

IN THE UTAH EIGHTH JUDICIAL DISTRICT COURT

STANDING ORDER

**REMOTE HEARING REQUIREMENTS AND BEST PRACTICES
(Effective after January 1, 2021)**

In response to the COVID-19 Pandemic, most court hearings have been conducted remotely since March 2020. Virtual hearings will be the main method for court attendance until the Pandemic has abated. And after it is safe to conduct in-person court hearings, the Court will often use virtual hearings to conduct court business.

Because virtual hearings will become part of routine practice, the Court finds it necessary to standardize the processes, requirements, best practices, and expectations for attendance at virtual hearings within the Eighth Judicial District. This order is intended to promote efficiency, ensure access to the courts, and improve the Court's ability to make a clear and complete record of all proceedings. This Order will be effective for all virtual hearings after January 1, 2021, until modified by the Court:

Attorneys:

Attorneys should adjust their login credentials and always log in to the hearing using "Attorney" as part of their login name (e.g. "Attorney Doe" or "Attorney Jane Doe"). That allows the judge to see that you are present and call your matters as soon as possible.

Attorneys must appear for each hearing by video, unless previously excused by the judge. As with in-person court proceedings, if an attorney wants to appear only by

audio (such as by telephone), they must file a motion and proposed order before the hearing, requesting an audio-only appearance. Attorneys should turn on their video when they are ready to proceed with their cases, and turn off their video if they are not ready to proceed.

Microphones or headphones may be necessary, depending on the technology used. The judge must ensure a clean record which is difficult if there is too much feedback, or if your voice cannot be heard. If you've ever been told to speak up, lean in, or speak toward the microphone, then you need a better microphone. If you don't know if you need a microphone, you probably need a microphone.

Many newer devices have quality noise-cancelling microphones. You can also use a lavalier microphone, good earbuds, a dynamic podcasting microphone, or a quality headset. A judicial assistant at the courthouse can assist you to ensure that your microphone works and is adjusted to avoid feedback.

Attorneys are responsible to provide court-hearing links to their clients and witnesses. They should also advise clients and witnesses of the best practices (listed below). A common problem occurs when two devices are too close together and create feedback. Attorneys should plan to present testimony in a way that avoids those kinds of problems and ensures a clear record.

For substantive hearings, attorneys must ensure that their witnesses and clients can appear by video for the hearing. Video will be required for any witness who provides testimony, and for all criminal defendants who enter a plea or are sentenced. This requirement will only be waived if there is a prior motion, or if an emergency accommodation is necessary. If a party or witness cannot access the hearing using their

own technology, they should use a terminal at the courthouse.

Attorneys should make sure that all of their witnesses have a copy of any exhibits to be used at the hearing by either side. If that is impossible, attorneys must be prepared to present all exhibits through the “presenter” function in Webex.

Parties and Witnesses:

Go to <https://www.webex.com/test-meeting.html#> to test your microphone, speakers and camera BEFORE your WebEx meeting.

Parties and witnesses should log in to the hearing with their full name.

Parties and witnesses should arrange in advance to attend the hearing by video, rather than by telephone. The judge must observe you, as if you were present in person. If you cannot attend the hearing by video because you do not have a reliable internet connection or necessary technology, you should attend the hearing at the courthouse, using one of the available workstations. Please contact the courthouse one business day before your hearing to arrange for a workstation.

When you are prepared to have your case called, you should turn on your video so the judge can see you.

Parties and witnesses should remember that virtual court has the same decorum requirements as in-person court. You should dress appropriately. You should find a quiet place to attend the hearing where you won't be distracted. You should sit still and not walk around. Don't eat. Don't smoke. Be professional. And make sure that your other obligations (i.e., work) do not interfere with your obligation to attend court and be available for your hearing.

Please also remember that a court appearance will require some time. If you were

attending court in person, you would have to allocate several hours for your court appearance. Virtual court is likely more convenient and frequently saves time, but often still requires several hours if it is a busy court day. Please plan for that.

Evidence:

If exhibits will be presented at the hearing, those must be submitted to the judge before the hearing. Each proposed exhibit should be a separate .pdf file and should be named according to the party submitting the exhibit (e.g. “Petitioner’s Exhibit 1” or “Respondent’s Exhibit A”).

Unless otherwise directed by the judge, all proposed exhibits must be emailed to the court clerk, with the emails copied to opposing counsel. And if there is not a scheduling order in the case with specific deadlines, all proposed exhibits must be submitted at least two business days before the hearing.

District Court Calendaring Priority:

Remote hearings in district court can be chaotic and difficult to manage effectively. Because of that, the judge will typically call cases in the following order:

- Incarcerated defendants;
- Cases in which all participants have video turned on;
- Cases in which only the attorneys have video turned on;
- Cases without video turned on; and
- Telephone callers.

DATED: 12/18/2020

By: /s/ Judge Clark A. McClellan
District Court Judge

By: /s/ Judge Edwin T. Peterson
District Court Judge

By: /s/ Judge Samuel Chiara
District Court Judge

By: /s/ Judge Ryan Evershed
Juvenile Court Judge

By: /s/ Judge Keith Eddington
Juvenile Court Judge