

<p>NINTH JUDICIAL DISTRICT, COLORADO  Court Address: Garfield County Courthouse  109 Eighth St., Suite 104  Glenwood Springs, Colorado 81601</p> <p>Phone Number: 970-928-3065</p>	
<p><b>ADMINISTRATIVE ORDER</b></p> <p>The Honorable James B. Boyd</p>	<p>Administrative Order 20-02</p>
<p align="center"><b>WEBEX PROCEDURES FOR THE NINTH JUDICIAL DISTRICT</b></p>	

Pursuant to and in accordance with the Administrative Order about Operations during COVID-19 Period as it may be updated from time to time, unless otherwise notified by the Court, all dockets and hearings shall be conducted electronically by using the procedures described below.

The Court will use Cisco WebEx meetings, which is an internet based software program that can be operated from a desktop computer, laptop computer, or a smartphone. WebEx allows for video and/or audio participation in court proceedings. For users without access to video, WebEx allows for audio access only by computer or phone.

Using WebEx 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 make sure they can access the electronic system well in advance of the hearing.

**ACCESS TO WEBEX**

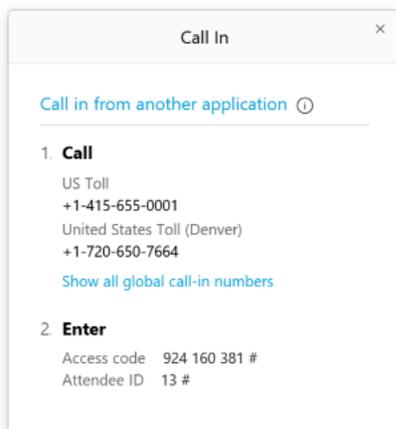
Virtual Courtrooms. Each judicial officer in the Ninth Judicial District has a virtual courtroom set up in WebEx. The access code for the virtual courtroom is unique to each judicial officer and does not change. Attached to this Order is a list with the access information for each judicial officer’s virtual courtroom. As a general rule, judicial officers will not send email invitations for every docket or hearing. Each virtual courtroom allows for video and an audio

only connection. This information will also be available on the Ninth Judicial District’s website. Please keep in mind that the virtual courtrooms are open to the public during all WebEx proceedings, unless otherwise ordered by the Court.

Instructions for Joining WebEx. First, install the WebEx application on your phone or computer. Instructions for installing the WebEx application that can be provided to witnesses and parties are available at [https://help.webex.com/en-us/nrbgeodb/Join-a-Webex-Meeting#id\\_134856](https://help.webex.com/en-us/nrbgeodb/Join-a-Webex-Meeting#id_134856).

To join a WebEx proceeding, follow the instructions on the invitation (if you received one) or use the meeting number (access code) in the WebEx application.

- 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 virtual courtroom. At the bottom of the page select “Join from your browser.”
- it is helpful to enter identifying 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.
- 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.



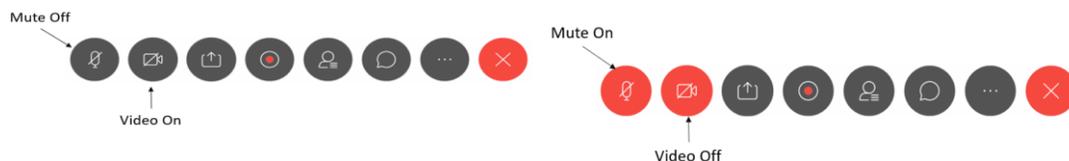
## USING WEBEX

### Before the Court Proceeding.

- Install and practice with WebEx in advance of the scheduled court date and time.
- Ensure that there is adequate internet connection.
- Eliminate background noise, including side conversations and paper shuffling.
- Only connect to audio through one device.
- Connect from a location with good lighting.

### During the Court Proceeding.

- Mute your microphone when not speaking.
- Avoid using a speaker phone.
- Avoid calling while driving.
- Speak into a microphone or close to the phone.
- Make sure your microphone is not on mute when speaking.

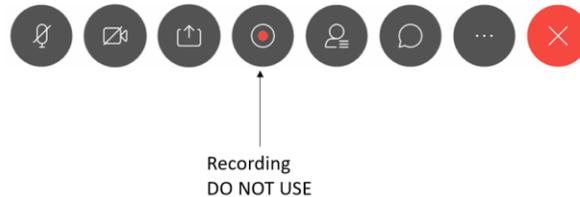


- Speak loudly and clearly.
- Only one person may speak at a time, allowing a pause between speakers in case there is an audio delay.
- Parties should call in at their regularly scheduled hearing time. Parties dialing into the court shall not interrupt any ongoing proceedings, but wait to be acknowledged 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.

Technical Difficulties. In the event of technical difficulties with WebEx, please identify those issues to the Court as soon as possible. If the WebEx system crashes, contact the court clerk for the division where your case is being heard.

## COURT PROCEDURES FOR WEBEX

Recording. The Court records the audio for all WebEx proceedings through its recording devices in the courtroom. Any other 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.

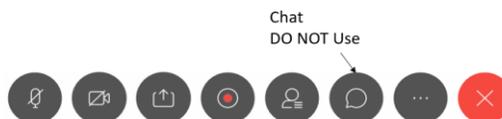


Decorum. WebEx hearings are court proceedings and all participants shall follow ordinary standards of decorum. Participants should ensure they are appropriately dressed, that their surroundings are quiet and well lit, that their electronic devices are functioning correctly, that they have an adequate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

Attorney Responsibilities. Attorneys shall forward the meeting information to their clients and any witnesses. In all matters requiring compliance with the Victim’s Rights Act, the District Attorney shall be responsible to provide the information 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.

Closed Hearings. 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.

Chat Function. WebEx has a function that allows participants to chat with everyone or privately. The written chats are not part of the Court’s record. Parties should not use the chat function during court proceedings. Parties should have another device available to speak with their clients off the record if necessary during the proceeding, such as a separate phone connection or by separate text message.



Criminal Proceedings. In accordance with Colo.R.Crim.P. 43, with the defendant’s oral or written consent, the Court will allow the defendant and counsel to appear electronically for all

proceedings identified in Rule 43(f). The Court will also provide for electronic appearances in first appearances, reviews and status conferences.

- 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. 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.
- Parties can participate in the 1:30 p.m. advisement docket in Garfield County by accessing the presiding judicial officer's virtual courtroom. For advisements occurring in Pitkin and Rio Blanco Counties, contact the court clerks for information.

Proceedings with Interpreters. WebEx can be used for cases requiring interpreters. Parties needing an interpreter should contact the Court in advance of the hearing to discuss logistics and whether simultaneous interpretation is possible. Parties should keep the following in mind when using an interpreter:

- All parties must speak into a microphone or close to the phone.
- Parties must speak slowly, 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 includes question/answer sessions: Allow the interpreter to render his/her interpretation after each person speaks to avoid confusion.
- Alert the Court and/or interpreter immediately if there are any technical difficulties.

Evidentiary Hearings. Evidentiary hearings via WebEx shall be conducted per the following requirements.

- All proposed exhibits must be provided to the Court and the parties 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.



- Testifying witnesses shall make every effort to appear by video, rather than by audio only.
- Testifying witnesses are not permitted to look at any documents or other material while testifying, unless specifically authorized by the Court.
- Parties and attorney shall not communicate with any witness by chat or otherwise during the proceeding.
- If witness sequestration is requested, the Court will move the sequestered participants into the WebEx lobby until it is time for the witness’s testimony.
- Parties are encouraged to reach stipulations concerning exhibits and other evidentiary issues.
- The Colorado Rules of Evidence shall continue to apply in all hearings.
- Objections must be made orally for the record.
- A “pre-hearing” conference may be conducted in any case in which an evidentiary hearing is sought to address any procedural issues.
- Parties should allow additional time for WebEx hearings and should anticipate the need to take more frequent breaks.

The procedures outlined herein are evolving and may be modified or updated periodically.

SO ORDERED this 14<sup>th</sup> day of May, 2020.

BY THE COURT

A handwritten signature in blue ink that reads "James B. Boyd". The signature is written in a cursive style and is positioned above a solid black horizontal line.

Chief Judge

## **VIRTUAL COURTROOM MEETING ACCESS CODES BY JUDICIAL OFFICER**

When using either a phone or the WebEx app and not using computer audio, call 720-650-7664 and when prompted enter the judge specific nine-digit access/meeting code (see below) and press #, then press # again.

### **DISTRICT COURT JUDGES**

**BOYD:** 921 555 409

**LYNCH:** 920 849 792

**NEILEY:** 922 832 732

**NORRDIN:** 922 835 897

**SELDIN:** Contact court clerk

### **COUNTY COURT JUDGES**

**FERNANDEZ-ELY:** Contact court clerk

**METZGER:** 928 727 665

**NOBLE:** 925 897 784

**POTOTSKY:** 927 711 467

### **DISTRICT COURT MAGISTRATE/WATER REFEREE**

**RYAN:** 924 160 381