

**REMOTE HEARING REQUIREMENTS AND BEST PRACTICES
SECOND JUDICIAL DISTRICT JUVENILE COURTS**

May 1, 2021

In response to the COVID-19 Pandemic, most court hearings have been conducted remotely since March, 2020. Virtual hearings are the main method of court attendance until the Pandemic abates. After it is safe to conduct in-person court hearings, the Court will use virtual hearings or hybrid virtual/in-person hearings when it benefits court patrons.

These requirements are intended to standardize the process, requirements, best practices and expectations for attendance at virtual hearings within the Second District Juvenile Court. Adherence with these practices will promote efficiency, ensure access to the Courts, and improve the Court's ability to make a clear and complete record of all proceedings.

These requirements will be effective for all virtual hearings after May 1, 2021, until modified by the Court.

APPEARING VIRTUALLY BEFORE THE COURT:

Equipment and Internet. Attendance at virtual hearings requires a computer, tablet or telephone that has internet access. Participants must have a fully charged device with reliable internet service. The court or an attorney will email a link to parties and witnesses allowing them to appear in Court.

Arrange in advance to attend the hearing by video, rather than only by telephone. The judge must be able to observe you as if you were both physically in the courtroom. A telephone may be used if it is also equipped with working video.

Participants should have a hard wired internet connection whenever possible, as using Wi-Fi connections and phone data may be unstable.

If a reliable internet connection or necessary technology is not available, the courthouse has limited workstations that may be reserved at least three business days before the hearing. You must arrive 15 minutes before hearing time. The Court may continue a hearing and require the person to appear at the courthouse if they cannot appear by video.

Sound and Lighting: The judge must ensure a clean record and that is difficult if there is too much feedback, background noise, or if a voice cannot be heard. Participants should place their device on “mute” unless speaking. Microphones or headphones are recommended. Microphone, speakers and camera may be tested BEFORE the Webex court appearance at <https://www.webex.com/test-meeting.html#>. Participants may contact their attorney, caseworker or a judicial assistant with problems at least three business days in advance of the hearing.

Participants must use a private, quiet room free of interruptions. Video meetings require good consistent lighting; avoid rooms with bright windows and/or back-lighting. Place a mobile device on a solid surface with the camera at eye level. Do not hand-hold nor lay phones or tablets flat on a desk or table.

Logging Into the Hearing. Except for foster parents or victims, participants shall log into the hearing with full names. If appearing in an official capacity also list who you represent (e.g. “Jane Doe, DCFS” or “John Smith, JJS”).

Time. Participants should log into the hearing three to five minutes before it is scheduled to start. When connecting to Webex, if participants receive a message "meeting has not yet started", try again shortly. If other problems are encountered, please contact the court (see end of this document).

A court appearance requires time. Attending at the courthouse often requires several hours for the hearing. Virtual court is convenient and saves time, but often still requires significant time on a busy court day. Please plan accordingly.

Interpreters. If an interpreter is needed, the attorney or caseworker should be notified immediately and will request one from the Court. The person requiring interpretation should have a telephone, separate from the device logged into Webex. The interpreter can call on that telephone and translate simultaneously.

Dress and Decorum. Virtual court has the same decorum requirements as in-person court: dress appropriately. Find a quiet place to attend the hearing where you will not be distracted. You may appear from your car, but not while you are driving. Sit still in a well lit space and do not walk around. Do not eat or smoke. Make sure that other obligations (i.e., work or school) do not interfere with your obligation to attend court and be available for your hearing.

No Individual or Independent Recording is permitted. The Court creates and maintains the official record of the proceedings which may be provided to a party upon request. Webex recordings may take up to 24 hours before they are available. Any person determined to record or attempt to record proceedings may be held in contempt of Court which may result in a monetary fine and imposition of jail. The possession or use of portable electronic devices is governed by Rule 4-402.02, Utah Rules of Judicial Administration.

ATTORNEYS:

The Court strives to maintain decorum and respect for the Court through the virtual process. Attorneys play a big role in maintaining a respectful and professional virtual atmosphere. This section applies to attorneys in addition to the requirements in the prior section.

Logging Into the Hearing. Attorneys should adjust their login credentials using “Attorney” or their office designation as part of their login name (e.g. “Attorney Jane Doe,” or “Attorney Jane Doe, GAL.”)

Video Appearance. Attorneys must appear for each virtual hearing using video, unless previously excused by the judge. As with in-person court proceedings, if special circumstances exist for an attorney to appear only by audio, they may file a motion and proposed order before the hearing, requesting an audio-only appearance. It is important for clients to see their attorneys, and is helpful for the Court to manage hearings.

Dress and Decorum. Professional dress and decorum for a courtroom appearance is expected. Please also discuss this requirement with your clients and witnesses. Be aware of your background, what is appearing on camera, and have adequate lighting. See “Professionalism in the Virtual Courtroom,” Grant A. Miller, Utah Bar Jnl , Mar/Apr 2021 , Vol 34 No. 2, pp 61-62.

Responsibility to Clients/Witnesses. The Court will email court hearing links to counsel and their client if it has current contact information. Attorneys are responsible to update client contact information with the Court, and provide hearing links to witnesses.

Attorneys shall confirm with their clients and witnesses about their ability to appear by video and ensure they test the links and equipment prior to the hearing by going to <https://www.webex.com/test-meeting.html#> . If a party or witness does not have their own technology

to access a hearing, they may request a terminal at the courthouse with at least three business day advanced notice. They must arrive 15 minutes prior to the scheduled hearing time. The DCFS Caseworker may also have devices for child welfare matters. A witness testifying or a party entering a plea, adjudicating a child welfare petition or relinquishing their parental rights must appear by video.

Witnesses shall join the Webex hearing after contacted by the attorney. Witnesses shall be ready and waiting for this communication. Counsel will be allowed to contact witnesses by text or telephone to join the Webex hearing at the appropriate time. Witnesses who join the hearing early will be moved to the virtual lobby until it is their time to testify. There is no sound while in the virtual lobby, and a notice will visually indicate that their location in the lobby.

A common problem occurs when two devices are too close together and create feedback. Attorneys shall plan to present testimony in a way that creates a clear record.

Unless authorized by the Court, witnesses will be required to testify from a private location, without input from other people or things. Attorneys shall inform their witnesses that while testifying they may not refer to external sources unless allowed by the Rules of Evidence.

Interpreters. If a client or witness need an interpreter, the attorney shall immediately notify the judicial assistant. Notify the person requiring interpretation that they should have a telephone, separate from the device logged into Webex. The interpreter can call on that telephone and translate simultaneously.

Evidentiary Hearings and Exhibits. Decorum Orders shall issue in advance of evidentiary proceedings to govern the presentation of evidence in the virtual courtroom.

Except as set forth below, proposed exhibits must be submitted via email to all parties and to the court at the team email set forth at the end of this document prior to the hearing. Evidence shall be marked prior to being emailed. All evidence shall be marked in the upper left hand corner of the first page as follows:

XXXX Exhibit XX
In the Interest of XXXXX
Case No: XXXXX
Trial Dates XXXXX

A white tab shall be used for this information, unless the designation can otherwise be clearly seen on the evidence. Unless otherwise specified by the Court, all proposed documentary evidence and pictures shall be delivered to the Courthouse at a time set forth by the Decorum Order. Video and audio evidence shall be marked and provided to counsel as set forth above, but neither original nor courtesy copies of recordings are provided to the Court until the close of the trial.

Each proposed exhibit of documents shall be a separate PDF file, and converted to black and white. Each proposed exhibit of pictures shall be a separate PDF or JPEG file. While black and white exhibits are preferred, color photographs may be submitted when necessary. Photos or videos of physical evidence are strongly encouraged. Proposed exhibits of physical evidence that cannot be submitted as set forth above, shall be discussed with the Court.

Along with the marked exhibits, each party shall submit a document listing their proposed exhibits and identify the exhibit number/letter, and a brief description of the exhibit.

Attorneys shall be prepared to present all exhibits through the “presenter” function in Webex. “Prepared” means the Attorney can competently load exhibits and use the “presenter” function. Attorneys unfamiliar with the function shall contact the judge’s judicial assistant at least one week before trial to test the function with the attorney’s equipment. Hard wired connection for internet access is recommended to ameliorate sporadic broadband deficiencies.

At the conclusion of the hearing/trial, each attorney shall provide a list of their admitted documents. The list shall identify the document (e.g. “Petitioner’s Exhibit 1”), give a brief description (e.g. “Pictures of Home”), and the date and time the document was admitted by the Court. A thumb drive shall be provided to the Court with each video or audio identified therein by their exhibit designation. The attorney shall certify, at the bottom of the list of admitted documents, that the exhibits contained on the thumb drive are a true and accurate copy of the video presented to and admitted by the Court. A copy of the thumb drive and final exhibit list shall be provided to all counsel.

Ogden Courthouse (Weber/Morgan) – 801-334-4700
General Email – 2jogreferrals@utcourts.gov
To address an email to a specific judges’ team:
Judge Heward – 2ndjuvjudgeheward@utcourts.gov
Judge Jensen – 2ndjuvjudgejensen@utcourts.gov
Judge Neill – 2ndjuvjudgeneill@utcourts.gov

Farmington Courthouse (Davis) – 801-334-4700
General Email – 2jfrreferrals@utcourts.gov
Judge Noland – 2ndjuvjudgenoland@utcourts.gov
Judge Sipes – 2ndjuvjudgesipes@utcourts.gov
Judge Williams – 2ndjuvjudgewilliams@utcourts.gov