

**Policies and Procedures for Scheduling and Conducting Virtual Court Hearings During
Public Health Emergency
The Honorable Judge Sharon M. Franklin
Polk County Family Division/Section No. 05**

I. GENERAL

- A. There are many platforms providing the capability to conduct virtual court proceedings. The Court is prepared and equipped to conduct such hearings effectively using the Microsoft Teams platform.
- B. The procedures and preferences detailed herein apply to all virtual court proceedings, regardless of the technology or platform utilized.

II. SCHEDULING HEARINGS

- A. The Court prefers that hearing time be reserved by email to the judicial assistant at atolley@jud10.flcourts.org. Such requests must include the case number, party names, matter(s) to be heard, and time required. The party scheduling a hearing is responsible for contacting all other parties to determine how much time each party will require.
- B. After obtaining available hearing times, do not include the court in any electronic communications with other parties relating to the coordination of hearing time.
- C. After all parties have agreed upon a hearing date and time, email the judicial assistant with the agreed upon date and time, along with the time each party will require to present his or her position during the hearing.
- D. The scheduling party, or counsel for the scheduling party, will receive electronic confirmation from the Court of the hearing date and time. Confirmation emails will provide the hyperlink and teleconference information for appearing.

III. SUBMISSION OF COURTESY COPIES, CASELAW, PROPOSED ORDERS AND OTHER PREHEARING MATERIALS

- A. No later than **five (5) days** in advance of any hearing, all parties must submit to the court courtesy copies of notices of hearing, motions, proposed orders, caselaw, and any other materials the party intends to rely upon or refer to during the hearing.
- B. Prehearing materials should be submitted in electronic format and attached to an email forwarded to atolley@jud10.flcourts.org, and copied to all other parties.
- C. Each submitted item should be submitted as a separate attachment with a file name including the case number and a brief description clearly delineating the nature of the item. Examples: “00DR0000 Husb Prop Fin Judg.”

- D. Proposed orders and judgments must be submitted in Word (.docx) format.
- E. Please contact the court before using a method other than email to transmit prehearing materials.

IV. NOTICING HEARINGS

- A. A party calling a case up for hearing shall provide the Court and all other parties a Notice of Hearing or Order Setting Hearing which includes the hyperlink for appearing by videoconference as well as the telephone number and conference ID for appearance by telephone only. The hyperlink will be included in an email from the Court confirming the hearing date and time.
- B. Hyperlink and teleconference information should be copied and pasted into the notice of hearing.
- C. All parties capable of receiving email should be provided with the Notice of Hearing by email. Hyperlinks remain active and “clickable” when served by email directly or through Florida’s E-Filing Portal.
- D. Parties unable to receive email may be served by first class, U.S. Mail.
- E. A party providing a court reporter or inviting an observer shall be responsible for providing the court reporter or non-party observer the hyperlink and teleconference information.

V. APPEARANCES

- A. Appearance through videoconference of counsel, parties, and other court participants is favored. Those appearing by video shall keep their cameras activated throughout the hearing unless otherwise directed.
- B. Non-testifying court participants and observers may, if necessary, appear by telephone.
- C. The Court may utilize a virtual “lobby” when calling a docket. Please be patient while waiting in the lobby.
- D. Persons appearing by videoconference in virtual proceedings shall accurately enter their first and last name digitally if prompted to do so before being admitted to a virtual courtroom.
- E. The Court may not be able to determine the identity of persons appearing by telephone only.

VI. WITNESSES AND TESTIMONY

- A. Persons authorized to administer the Oath of Witness, including judges, must have audio-visual communication with the witness.
- B. Credibility of witnesses cannot be effectively assessed without audio-visual communication.
- C. Witnesses appearing in virtual court proceedings must appear by videoconference technology.
- D. A party calling a witness is responsible for providing the witness the hyperlink for accessing the virtual courtroom. The hyperlink will be provided to the parties in the email confirming hearing time. The hyperlink may be copied and pasted into an email forwarded to the witness.

VII. EVIDENCE

- A. No later than **5 days** in advance of any hearing all parties must submit to the Court, documentary, and photographic evidence, consisting of one hundred (100) pages or less as an attachment to an email forwarded to atolley@jud10.flcourts.org and copied to all parties. **Any evidence submissions that exceed one hundred (100) pages must be delivered either in person to the Clerk of Courts mailroom or by an alternate delivery service.**

- B. Each submitted item **MUST** be pre-marked with a Court approved evidence label.

Example: Case #: _____, Party _____ Submitting: _____
Exhibit #: _____ Admitted: _____ Excluded: _____, Date: _____, Judge's
Initial: _____

- C. **Following the hearing, documentary and photographic evidence will be printed by the court or the clerk and forwarded to the evidence vault in the Clerk's office. Any evidence submitted to the Court that is not marked with the appropriate label will NOT be accepted.**
- D. Physical objects, including digital storage media, will not be accepted by the Court without express preauthorization based upon good cause. A party seeking to submit physical objects to the Court must contact the Court prior to delivery. At the party's election, a digital image of the object may be submitted instead.
- E. Audio-video evidence should be transmitted to the Court as a digital file attached to an email or by file-sharing. For information on submitting such evidence, please email 10thVirtualCourtSupport@jud10.flcourts.org, or call (863) 534-7788.

- F. The digital marking and provisional receipt of audio-video evidence will be noted by the Court on the record during the hearing. Such evidence will not be taken into custody by the Clerk of Courts until such time as it is determined that receipt of media storage from court participants is consistent with public health recommendations. Upon taking physical custody of media storage, the Clerk will note the date possession is taken *nunc pro tunc* to the date of the hearing.

G. PUBLICATION AND REFRESHING MEMORY

- A. The Court is prepared and equipped to publish documentary, photographic, and audio-video evidence during virtual court proceedings through screen-sharing technology.
- B. A party who anticipates the need to refresh the memory of a witness should provide whatever material will be used to refresh memory no later than five (5) days in advance of the hearing. If not evidence, material used to refresh memory should be given an appropriate file name designating it as “other material.”
- C. A party who discovers the need to refresh memory mid-hearing may provide material during the hearing. Such a party will receive instructions from the Court as to the manner in which such material should be transmitted.
- D. A party who has “screen-sharing” capability or another method of publishing evidence or refreshing memory on his or her own will be permitted to do so if the Court determines the party can do so effectively, taking into consideration fairness to opposing parties and, if applicable, the witness.

H. CLIENT CONSULTATION

- A. Client consultation is permitted during virtual court proceedings.
- B. Client consultation must occur through a separate connection such as telephone, email, or text. Attorneys and their clients may mute their microphones and cancel their cameras when engaging in attorney client consultation. With permission, attorneys and their clients may temporarily disconnect from the virtual hearing space if necessary to engage in consultation.

I. ATTENDANCE OF OBSERVERS

- A. Unless otherwise ordered, family members, friends, and other observers are permitted to attend and observe. However, observers will not be permitted to speak except upon request of a party with permission of the Court. Observers who speak without permission or engage in unruly, disruptive, or disrespectful conduct will be removed from the virtual hearing space and not allowed to rejoin.

- B. Children are not permitted to attend and observe except upon request of a party with permission of the Court. Children and those with children on the line will be removed from the virtual hearing space and not permitted to rejoin.
- C. It is the parties' obligation to provide the hyperlink and teleconference information to persons wanting to observe virtual court proceedings. Other persons not affiliated with a party may contact Tenth Circuit Court Technology for access to the virtual hearing space.

J. VIRTUAL COURTROOM ETIQUETTE

- A. Dress appropriately for court.
- B. Eliminate distractions as much as possible. Appearances should be made from an interior location free from excessive background noise.
- C. To minimize distractions, log in or call a few minutes before the scheduled hearing begins. Identify yourself when in the virtual meeting with your real name, and if you are appearing by phone, please disclose your identity immediately upon inquiry.
- D. Mute your microphone before entering the virtual courtroom. Keep your mic muted when not speaking and do not speak out of turn.
- E. When appearing by video, do not deactivate your camera unless authorized by the Court.
- F. Court-provided remote technology includes a "chat" feature. The chat feature shall not be utilized without express authorization from the Court.
- G. If asked to unmute your microphone, activate your camera, or otherwise identify yourself, do so. Participants who refuse to comply with instructions will be removed from the virtual hearing space and not allowed to rejoin.
- H. Do not engage in other business or activity while participating or observing a virtual court proceeding, such as reading the newspaper, smoking, chewing tobacco, or eating. Non-alcoholic drinks will be permitted.
- I. If you are required to care for a small child who cannot be left unattended during the virtual hearing, please inform the Court ahead of time and do your best to minimize distractions.
- J. Participants or observers who engage in unruly or disrespectful conduct will be removed from the virtual hearing space and not allowed to rejoin.
- K. In general, show the same courtesy and respect you would in an in person setting.