

VIRTUAL COURTROOM (WEBEX) INSTRUCTIONS

All District Court, Archuleta County Court, San Juan County Court Cases

The program seems very easy to use. Download the Cisco WebEx app to your computer or smart phone (it's free). The clerk will send out an email inviting the attorneys or pro se parties to a meeting which will be the hearing. If you use Outlook for your calendar, accepting the invitation will place the meeting in your calendar. At the time of the hearing, click on the green "join meeting" button in the email invitation. If you have a laptop (or a webcam if using a desktop), you will be able to see and hear the other participants at the hearing. You can also access the meeting from your Outlook calendar, as long as you have previously accepted the meeting. If your client and/or witnesses are not with you, you can either forward the email to them or forward the invitation to them from Outlook and they can click on the green "join meeting" button. As long as they have downloaded WebEx, they will be able to have audio-visual participation in the hearing. The La Plata County Jail will make sure that any incarcerated clients in criminal cases will appear via WebEx. The invitation you will receive will also contain two telephone numbers and an access code to join the meeting by audio only. If someone does not have a laptop or smart phone, they can at least participate by telephone.

La Plata County Court

Due to the volume of cases, individual invitations will not be sent out to participants in La Plata County Court cases. You can call in using a regular phone without video, in which case you will participate in the session just as you would participate in an appearance by phone, or you can join as a video participant. In order to join a web ex session as a video participant, you will need to install the web ex app on your computer or smart phone. You can obtain the app through an app store or at webex.com. To connect to a web ex session, please follow these steps:

1. Using either a phone or the web ex app, call 415-655-0001 to reach Web Ex.
2. When prompted, enter the Meeting ID: 929 275 243 followed by #.
3. When prompted for a participant number, enter # again.

In cases in which a defendant is represented by counsel, counsel for Defendant shall ensure he/she has telephone access so that counsel has the opportunity to confer with Defendant confidentially when necessary. Counsel for the People are to ensure that any victim who wishes to attend a hearing be provided information regarding how to attend by interactive audiovisual device; victims may attend hearings in person by responding to the Division 3 courtroom at the appointed date and time for the hearing. Counsel for both parties are responsible for ensuring their respective witnesses are provided information regarding appearing by web ex.

If the defendant, or counsel for defendant, makes a request to appear in person for his/her hearing, or does not consent to his/her proceeding being conducted by interactive audiovisual device, the court will consider resetting the hearing at which personal appearances may be permitted.

The judges and magistrates in each individual division will decide whether hearings will be heard via WebEx. With some exceptions, the defendant, attorneys, and judge cannot appear solely by telephone in criminal cases covered by the Victim's Rights Act. These hearings must be conducted by audio-visual means. The practical result of this restriction means that most, but not all, criminal cases in county court can be heard either by audio or audio-visual means while most criminal cases in district court can only be heard by audio-visual means. The rules of criminal procedure currently prohibit trials and evidentiary motions from being held when the defendant is not personally present in the courtroom. I am not aware of any similar restrictions in civil cases.

Judge Herringer will be using the following procedures in his courtroom:

- 1) You will need to have your exhibits organized and delivered to the witnesses, opposing counsel and the court in advance of the hearing. All exhibit pages will need to be individually numbered because you will not be able to approach the witness and show them what you are referring to. The copies provided to the court and opposing counsel need to be similarly numbered.
- 2) Discussing exhibits with opposing counsel in advance of the hearing, trying to reach stipulations and not submitting duplicate exhibits is going to be extra important. I recognize that because you won't be able to add exhibits to your exhibit book you may have to include a number of exhibits that might not be offered. Whatever we can do to avoid large volumes of extra exhibits will be helpful.
- 3) Background noise needs to be kept to a minimum as it will interfere with the ability of everyone to hear testimony and if we are using the FTR it may mess up the record. Use of speaker phones is discouraged. Keeping your phone on mute helps, but that may not be possible when counsel needs to make objections.
- 4) Everyone at the hearing needs to make sure that you are in a location with excellent cellular service, you are not moving around, if you are using a cell phone make sure the battery has enough charge to get through the hearing or you can hook it up to power.
- 5) Only one person can talk at a time. Do not interrupt each other. Explain to your witness that if an objection is made, they need to stop talking until the judge has ruled on the objection.
- 6) If your client is going to be in a separate location you need to think about how you will communicate with them confidentially during the hearing (separate phone line, texting, chat, email, etc.) However, you may not communicate with them (or other witnesses) while they are testifying.

- 7) Hearings will almost certainly take longer. Budget at least 1.5x as long for the hearing as you would expect it to take if it was in person.
- 8) WebEx only makes an audio record. It does not record the video of the hearing. So, if a witness is gesturing or pointing to something you need to provide a verbal record of what the witness is doing if that is important.
- 9) Make sure that your client/witnesses are up to speed on how they participate in the hearing well in advance of the hearing. Remember that not everyone has the level of technical sophistication that most attorneys do. Talk with you client/witness in advance to make sure that they are comfortable with the technology and have the proper equipment to participate in the hearing. The courts will not be able to delay hearings for a half an hour while your client/witness figures out how to log into the hearing.
- 10) If there are people who are not witnesses but want to listen to the proceedings it is best if they listen in by phone. While courtrooms are open to the public there is limited space for seating because of social distancing requirements.
- 11) The default will be that everyone appears by WebEx. If there is a witness that you believe needs to testify in person you will need to file a motion stating why that is the case and receive permission from the court for the witness to appear in person in advance of the hearing.

You can expect that each of the judges and magistrates will have similar procedures for WebEx hearings, but each individual judge will determine the procedures to be used in their divisions.