

**COURTROOM 5A INFORMATION REGARDING APPEARANCES
BY PHONE/VIDEO or IN-PERSON, IN COURT WITH COVID SAFETY
RESTRICTIONS** DATE FILED: August 6, 2020 9:06 AM
CASE NUMBER: 2017CV31088

INTRODUCTION

Judge Field and the staff of courtroom 5A recognize that these are challenging times in which to have court proceedings, and that court can be a daunting undertaking even in so-called “normal” times. The directions below are intended to enhance safety, and to ensure due process for all parties, during the time that COVID safety restrictions are in effect. Judge Field and her staff thank you for respecting the safety of those in the courthouse and in Courtroom 5A and for each other. We are grateful to each of you for doing everything that you can do and that we can do collectively to minimize risk to those who must come to court, while ensuring a fair trial, even during challenging times such as these. If you have any questions about any of the information set out in this order, please contact the Court’s Division Clerk at donna.macleod@judicial.state.co.us.

You may want to keep a copy of this order handy during your hearing.

Given Chief Justice Coats’s Orders Regarding COVID-19 and Operation of Colorado State Courts and the 8th Judicial District Administrative Orders 2020-2, many matters, including contested evidentiary hearings, are now handled by video or phone. Alternatively, you may have an in-person hearing or trial in the courtroom.

The information below sets out this Court’s expectations regarding each type of hearing. Jury trials are not specifically addressed here, as there are building-wide considerations for jury trials. However, the in-person, social distancing, and face covering requirements apply in Courtroom 5A and in the hallway outside of the courtroom anytime there are people physically in the courtroom for any type of proceeding.

Hearings may occur with some parties present in the courtroom and some appearing by video or phone by way of WebEx (a “hybrid” hearing). Witnesses and counsel should be familiar with both types of presentations and restrictions/safety concerns with such a “hybrid” hearing.

WEBEX OR PHONE HEARINGS:

Courtroom 5A can be accessed as follows:

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

Access Code: 929 583 996 # and then # again

<https://judicial.webex.com/meet/julie.field>

Access Code: 929 583 996

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. Further, the Court has found that the use of non-Bluetooth headphones may prevent audio feedback.

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.

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. Speakerphones and Bluetooth headsets/speakers should not be used as they are likely to cause feedback.

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.

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 is strictly prohibited.

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 raise or wave his or her hand to be recognized. Often that action can be more prompt and effective at gaining the court’s attention than reaching for the “unmute” button and then making the objection.

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.” However, locking the meeting prevents Audio Only, Telephone Call-In Users from joining at all. Instead of being placed in the Lobby, WebEx will hang up on them. If you or your client or a witness is calling in and not using the video option, it is essential they call at the time of their hearing/testimony and not earlier in order to gain access.

Evidentiary Hearings. All proposed exhibits must be uploaded to the court’s file before 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 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 in all hearings. A “pre-hearing” conference/video practice may be conducted in any case in which an evidentiary hearing is scheduled in order to address any procedural or technical issues or concerns.

Any witness who is testifying 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 will be “locked out” of the virtual room 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 WITH COVID PROTECTIONS

Any individuals who are present in the 5A courtroom, including court staff, **MUST** wear face masks and maintain at least 6 feet of distance from any other person. Exceptions (such as those for individuals who need ASL interpreters) may be applied in the discretion of the court consistent with the Larimer County or Colorado Department of Public Health guidelines.

Any individual, including parties or attorneys, who fail to follow the face covering requirements or the social distancing requirements will be excluded from the courtroom and may be subject to the imposition of sanctions, including contempt of court.

The Court will limit the number of individuals who may physically be in the courtroom at any given time in order to effect social distancing requirements. The courtroom will be open to the public, but members of the public who wish to watch the proceedings may be required to observe the proceedings via WebEx if the

courtroom's capacity has been met by the number of necessary participants in the hearing, including court staff.

Audio and/or video recording of any portion of a WebEx or in-person hearing is strictly prohibited. Violation of this prohibition may result in the imposition of sanctions including contempt of court.

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.

Individuals in the courtroom may bring water or other covered drinks to counsel table with them. The Court is unable to provide water to counsel/parties as it has done in the past. No food is allowed in the courtroom.

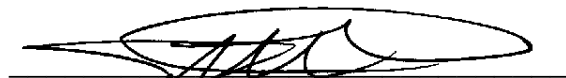
Individuals in the courtroom may bring hand sanitizer with them. The Court has some available, but it is advisable to have your own if possible.

Individuals will be asked to be considerate of others and to wipe down the podium, witness stand, and counsel table after use. The Court will supply cleaning materials to assist in this process. Thank you in advance for respecting everyone who appears or works in Courtroom 5A.

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

SO ORDERED on July 20, 2020

BY THE COURT:



Julie Kunce Field
District Court Judge