

COURTROOM 3C INFORMATION REGARDING APPEARANCES IN COURT

INTRODUCTION

The directions below are intended to ensure due process for all parties. Please read this in its entirety. If you have any questions about any of the information set out in this order, please contact the Court's Division Clerk at julie.foster@judicial.state.co.us.

FIVE THINGS TO KEEP IN MIND

1. **You should plan to appear in Court in person except as allowed as follows: The Court will hold settings, case management conferences and pretrial conferences by WebEx, and you may appear by WebEx for those types of proceedings. When in doubt, file a motion.**
2. **If you have an outstanding warrant, you must appear in court in person for any type of proceeding.**
3. **If you appear by WebEx, you must treat it as though you were in court, in person.**
4. **If you appear by WebEx, you must be properly dressed, you must be able to be seen clearly by video, you must be able to be heard, and you must be in a quiet place without distractions. WebEx video appearance is preferred to phone appearances.**
5. **If you don't follow these WebEx directions, the Court will take appropriate action and may find that you have failed to appear for your hearing.**

More detailed information on these five points is set out below.

The information below sets out this Court's expectations regarding each type of hearing. Jury trials are not specifically addressed here and you should follow the Court's Jury Trial Scheduling Order filed in your matter.

Settings, case management conferences and pretrial conferences in matters set in Courtroom 3C will be held via WebEx, unless otherwise ordered by the Court.

Evidentiary hearings, including discovery disputes, will be held in-person unless counsel or a pro se party can show good cause as to why an evidentiary hearing or discovery dispute should be held in a remote or hybrid manner. Any requests for remote

appearances for evidentiary hearings shall be made in writing in compliance with Rule 121 regarding conferral with other counsel and/or parties.

If authorized by the Court, hearings may occur with some parties present in the courtroom and some appearing by WebEx (a “hybrid” hearing). These cases must be approved by the Court for good cause. Witnesses and counsel should be in a location with stable internet connectivity, with cameras turned on, and shall be alone in the room. A party may file a written motion to request permission to appear by WebEx.

For JV matters, if a respondent-parent intends to enter an admission during a setting, case management conference or pretrial conference, the Court requires that party to appear in person. The Court will entertain requests for remote appearance with good cause shown. Any requests for remote appearances for the taking of an admission shall be made in writing in compliance with Rule 121 regarding conferral with other counsel and/or parties. It is improper for counsel to communicate with the Court’s clerk via email, *ex parte*, with a request for their client to appear remotely.

WEBEX HEARINGS

Hearings are in-person unless listed above as WebEx or unless specifically approved by the Court. The following should govern WebEx participation whether in a virtual hearing, hybrid, or in-person hearing at which WebEx is utilized for parties or witnesses.

Courtroom 3C can be accessed as follows:

WebEx conference line: 1-415-655-0001 or 1-720-650-7664

Access Code: 2593 718 4330 # and then # again

<https://judicial.webex.com/meet/joseph.findley>

Access Code: 2593 718 4330

The Colorado Judiciary uses Cisco WebEx for audio and video conferencing. Cisco WebEx Meetings is a free app that can be downloaded to computers, laptops, tablets or phones. Anyone who has a smartphone can use the App or weblink; a computer is not required. This App can be used to access hearings held by audio or video conference which are hosted by the Court. The link below provides tutorials.

<https://help.webex.com/en-us/8bzter/Cisco-Webex-Meetings-Video-Tutorials>

Counsel/parties/witnesses must have a strong internet connection and be in a private setting without background noise.

Please note that WebEx contains a private chat feature. Attorneys can send a private communication by way of instant message during the hearing. If an attorney needs a break from the video hearing in order to communicate with a client by phone rather than through the IM/Chat feature, a recess should be requested. Please note that there is a risk of unintentionally sharing communication with all present on WebEx, so the Court suggests caution if utilizing the chat function for attorney-client communication.

For counsel/parties who do not have the ability to appear by video, they may access a hearing by phone by calling one of the phone numbers listed above and entering the Access Code provided. Phone participation is not encouraged, but may be utilized if video is unavailable. Please make your reason clear if calling in with phone only.

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 that may include a penalty of up to six months in jail.

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 participation while driving or from a car is strictly prohibited. Witnesses providing testimony shall be alone and may be asked to verify with their camera to verify no other person is in the room with them.

Attorneys shall forward the meeting information to their clients and any witnesses. It is the responsibility of the attorney to ensure clients and witnesses have the necessary contact information to participate in the video/phone hearing.

Counsel/parties/witnesses should call in at the designated time. Parties dialing or videoing into the court shall **not** interrupt any ongoing proceedings and should wait to be acknowledged by the court. It is **very** important that only one person speak at a time and that parties wait their turns to be called upon to speak.

Any attorney/party/witness/observer who is not speaking should be on the “mute” setting. If any attorney has an objection during an evidentiary hearing or would like to

otherwise address the court at an appropriate opportunity, he or she may do so and state the reason clearly.

Please note the Court may choose to employ a “lock meeting” option for any particular hearing or portion of a hearing. Anyone who is participating via video but who calls before their hearing time may be placed into a “lobby” where they cannot hear what is being discussed or see what is being presented in the virtual courtroom. Similarly, if the Court has entered a witness sequestration order, the Court may place the witness in the “lobby.”

Evidentiary Hearings. All proposed exhibits must be e-filed to the court’s file before any evidentiary hearing pursuant to Chief Justice Directive 11-01. The e-filed exhibits must also include an identifying description of the exhibit. (For example, Exhibit 1 – The Lease.) Any audio or video 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 for Plaintiff/Petitioner shall mark their exhibits numerically with a brief description of what the exhibit is for ease of navigating during the hearing. Defendant/Respondent shall mark their exhibits alphabetically with a brief description of the exhibit. Exhibits must be so labeled with a brief description of each exhibit to avoid the need for a bench notebook.

Counsel is expected to know how to use 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 to all hearings.

A “pre-hearing” conference/video practice may be conducted in any case in which an evidentiary hearing is scheduled with any portion that may include witnesses on WebEx in order to address any procedural or technical issues or concerns. Parties are expected to list all stipulated Exhibits at the beginning of a hearing.

Any witness who is testifying on WebEx must testify in the same manner that they would as if they were on the witness stand in the courtroom. That is, the witness may not access other materials while testifying without specific permission from the Court. Witnesses should be visible on camera from chest up so that the Court and counsel can

monitor if a witness appears to be looking at a phone or documents without permission. The private chat feature must not be used by counsel or any other person and any witness (including the attorney's client) while that witness is testifying. Violation of this prohibition may result in the imposition of sanctions including contempt of court.

Any witnesses who are waiting to testify on WebEx will be placed in the virtual "lobby" of the virtual Courtroom until it is that witness's turn to testify.

Parties should allow additional time for WebEx hearings and should anticipate the need to take more frequent breaks.

IN-PERSON HEARINGS

The courtroom is open to the public, but members of the public who wish to watch the proceedings may observe the proceedings via WebEx. WebEx will be turned on for hearings.

Bring a computer or laptop. When witnesses or other necessary parties are expected to appear by phone or WebEx with some individuals present in the courtroom, the attorneys or *pro se* parties should bring a computer or tablet with them that will allow them to observe and, if necessary, ask questions of, the witness who is testifying remotely.

Bring your own bottled water. Individuals in the courtroom may bring water to counsel table with them. Due to security, only plastic water bottles are allowed into the building. The Court can also provide water to counsel/parties/witnesses.

Individuals will be asked to be considerate of others and to share when utilizing Court accommodations.

OTHER COURTROOM 3C RULES IN GENERAL

No food or gum is allowed in the courtroom.

Please do not ask the Division Clerk for legal advice. The Court expects the Division Clerk to be treated with courtesy and respect by both attorneys and their staff. The Court will address any infractions with this rule on the record.

Absent unavoidable circumstances, Court does not start late. Counsel must be on time for court appearances. Please be prepared.

Please be respectful. Address parties appropriately (i.e., use Mr., Ms. or Mrs. or any a party may express as preference, but not first names) and request the same of your clients/witnesses.

The majority of non-criminal cases in this courtroom are recorded. In order to make a clear record, do not interrupt the Judge, witnesses, or other attorneys unless making a timely objection.

Stand up when addressing the Court. Ask for permission to approach the Court or the witness. Show opposing counsel the exhibit before you approach.

Turn cell phones or any other portable devices completely off and request the same of your clients and witnesses. Cell phones with ringers turned to silent still interfere with the audio system in the Courtroom. Attorneys may access their phones for calendaring purposes.

Do contact the Division Clerk before trial regarding set up on any technical equipment or if any clients/witnesses have special needs (i.e. listening assist device). Please note that judicial equipment is available on a first come first serve basis. You may contact Judicial Administration at 08CourtExecutiveAdmin@judicial.state.co.us to arrange reservation of any equipment we may have available.

Do not leave trash on the tables or throw any liquid in the trash containers in the courtroom.

Thank you in advance for respecting everyone who appears or works in Courtroom 3C.

The procedures outlined herein are evolving and may be modified or updated periodically. If questions arise, please contact the Court's Division Clerk at julie.foster@judicial.state.co.us.

SO ORDERED on February 17, 2023

BY THE COURT:



Joseph D. Findley
District Court Judge