in this Hearing, your cell phone shouldn't even be on, and neither should the cell phone of anyone there in the room with you.

3) And speaking of having others in the room with you:

A) (if open type hearing) – They are free to sit there and watch, but you are all in a courtroom now and you wouldn't be able to sit there and talk amongst yourselves (about the case or anything else) if you were here physically in the courtroom.

B) (if closed hearing) - This is a closed, confidential proceeding and no one except parties should be in the room observing. (Define parties if necessary.) Again, if we were physically in a courtroom right now, no one else would be allowed in, and the

same is true of this remote video courtroom.

Is there anyone else present in the room with you?

4) THERE IS TO BE NO RECORDING OF THIS HEARING BY ANYONE BY ANY MEANS. If you were physically present in the courtroom here at the Juvenile Court, you would not be permitted to record the Hearing in any manner. As always, the Court is making a record of the case and that record can be made available to the parties by the preparation of a transcript by the Court Reporter. If the Court should learn that an unauthorized recording has been made, anyone involved would be subject to a finding of contempt of Court and the imposition of an appropriate sanction, including a fine or jail sentence.

DOES ANYONE HAVE ANY QUESTIONS REGARDING ANY OF THESE REMOTE ACCESS HEARING PROTOCOLS?

The Court will at this time, on its own motion, order a separation of witnesses. Anyone who will be testifying, except the parties, is ordered to leave any area which would enable them to observe or hear any part of the proceedings over any electronic device. So if there is anyone who is physically present in any room or place where remote access is being provided, and who is expected to be a witness, those persons are directed to leave the room and go to a place where you can neither see nor hear any part of the proceedings. The exception to that order is parties, which in this case would include (names or status). Is there anyone else other than the parties or counsel present at any of the remote access locations?