

**Best Practices for Virtual Court Appearances via Video or Telephone**  
**Hamilton County Domestic Relations Court**

**Work Group Objective:** In line with the Administrative Actions of the Ohio Supreme Court that encourages the utilization of technology to waive in-person appearances, our court is developing a best practices memorandum to ensure that our technology sufficiently guarantees the integrity of proceedings and protects the parties' interests and rights. Video conference and telephone appearances are here to stay.

A brief questionnaire relating to this topic was distributed to the Court's judges, magistrates and a large sampling of attorneys who practice in the Court. The responses were compiled and used as a starting point of concerns for the work group to address in this memorandum of best practices. The topics addressed include:

1. Proper exchange of documents;
2. Proper appearance protocol;
3. Timing of video conference invitation emails;
4. Website updates and communications from the Court;
5. Forms updates;
6. Solutions for technical connectivity problem;
7. Court contact information for telephone conferences.

Additionally, a frequently asked Q&A document is being created, the court's website has been updated, and court forms have been modified to provide more information about video and telephone court appearances.

**Work Group Participants:**

Judge Amy L. Searcy, Hamilton County Domestic Relations Court

Court Administrator Lisa M. Gorrasi, Esq., CCM, Hamilton County Domestic Relations Court

Administrative Magistrate Jeremy Richards, Hamilton County Domestic Relations Court

IT System Administrator Don Ammann, Hamilton County Domestic Relations Court

Kelly A. Malone, Managing Attorney, Family and Immigration Practice Group, Legal Aid Society of Greater Cincinnati

Melissa Thompson Millard, Associate Attorney with Barbara J. Howard Co., L.P.A.

Carolyn S. Murphy, CSEA Attorney at Hamilton County Job and Family Services

**Please note:** The use of Interpretive Services via video or telephone should be limited to less than one hour in length.

**All attorneys and litigants are encouraged to request to appear via video or telephone, 72 hours in advance of a hearing, by utilizing DR Forms 8.1B and 8.1C.**

### **Pretrial Issues**

The exchange of exhibits and presentation of evidence at a video hearing should be discussed at a pretrial with your assigned Judge or Magistrate.

The Judge's or Magistrate's Scheduling Order should address the following:

- 1) Where the Court's copy of exhibits should be delivered;
- 2) How far in advance of the hearing the Court's copy of exhibits should be delivered;
- 3) The method of exchange of exhibits with the opposing party or opposing counsel;
- 4) How far in advance of the hearing exhibits must be exchanged with the opposing party or opposing counsel; and
- 5) Whether presentation of exhibits via screen sharing will be permitted.

### **Working Group "Best Practices"**

Our Working Group has outlined the following "best practices" for video hearings. These are intended to be recommendations.

If you intend to present any exhibits at your Zoom hearing, you must:

1. **Deliver your exhibits to the Court.** In a timely manner as determined by the Judge or Magistrate, no later than 4 days in advance of the scheduled hearing, parties must deliver hard copies of the following to the assigned Judge's courtroom or the support specialist for the assigned Magistrate:
  - a. A completed exhibit list, CDR Form 20.0; and
  - b. A complete set of exhibits, single-sided, fastened in a binder or stapled in a packet
2. **Provide your exhibits to the other party or opposing counsel.** In a timely manner as determined by the Judge or Magistrate, no later than 1:00 p.m. on the business day prior to the scheduled hearing, parties must provide the following (whether by e-mail or hard copy) to the other party or opposing counsel:
  - a. A completed exhibit list, CDR Form 20.0; and
  - b. A complete set of exhibits

**Failure to comply with the above requirements may, at the Court's discretion, result in your evidence not being considered.**

### **Access to Exhibits During Hearing / Screen Share**

It is recommended that you have your exhibits and the other party's exhibits available in hard copy during your hearing. You will not be able to view exhibits on the same device you are using for the video hearing.

Screen sharing should not be used as the primary method of presenting your evidence. This feature may be permitted during the hearing at the Court's discretion. At the Court's request, screen sharing may need to be turned off during the questioning of witnesses to ensure that the Court is able to view the witness.

### **New Exhibits – Rebuttal, Impeachment, Refreshing Recollection**

There may be evidence you wish to present during your hearing that was not included in your exhibits. This would include evidence used in rebuttal, for impeachment purposes, or for purposes of refreshing a witness' recollection. These documents may, at the Court's discretion, be presented via screen sharing.

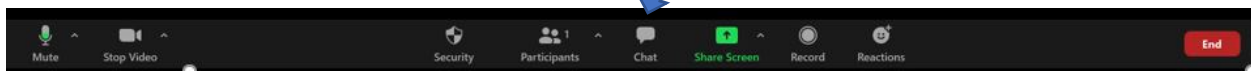
If you wish to mark the document as an exhibit, you must have the document available and accessible electronically. You will send the document to all participants via the Zoom chat feature. (Step-by-step instructions attached.) If the new exhibit(s) is/are reasonable in size, the Court will print and add to the hard copy of your exhibits. If the new exhibit(s) is/are large in size, the Court may require that you deliver a hard copy to the Court within one business day of the date of your hearing.

### **Retention of Exhibits**

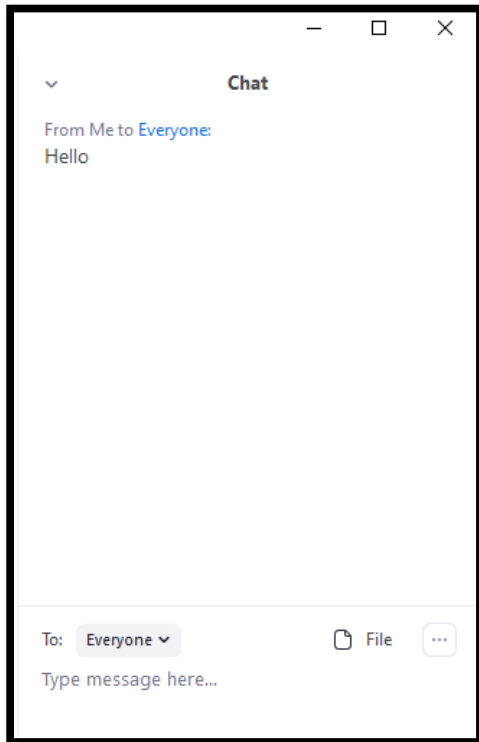
If you deliver exhibits to the Court but your hearing does not occur for any reason (such as a settlement), your exhibits will only be available for pick-up within 10 days and you must retrieve them within that timeframe. The Court will not retain your exhibits, nor will the Court be responsible for confidentially shredding or destroying them.

## File Sharing through Zoom's Chat Function

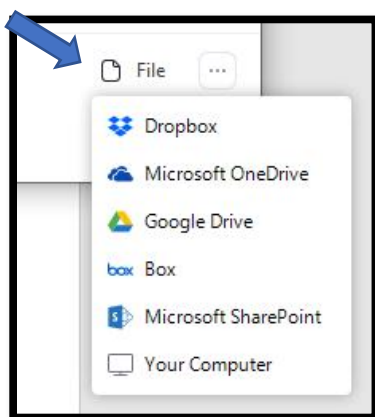
Click "Chat" at the bottom of your screen.



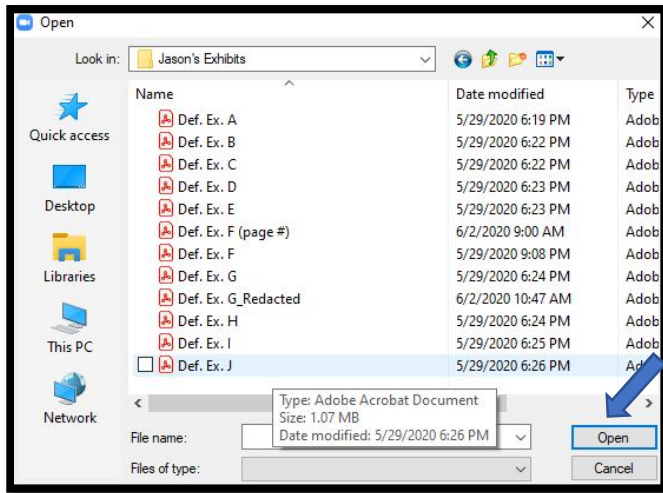
The "Chat" box will pop up.



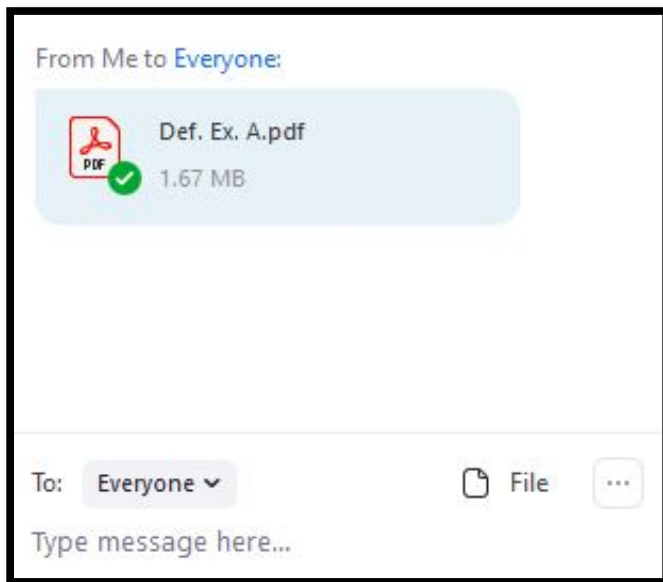
Next, click "File."



Next, select the file and click "Open."



The file will then be available to download for all participants in the Zoom hearing.



## PROPER VIDEO APPEARANCE PROTOCOL

### **Court Video Hearings ARE Official Court Hearings.**

All participants in the video hearings agree to these protocols.

The Judge or Magistrate may end the hearing if these protocols are not followed.

All participants should conduct themselves as if they were physically present in the courtroom. This is an official court hearing being held virtually.

Participants should be focused only on the hearing. Avoid doing other tasks and avoid distractions during the hearing.

Avoid unnecessarily getting up and moving around during the hearing.

People who are not involved in the hearing should not be present, unless permitted by the court.

Children should not be present.

Attorneys are responsible for preparing their clients.

### **Do your own tech support before you start.**

Practice a test run for audio and video settings before you start.

If you are using a smart phone or tablet, go to the App Store or Play Store and download Zoom Cloud Meetings app in advance of your hearing to allow time for download and installation.

### **Join the video meeting early.**

Join 5 minutes before the start time.

### **Find a quiet and private space without interruptions or background noise.**

Be attentive during the hearing and avoid distractions.

Be settled. Do not attend the hearing while driving, sitting in a moving vehicle, walking, performing another task, or talking to people not participating in the hearing.

**The Judge or Magistrate will direct the hearings and ask for participants to speak.**

**Witnesses cannot communicate by text, telephone, video, chat, email, or talking with anyone during testimony except with counsel or an interpreter.**

**Avoid talking at the same time someone else is talking.**

**Mute your microphone if you are not talking.**

This will eliminate background noise.

**Dress for a Court Hearing.**

Dress professionally and appropriately for a court hearing.

Attorneys should be in their courtroom attire.

Litigants and participants should dress modestly and respectfully.

**Stage your video area.**

Parties at the hearing are seeing you and are also seeing whatever the camera is pointed at behind you. There should be no offensive or distracting backgrounds visible.

Have good lighting on your face.

Look into the camera.