

Virtual Court Procedures and Preferences During Public Health Emergency
The Honorable Judge Jennifer A. Swenson
Polk County Family Division/Section No. 13

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 preference detailed herein apply to all court proceedings, regardless of the technology utilized.

II. SCHEDULING HEARINGS

- A. Hearing time may be reserved by email to the judicial assistant at cstarling@jud10.flcourts.org. Such request 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 parties, or counsel for the parties, 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 **72 hours** in advance of any hearing (excluding holidays and weekends), 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 cstarling@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. Example: "OODR0000 Husb Prop Fin Judg."
- D. Proposed orders and judgments must be submitted in word (.docx) or PDF 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 should 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. Hyperlink and teleconference information should be copied and pasted into the notice of hearing.
- B. 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.
- C. Parties unable to receive email may be served by first class, U.S. Mail.
- D. A party providing a court reporter is responsible for providing the court reporter the hyperlink and teleconference information.

V. APPEARANCES

- A. Appearance through videoconference of counsel, parties, and other court participants is favored. Those appearing by video should keep their cameras activated throughout the hearing unless otherwise directed.
- B. Non-testifying court participants 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 should accurately enter their first and last name digitally if prompted to do so before being admitted to a virtual courtroom.

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. If any exhibits are to be introduced during the hearing, they must be provided to the Court (copying opposing counsel) at least **72 hours** in advance of the hearing (excluding holidays and weekends), and pre-marked as per Administrative Order 5-20.8. If your exhibits are under 50 pages, you may provide them via email. If your exhibits are over 50 pages or contain audio-video evidence, please provide them via hard copy (US mail, express mail, or hand delivery to the mailroom).

Example:

Case No. _____
Party _____ Exhibit No. _____
Admitted _____ Excluded _____
Date _____

- B. The Court is prepared and equipped to allow for publishing documentary, photographic, and audio-video evidence during virtual court proceedings through screen-sharing technology, if necessary.

VIII. 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 camera 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.

IX. 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 should 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 may be removed from the virtual hearing space and not allowed to rejoin.

- H. Do not engage in other business or activity while participating in 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. Anyone who engages in unruly or disrespectful conduct may 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.