

RULE 57.11: Remote Appearances

“Remote” is defined as the use of live two-way video or audio technology. Notwithstanding any other provisions of this Rule, the Judge may order a party’s personal appearance in court for any conference, hearing, or proceeding.

A. Telephone Appearances

The Court may conduct conferences, hearings, and proceedings via telephone with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Section F of this Rule.

(1) Any conference, hearing, or proceeding conducted by telephone will be designated as such on the Court’s hearing notice or order.

(2) Any hearing notice or order that does not designate attendance by telephone shall be considered a proceeding that requires the personal appearance of the attorneys and the parties. If any participants wish to appear by telephone, they must request permission of the Court by submitting a request in writing on the Court’s form, “Application to Appear by Telephone or Video Conference”. This form is attached as *Appendix – C* and is available at the Probate Court or on the Court’s website, www.pikecountypjcourt.com.

(3) All evidentiary proceedings involving a telephone appearance must be recorded and reported to the same extent as if the participants had appeared in person.

(4) The Court may specify the time and the person who will initiate the conference and any other matter or requirement necessary to accomplish or facilitate the telephone appearance.

(5) Upon convening a conference, hearing, or proceeding involving a telephone appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.

(6) The Court may require a party to appear in person, including video conferencing, at a conference, hearing, or proceeding in which a telephone appearance is otherwise permitted if the Court determines a personal appearance

would materially assist in the determination or effective management or resolution of the particular case.

(7) If at any time during a conference, hearing, or proceeding conducted by telephone, the Court determines a personal appearance, including video conferencing, is necessary, the Court may continue the matter and require a personal appearance.

B. Video Conferencing

The Court may conduct conferences, hearings, and proceedings via a live two-way video conferencing platform with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Section F of this Rule.

(1) Any conference, hearing, or proceeding conducted by video will be designated as such on the Court's hearing notice or order.

(2) Any hearing notice or order that does not designate attendance by video shall be considered a proceeding that requires the personal appearance of the attorneys and the parties. If any participants wish to appear by video, they must request permission of the Court by submitting a request in writing on the Court's form, "Application to Appear by Telephone or Video Conference". This form is attached as *Appendix – C* and is available at the Probate Court or on the Court's website, www.pikecountypjcourt.com.

(3) All evidentiary proceedings involving a telephone appearance must be recorded and reported to the same extent as if the participants had appeared in person.

(4) Upon convening a conference, hearing, or proceeding involving a telephone appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.

(5) The Court may require a party to appear in person at a conference,

hearing, or proceeding in which a video conference is otherwise permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.

(6) If at any time during a conference, hearing, or proceeding conducted by video conference the Court determines a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

C. Confidential Attorney-Client Communication

Provisions shall be made to preserve the confidentiality of attorney-client communications and privilege during any conference, hearing, or proceeding involving a telephone or video-conference appearance.

D. Witnesses

Unless otherwise not permitted by this Rule, statute, or other rules of court, a witness may be permitted to testify via telephone or video conferencing if prior permission by the Court is given.

E. Technical Standards and Equipment

The equipment and platform used in any hearing or proceeding conducted under this Rule must conform to the following minimum requirements:

(1) All participants must have the ability to hear and communicate with each other simultaneously.

(2) All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other medium.

(3) The equipment or platform must allow for the Court to generate a verbatim record of the conference, hearing, or proceeding.

(4) The equipment or platform must be able to be used by people with Disabilities under the Americans with Disabilities Act.

F. Hearing Management Plan

The Court *may* conduct conferences, hearings, and proceedings in the following manner unless for good cause shown:

<u>Type of Proceeding</u>	<u>In Person</u>	<u>Video</u>	<u>Telephone</u>	<u>Hybrid</u>
Pretrial Hearings	X	X	X	X
Review/Status Hearings	X	X	X	X
Evidentiary Hearings	X			
Motion Hearings	X	X	X	X
Traffic Proceedings	X			
Adjudication	X			
Disposition	X			
Administrative Proceedings	X	X	X	X

In Person: A hearing is conducted where the Court and all parties appear physically in the same location.

Video: A hearing is conducted using *Zoom* or any other video platform the Court may use where the Court and all participants appear remotely.

Telephonic: A hearing is conducted where the Court and all participants appear using a telephone.

Hybrid: A hearing is conducted using a combination of any of the above-listed appearance types (e.g., the Court appears in person in the courtroom and the remaining participants appear via *Zoom*).