

**ADMINISTRATIVE ORDER REGARDING COURT OPERATIONS UNDER COVID-19
ADVISORY WEBEX PROCEDURES
THIRD JUDICIAL DISTRICT
20-06**

Pursuant to and in accordance with the Amended Administrative Order Regarding Court Operations under Covid-19 20-03 issued March 26, 2020, and pursuant to the Administrative Order Regarding Court Operations under COVID-19 Advisory 20-07, all parties and attorneys shall follow procedures set forth in this memorandum for the immediate future concerning the use of WebEx hearings. This will require additional preparation and planning on the part of all counsel, parties, and witnesses. The court expects attorneys to provide their clients and witnesses with the appropriate remote access/call in information before the hearing and to have communicated with their clients and witnesses to assure they know how to access the system before the hearing (not during the first five minutes of the hearing).

WEBEX INVITATIONS AND GENERAL GUIDANCE

The court will use Cisco Webex meetings to allow for video or audio participation. To that end, the court will send a Webex invitation to counsel to participate in the virtual courtroom. The court will schedule other hearings utilizing individual invitations.¹ To join, follow the instructions on the invitation:

- to join by video (preferred method) hit the **Join Meeting** link. If that does not work, cut and paste the address into your browser.
- you will be directed to the appropriate Judge's page. At the bottom of the page select "Join from your browser"
- Enter the information – name and email address (so we know who you are). You will then be in the meeting
- Select your audio setting. If the audio on your computer or tablet does not work, please use the alternate audio option of calling in to the number in the invitation and using your participant code (see example below)
- If you do not have a device that will support a video connection, you may still participate by audio only by calling the number in the invitation and using the access code.
- If you have misplaced your WebEx invitation or never received one, please use this link and click the appropriate Judge's virtual courtroom
https://www.courts.state.co.us/Courts/District/Custom.cfm?District_ID=3&Page_ID=858

Please keep in mind that the courtroom will be open to the public during all WebEx hearings unless otherwise ordered by the court.

Audio and/or video recording of any portion of a WebEx hearing is strictly prohibited. Violation of this prohibition may result in the imposition of sanctions including contempt of court.

WebEx hearings are court proceedings and all participants shall follow ordinary standards of decorum. Participants should ensure they are appropriately dressed, that their surroundings are quiet and well lit, that their electronic devices are functioning correctly, that they have an adequate internet connection, and that distractions in home environments are minimized.

WEBEX CONFERENCE GROUND RULES

- Attorneys shall forward the meeting information to their clients and any witnesses. In all matters requiring compliance with the Victim's Rights Amendment, the District Attorney shall be responsible to provide the invitation to any victim that desires to appear. The court may also forward meeting information to any member of the public upon request. See Colo.R.Crim.P. 43(f)(1)(2020-6). It is the responsibility of the attorney to ensure clients and witnesses have the necessary contact information.

¹ If the WebEx system becomes unavailable for any reason, the court will utilize its conference line for Trinidad at (719) 846-3316, x 0 and Walsenburg at (719) 738-1040, x 0. If there is a problem with the Webex system, the Court's conference line will be used.

- Adoption, relinquishment and any other proceedings closed by law or Order may be sent a separate Webex invitation reflecting the date of the hearing and that shall not be made public.²
- Parties should call in at their regularly scheduled hearing time. Parties dialing into the court shall not interrupt any ongoing proceeding but wait to be acknowledged by the court. It is very important that only one person speak at a time and that parties wait their turn to be called upon to speak.
- Please note the Court may choose to employ a “lock meeting” option for any particular hearing. Anyone who is participating via video but who calls before their hearing time may be placed into a “lobby.” If you or your client is calling in and not using the video option, it is essential they call at the time of their hearing and not earlier in order to gain access.
- Criminal Proceedings. In accordance with Colo. R. Crim. P. 43 (e) et.al. without the defendant’s oral or written consent, the Court may require the defendant and counsel to appear electronically for the following proceedings: arraignment, 1st appearance advisement, setting of bond, further appearances for the filing of charges, setting of PH, waiver of PH, hearing to modify bond, entry of pleas (only for non-VRA misdemeanor, petty offenses and traffic case), probation revocation hearings, restitution hearings, appeal bond hearings and hearings to reconsider sentence pursuant to Crim, P. 35 (b).
- Additionally pursuant to Colo. R. Crim. P. 43 (f),(2) with the defendant’s oral or written consent, the Court in its discretion may allow the defendant and counsel to appear by an interactive audiovisual device for the following proceedings: preliminary hearing, entry of plea and sentence associated with that plea, a deferred judgement violation hearing, a probation violation hearing, sentencing following the revocation of a deferred judgement or probation or a transfer hearing following termination of placement in community corrections. For these type of cases Defense Counsel must either orally object on the record or file a written objection to hearing by WebEx.
 - Pleas in criminal cases: the court expects the defense attorney to have the plea paperwork signed by the client and uploaded to the case file before the hearing begins. If the defendant is not appearing by video but only by audio, the court will place the defendant under oath to obtain a record of personal identifying information to ensure the person on the phone is the proper person to be taking the plea along with a waiver of any objection to appearing by audio only. The court will ask for the defendant’s full name, date of birth, and last four digits of his or her social security number, if available, and may ask for height, weight, hair and eye color. An attorney may be asked to certify the identity of their client. If the client does not wish to or cannot provide such information, their case cannot be addressed by WebEx and will be rescheduled for an in-person appearance of the defendant. The court will consider temporarily accepting an electronic signature (e.g. /*John Doe*) on plea paperwork on a case by case basis but will require a written guilty plea and waiver of rights bearing the defendant’s signature to be uploaded in all cases.
 - If a defendant is out of custody, defense counsel must ensure that the defendant has a means of communicating with defense counsel outside of the WebEx conference in the event there is a need for confidential communication. Parties should not rely on the WebEx chat function to accomplish this alternate communication. The court suggests that such communication occur separately by phone between counsel and client and that the WebEx conference be muted during this time.
- Proceedings with Interpreters (please note that these rules also apply in general so that we can make a good record):
 - All parties must speak into a microphone or close to the phone.

² Any questions with this procedure should be directed to the court’s Court Executive at bob.kreiman@judicial.state.co.us. (719) 846-3316.

- Parties must speak loudly and clearly.
 - Parties must pause periodically between statements to facilitate consecutive interpreting.
 - Only one person may speak at a time, allowing a pause between speakers. This include question/answer sessions: Allow the interpreter to render his/her interpretation after each person speaks to avoid confusion.
 - Background noise, including side conversations and paper shuffling, must be kept to a minimum (microphones should be muted unless you are speaking)
- Alert the Court and/or interpreter immediately if there are any technical difficulties.
- Evidentiary Hearings. Unless otherwise directed by the Court or the Family Court Facilitator, all proposed exhibits must be uploaded prior to any evidentiary hearing. Any audio or audiovisual recording that may be offered into evidence must be provided to the court in advance of the hearing on a jump-drive and must be in a format that can be played without proprietary software. Counsel is expected to know how to utilize the “share screen” function in WebEx to publish exhibits for all participants. Parties are encouraged to reach stipulations concerning exhibits and other evidentiary issues. The Colorado Rules of Evidence shall continue to apply in all hearings. A “pre-hearing” conference shall be conducted in any case in which an evidentiary hearing is sought to address any procedural issues.

The procedures outlined herein are evolving and may be modified or updated periodically. If questions arise, the court’s Court Executive, Mr. Bob Kreiman should be contacted at 719 846-3316 or bob.kreiman@judicial.state.co.us.

Dated: May 5, 2020

BY THE COURT:



Chief Judge, Third Judicial District