

## 1<sup>st</sup> Judicial District WebEx Criminal Docket Procedures

Court operations have been adjusted frequently over the last few months to address the COVID-19 pandemic. The below procedures are evolving and may be modified or updated periodically. *These procedures are subject to any orders or procedures established by the presiding judicial officer.*

### I. General Information Regarding WebEx Audiovisual Conferences

- A. The 1<sup>st</sup> Judicial District Court has established virtual courtrooms via WebEx to conduct remote proceedings.
- B. You will receive an email invitation with instructions on how to connect to the WebEx audiovisual conference. The email will include a link to join the audiovisual conference and alternate dial-in numbers to participate via audio only. If you chose to participate via your computer or portable device, follow the link in the email invitation. You will be directed to the web-based conference interface if using a PC or asked to install the WebEx Meetings app if on a portable device. In both cases, follow the instructions to connect to WebEx proceeding. Additional information on connecting to the WebEx audiovisual conference is available at [\[linked WebEx Meetings General Info for Participants document\]](#). Attorneys will need to relay this information to their clients.
- C. To participate via video, you will need a device (computer, phone or tablet) with a microphone and camera. Otherwise, you will have to call into the conference via telephone. Remember defendants must have audiovisual capability and consent to proceed with a proposed plea and sentencing hearing.
- D. Tips on using WebEx are available on the court's webpage at [\[linked WebEx Tips document\]](#).

### II. Matters to Be Heard Via WebEx Audiovisual Conference

- A. *In-Custody Matters*. Unless otherwise ordered, in-custody defendants will appear via WebEx audiovisual conference only from the jail. Plan accordingly.
- B. *Defendants on Bond*.
  1. Pursuant to Crim. P. Rule 43(f), unless defendants do not have the means to do so, defendants on bond and their counsel should appear by telephone or video conference via WebEx if their case is set for any of the following hearings:
    - a. Arraignment;
    - b. Pre-Trial Conference;
    - c. Probation Revocation Advisement Hearing;
    - d. Return on Summons;
    - e. Review Hearing;
    - f. Review with Appearance of Parties;
    - g. Status Conference; and
    - h. Trial Readiness Conference.

2. With the defendant's consent, the defendant and counsel may appear via WebEx audiovisual conference for any of the following hearings:
    - a. Plea/Dispositional Hearing; and
    - b. Sentencing.
  3. For defendants to proceed to sentencing or plea hearing, they must consent and be able to connect via video conference. Otherwise, they may appear in person, but must adhere to the court's social distancing and face mask requirements discussed below.
  4. For defendants to appear remotely either by telephone or video conference, they must have the means of privately conferring with their attorney if necessary.
- C. If counsel or other participants wish to participate in any of these hearings in person, they may. However, they will be subject to the strict COVID-19 safety measures discussed in section V below. The court encourages remote participation to the extent possible.
- D. The court will conduct WebEx hearings in open court and the video conference will be projected on the courtroom monitor, assuring public access and participation when appropriate.

### **III. Preliminary and Motions Hearings**

Unless otherwise ordered, preliminary and motions hearings will be conducted via WebEx audiovisual conferences. The court will issue separate case management orders concerning such proceedings.

### **IV. Proposed Plea Agreements**

- A. Should defendants wish to proceed to a plea hearing, they must appear in person or via video conference with consent to proceed via WebEx audiovisual conference.
- B. As for plea paperwork, pursuant to Crim P. Rule 49.5(h), signatures of attorneys and parties may be affixed electronically on electronic filings. If your client authorizes you to affix his or her electronic signature to plea paperwork, which will be confirmed on the record during the plea colloquy, you may do so with an electronic signature (i.e., "s/[name]"), then file the plea paperwork with the court electronically prior to the hearing.

### **V. In-Person Appearances**

If an in-person court appearance is required or necessary, counsel and parties are to adhere to COVID-19 safety measures. Specifically, no more than ten people at a time, including court staff, are permitted in the courtroom. All parties appearing in person are to maintain a minimum of six feet between them and anyone else in the courtroom. All parties appearing in person are to wear non-medical cloth face coverings throughout the proceeding, except the court may preside over its cases from the bench without a face covering to facilitate communication via audiovisual conferences.

## **VI. Decorum**

- A. 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 any distractions are minimized.
- B. Parties entering the WebEx audiovisual conference will not interrupt any ongoing proceedings and will wait to be acknowledged by the court or court staff.
- C. All participants must assure their audio connection is muted until it is their turn to speak as directed by the court.
- D. While speaking, background noise, including side conversations and paper shuffling, must be kept to a minimum to assure a clear record.
- E. Independent recording of the proceedings is prohibited. WebEx hearings are court proceedings and will be recorded by the Division FTR recorder or a court reporter. Recording of any portion of a WebEx proceeding by any other means is strictly prohibited. Violation of this prohibition may result in sanctions including contempt of court.
- F. Failure to abide the court's decorum order or instructions during the proceeding may result in a participant being expelled from the WebEx proceeding.

Please call division staff with any questions. We are operating on reduced staff, so please limit phone or e-mail contact with them only to when needed. Please also understand any delay in getting back to you given our limitations.