

# General Guidelines for the Use of Remote Proceedings Post-Covid

The following are intended as general guidelines for the use of remote proceedings in civil, criminal, family and juvenile matters, subject to the discretion of the local presiding judges assigned to a particular matter to proceed differently in individual cases.

## CIVIL MATTERS

- A.** The following types of matters should continue to be done remotely:
1. Judicial pretrials, status conferences, trial management conferences, foreclosure mediations and short calendar arguments.
  2. Courtside trials that do not involve interpreters or numerous exhibits unless all of the participants request that it be in person.
- B.** The following types of matters will be done in person:
1. All housing matters, including mediations.
  2. The Attorney Arbitration program.
  3. Courtside trials and hearings that involve interpreters or numerous exhibits.
  4. Jury trials.

J-ADR mediations may be done in-person or remotely based on the preferences of the mediator and the parties in each particular case.

## CRIMINAL MATTERS

- A.** The following types of matters may be conducted remotely:
1. Matters involving incarcerated defendants, including but not limited to pleas, sentencings, competency hearings, bond review, motions to correct and motions to modify.
  2. Judicial pretrials and status conferences, unless otherwise indicated by the Court.
  3. When the defendant needs a sign language or other interpreter who cannot be present in the courthouse.
  4. When exigent circumstances exist, i.e., health/mobility issues, out-of-state participant, etc.
- B.** The following types of matters likely will be conducted in-person:
1. Any matter involving a victim who wants to be heard in person.
  2. Trials, both jury and courtside.
  3. Arraignments, unless otherwise indicated by the Court.
  4. Sentencings, pleas and other hearings, unless otherwise indicated by the Court.
  5. If a defendant or counsel request an in-person appearance, pretrial or status hearing.

continued

## **FAMILY MATTERS**

- A.** The following types of matters are likely to be conducted remotely:
1. Judicial pretrials and status conferences, whether on- or off-the record.
  2. Status review/scheduling hearings.
  3. Periodic reports from guardians ad litem and attorneys for the minor child.
  4. Reports from Family Services (unless part of a longer proceeding held in person).
  5. Other brief, non-evidentiary matters.
- B.** The following types of matters are likely to be conducted in person:
1. Trials.
  2. Other evidentiary hearings.
  3. Resolution Plan Dates.
  4. Case Dates.
  5. Matters on larger dockets with multiple cases scheduled for the same time period, where it is not feasible to conduct them all remotely or to mix remote and in-person matters.
- C.** Matters normally expected to be conducted in person may nevertheless be conducted remotely, in the discretion of the judge, for good cause, including but not limited to:
1. Out-of-state participant.
  2. Participant with a medical condition making a court appearance difficult or unwise.
  3. Incarcerated participant.
  4. Participant protected by restraining order or protective order who requests remote testimony.
  5. Hearing of short duration that may be conducted more efficiently by remote means; provided, that in the case of a motion for contempt, the court should consider whether holding the hearing remotely may affect the court ability to effectuate relief or impose appropriate sanctions in the event of a finding of contempt.
  6. The Court's determination, either at the request of the parties or upon its own review, that a remote hearing is feasible and the most efficient way to proceed.

In addition to the above, the Regional Family Trial Docket will determine on a case-by-case basis, in consultation with counsel, which method will be used in each matter based on factors such as the preferences of counsel, relative difficulty for witnesses, etc.

## **JUVENILE MATTERS**

- A.** The following types of matters are likely to be conducted remotely:
1. Child Protection Short Calendar.
  2. Residential Center Reviews.
- B.** The following matters are likely to be conducted in-person with the option to hold them virtually on a case-by-case basis:
1. Delinquency and child protection trials.