

IN THE UTAH FIFTH JUDICIAL DISTRICT COURT

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**STANDING ORDER:**

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

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In compliance with the current Covid-19-related Administrative Order issued by the Utah Judicial Council, virtual hearings are currently the predominant way that court is being conducted across the state and in the Fifth Judicial District. As a result, it has become necessary to outline some expectations for participation at virtual hearings within the Fifth District. Patience and diligence on the part of all court participants is necessary to maintain the critical functionality and decorum of the courtroom during this unprecedented time. Emergency circumstances may require departure from these expectations at the discretion of the judge over the hearing. This order will be effective for all district court virtual hearings after February 1, 2021, until modified by the Court:

**Attorneys:**

Attorneys shall adjust their login credentials and always log in to hearings using “Attorney” as part of their login name (e.g. “Attorney Doe” or “Attorney Jane Doe”). That will allow judges to see that attorneys are present and call their matters as expeditiously as possible.

Attorneys must appear for their hearings by video, unless previously excused by the judge. As with in-person court proceedings, if an attorney wants approval to appear only by audio (such as by telephone), they should file a motion and proposed order before the hearing, requesting an audio-only appearance. Attorneys should turn on their video when their case is called.

Attorneys must ensure that they have an adequate internet connection, computer, and, if necessary, a microphone or headphone for clear communication. The judge must ensure a clean record, which is not possible if there is excessive feedback or if voices

cannot be heard. A common problem occurs when two devices are too close together such that excess feedback is created. Further, attorneys should plan to present testimony in a way that avoids excess feedback and ensures a clear record. Many newer devices have quality noise-cancelling microphones. A judicial assistant at the courthouse can assist in confirming that microphones are working. Attorneys must also participate in virtual hearings from locations that are quiet, discrete, and free from background noise and excessive activity.

Attorneys are responsible for providing court-hearing links to their clients (including those clients for whom the attorney appears as counsel of record in court-appointment contexts) and witnesses. They should also make clients and witnesses aware of the court participation expectations outlined in this Order. For substantive hearings, attorneys must ensure that their witnesses and clients appear by video. Video will be required for any witness who provides testimony, and for all criminal defendants who enter guilty or no contest pleas or who are sentenced. This requirement may only be waived if there is a prior motion, or if an emergency accommodation is necessary.

Attorneys must also ensure that the Court, witnesses and opposing parties have copies of exhibits that will be used in hearings.

Attorneys should wear appropriate courtroom attire for virtual court appearances.

### **Parties and Witnesses:**

Parties and witnesses should go to <https://www.webex.com/test-meeting.html#> to test microphone, speakers and cameras BEFORE Webex court hearings.

Parties and witnesses should log in to their hearings with their full names, and turn on their videos when their case is called.

Parties and witnesses should arrange in advance to attend hearings by video, when possible, and must attend by video to testify or enter guilty pleas unless excused by the judge. A public computer terminal is available in each courthouse in the District

for use by parties and witnesses. Parties and witnesses who cannot attend their hearings by video should contact their attorneys. Telephone appearances by parties may be allowed by the judge over the hearing in some circumstances where video is not available.

Parties and witnesses should remember that virtual court is the same as in-person court; dress appropriately, find a quiet place to attend the hearing, sit still, don't eat, don't smoke, etc. Make sure that other obligations (i.e., work) do not interfere with court attendance and participation. Appearance in court, whether virtual or in-person, can take several hours, depending on the number and order of hearings on a given day.

Parties and witnesses who join court proceedings already in session should not interrupt, but rather remain muted until their case is called. Parties and witnesses who are late and have missed their hearings should remain in the Webex proceeding and wait until the judge has finished calling through the hearings on the calendar before speaking up and alerting the judge to their presence. Parties and witnesses who are late, or who are having trouble accessing Webex hearings should also contact their attorneys or the clerks at the courthouse.

**Evidence:**

If exhibits will be presented at a hearing, they 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. Respondents in protective order and stalking cases shall not email petitioners if prohibited by protective orders and injunctions. 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.

Appreciation is expressed for the ongoing extraordinary efforts of court participants during this unprecedented time.

Dated: January 29, 2021

By: /s/ Keith C. Barnes

Presiding District Court Judge

By: /s/ Matthew L. Bell

Associate Presiding District Court Judge

By: /s/ John J. Walton

District Court Judge

By: /s/ G. Michael Westfall

District Court Judge

By: /s/ Eric A. Ludlow

District Court Judge

By: /s/ Jeffrey C. Wilcox

District Court Judge

By: /s/ Ann Marie McIff Allen

District Court Judge

