

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
JO DAVIESS COUNTY, ILLINOIS
ADMINISTRATIVE ORDER NO 2020-17

ADMINISTRATIVE ORDER REGARDING REMOTE HEARINGS (VIDEO
CONFERENCING/ZOOM) IN JO DAVIESS COUNTY

1. The Jo Daviess County courts have secured a Zoom license to conduct videoconferencing at the discretion of the assigned judge.
2. You can access Zoom through a PC (Zoom.com) or a Smartphone (Zoom app).
3. The court reserves the right to order any hearing or motion (or portion thereof) to be conducted by telephone or videoconference as Illinois Supreme Court Rules may allow (See SCR 45, 46 and 241). Extensive use of videoconferencing via Zoom should be expected by attorneys and parties. Agreed requests for Zoom hearings are strongly encouraged.
 - a. Examples of matters which will presumptively be heard remotely include: Status/progress hearings, briefing schedules, uncontested matters, case management conferences, pre-trial conferences, motions, bond calls, dissolution prove up hearings, non-evidentiary hearings in all types of cases, and otherwise as set out herein.

HOW TO REQUEST A REMOTE HEARING

4. Parties should file a Joint Motion if they agree to have their hearing held by videoconference.
5. If there is no agreement, then any party may request a phone or video conference under SCR 45 and 241.
6. The Motion will be forwarded to the assigned judge who will either: grant the Motion; deny the Motion; or request a phone conference to discuss further.

7. When a remote hearing is ordered:

- a. The hearing shall be scheduled by the attorneys and all self-represented parties through the Jo Daviess County Circuit Clerk's office, forthwith.
- b. On the day of a scheduled Zoom hearing the attorneys, parties, and any witnesses will use the Zoom hearing link found on the Jo Daviess County Circuit Clerk's web page (jodaviess.org/court) to access the Zoom hearing. Instructions on how to use Zoom can also be found on the web page.

ADVANCE PREPARATION

8. Advance preparation is the key to successful Video Conferencing.

9. Video or phone hearings take a little longer. Build that into the schedule.

10. Be prompt and ready at the appointed time. Before the start of the hearing, download Zoom software and test internet connections, cameras, and microphones.

11. Attorneys must ensure the internet signal at the physical location of the attorney, party, and any witness is functional for a video conference.

Generally:

- a. Rural locations do not have stable high-speed internet connections.
- b. An ethernet connection works better than wi-fi.

12. Select a videoconference location that is free of background noise and distractions. Be mindful of the visual background, lighting, and attire; as well as any possible disruption by ringing phones, children, pets, etc.

THE RECORD

13. Normal courtroom rules apply, even though some persons may not be physically present.

14. Other than by the official court reporter, there will be no audio or video recording of any part of the proceeding, just as if in a physical courtroom. There will be no live streaming or blogging during the video conference. Exceptions will be considered for authorized media outlets.

15. The official record is made by the designated court reporter. In most cases, the court reporter will serve as the video conference host.

16. Any person listening in on the video conference/call is required to identify themselves.

THE HEARING

17. Mute your microphone to limit distractions and feedback until it is your turn to speak.

18. Only participants who would ordinarily be in the traditional well of the courtroom (such as attorneys, clients, and recognized witnesses) will have speaking roles.

19. Observers who would normally sit in the gallery may observe but may not interrupt the hearing.

WITNESSES

20. At least 24 hours prior to any remote hearing, each party shall exchange, via email (with cc to remotecourt@jodaviess.org (an address shared by the court, clerk, and court reporter)), their list of witnesses who will be called during the hearing and the name of any party who will attend the hearing.

a. For security reasons, only parties, counsel, and witnesses on the list will be granted access to the video conference.

b. The party calling a witness during the video conference must ensure the witness is familiar with how to access the conference and see exhibits.

c. Attorneys shall have a cell phone and contact information to call/text any witness so such witness can be notified when to join the video conference.

21. An order to exclude non-party witnesses shall be deemed to be in effect. Non-party witnesses shall be excluded from the hearing until called to testify and will:

a. Remain in the videoconference "waiting room"; or

b. Be informed by call or text, or by notice from the videoconference host, when to join the conference.

c. Attorneys shall explain this rule to their witnesses and their client's

family/friends/associates. If there is a violation, testimony may be barred.

22. The court must be able to view any witness in order to judge credibility. The burden is on the proponent of a witness to ensure that the witness is in a location with the proper equipment and internet connection for that to occur.

TELEPHONE OPTION

23. In lieu of being visible to the court, a witness may testify by audio only if:

- a. All parties so stipulate and agree to waive the issue on appeal, or
- b. The trial court orders audio only testimony, as Supreme Court Rules may allow.

EXHIBITS

24. Exhibits shall be exchanged by the parties by email prior to the hearing (cc to remotecourt@jodaviess.org). Such email must identify which party is tendering which exhibit(s). All attorneys shall approve any joint exhibit email submission.

25. Each exhibit must be clearly identified for purposes of identification on the record. Therefore:

- a. Exhibits shall be In PDF form.
- b. Each exhibit shall be a separate PDF document.
 - i. Each exhibit document file name shall start with exhibit number and then a brief descriptor of the document. Example: Ex. 101 - 2016 W-2
- c. Joint Exhibits are encouraged and are admitted into evidence by stipulation.
 - i. No further foundation is required, which saves court time.
 - ii. A party can still argue what, if any, weight to give a joint exhibit.
 - iii. The document name should start with "Joint Ex.", then the exhibit number and a brief description of the document. Example: Joint Ex. 1 - 2018 Lease Document
- d. Contested Exhibits
 - i. Foundation must be established by party offering the exhibit
 - ii. Plaintiff's contested exhibits shall be numbered 100-199.
 - iii. Defendant's contested exhibits shall be numbered 200-299.
- e. Additional parties should use a unique exhibit numbering sequence as specified by agreement.

26. Once an exhibit is admitted, the Clerk will upload the document to the court file.

27. If only a portion of an exhibit is admitted, then it is the responsibility of the party offering the exhibit to redact and upload only the admitted portion of the exhibit to preserve the record.

28. Although expected to occur rarely, the judge reserves the right to require an opportunity to physically view any tangible exhibit.

DATED: June 2, 2020

William A Kelly, Presiding Judge

Kevin J Ward, Associate Judge