

SUPPLEMENTAL PROCEDURES

(Pursuant to Administrative Order No. 2.40)

- I. Scheduling of Hearings and other matters.

To schedule a hearing for a family case thirty minutes or less, refer to JACS for available hearing dates and times. First, coordinate your hearing with opposing counsel or the self-represented party and then once coordinated contact the Court's Judicial Assistant (JA) at jimiller@ca.cjis20.org with all case party and motion information. Thereafter, the JA will provide a hearing date, time and Zoom Meeting information.

- II. Zoom Video Hearings.
 1. Prior to the time set for your Zoom video hearing counsel/pro se litigant is required to log onto Zoom and determine that they are connected to the Zoom hearing and no technical issues are occurring. If Counsel/Pro Se litigants determine that technical issues prevent them from joining the Zoom meeting they are required to immediately contact the Court's Judicial Assistant via email at jimiller@ca.cjis20.org to notify the Court regarding your technical issues. Similarly, counsel/Pro Se litigants are required to contact the Court's Judicial Assistant during the Zoom hearing regarding any technical issues. If counsel/Pro Se litigants fail to comply with notifying the Court regarding any technical issues, the Court may proceed with the scheduled hearing see Administrative Order No 2.40 paragraph 8.
 2. All parties appearing remotely for a court proceeding shall not engage in any unprofessional conduct.
 3. Zoom works best on a computer with a camera and a microphone. Please ensure your camera and microphone turned on, and please make sure to unmute before you speak and mute after you speak so the Court and other parties don't hear a lot of background noise.
 4. To as much degree as possible, please do not talk over one another.
 5. The Court will be adhering to strict time limits as other parties are waiting online for their hearings as well.
 6. Also, please be aware as to who may also be present where you are speaking. Background noise will be disruptive to there proceedings.

- III. Oaths
 - (1) In all proceedings requiring testimony, oaths may be administered consistent with Florida Supreme Court Administrative Order AOSC20-23, In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Court (Amendment 2
 - (2) The person administering the oath shall be a non-interested party, and is not required to remain on the video conference after administering the oath, unless such person is a court reporter responsible for recording and/or transcribing the proceedings. The Court may also administer the oath.

IV. Witness

- (a) Unless otherwise permitted by the presiding division judge, witnesses shall:
- (i) Be alone in a quiet room during their testimony
 - (ii) Not use a virtual background; and
 - (iii) Turn off all electronic devices except for the device enabling participation in the hearing and refrain from exchanging any electronic messages during their testimony. Any violation may be sanctioned by the presiding judge as permitted by law.
- (b) No document or other writing may be shown or provided to any witness unless such item is first shown to all other participants.
- (c) Minor witnesses are not to be present during Zoom hearings unless previously approved by the Court. See, Fla Family Law Rule 12.407

V. Video/Audio Recording

No party may use any electronic device to take photographs of any participant or to capture the audio or video of any court proceeding, that is held using web-based video conferencing tools without the express consent of all participants, and the Court. This provision does not prevent court reports from digitally recording court proceedings, when otherwise permitted, or members of the media from reporting court hearings, provided however, such member of the media complies with the Twentieth Judicial Circuit administrative order governing the media and any directive from the presiding judge.

VI. Admission of Evidence

See Twentieth Judicial Circuit Administrative Order no. 2.40 (see attached Exhibit 1)

VII. Case management/Pretrial Conference

Clients are not required to be present for Case Management or Pretrial Conference via Zoom hearings until further Order of the Court.

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: INTRODUCTION AND MANAGEMENT
OF EVIDENCE IN REMOTE HEARINGS
IN CIVIL AND FAMILY LAW CASES
DURING THE COVID-19 PANDEMIC

ADMINISTRATIVE
ORDER
NO. 2.40

FILED

MAY 20 2020

WHEREAS, under the Florida Supreme Court's Administrative Orders issued in response to COVID-19, non-essential and non-critical court proceedings, including evidentiary and non-jury trials, were ordered to be conducted remotely using telephonic or other available electronic means; and

Linda Doggett, Clerk Circuit
Court in Lee County, Florida

WHEREAS, in the Twentieth Judicial Circuit, court staff and court partners have worked tirelessly to continue court proceedings electronically utilizing telephonic appearances and video appearances; and

WHEREAS, in addition to allowing such remote testimony and swearing in of witnesses as described in the Florida Supreme Court's Administrative Orders issued in response to COVID-19, it is necessary that the courts and the parties have clear guidance as to how such evidence is presented to the court, the clerk and the parties;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge by Rule 2.215, Florida Rules of Judicial Administration, and by the Florida Supreme Court through its recent Administrative Orders related to COVID-19, this order shall set forth procedures for introduction and use of documentary evidence through remote means in civil (county and circuit) and family law evidentiary hearings (including non-jury trials) throughout the Twentieth Judicial Circuit:


1. These procedures apply only to the electronic use and entry of documentary, photographic, audiovisual and other evidence reasonably able to be provided and shared electronically in civil (county and circuit) and family law cases, and shall apply equally to counsel and self-represented parties.
2. For evidence not stipulated or agreed to, the parties should seek guidance before the hearing from the Court, if applicable, as to how the evidence should be submitted and how objections are to be made.
3. All counsel and self-represented parties shall meet and confer via telephone, email or videoconference (not in person) prior to an evidentiary hearing during which they should endeavor to stipulate to as much as practicable regarding authenticity and admissibility.
4. All counsel and self-represented parties shall meet and confer via telephone, email or videoconference (not in person) in connection with the evidence submissions, and, where an exhibit is stipulated to be admitted, counsel (or a self-represented party if all parties are self-represented) shall so indicate in the manner the exhibit is marked both on the exhibit and on the index.



5. At least five (5) business days before an evidentiary hearing is to be conducted by remote means, each counsel/party shall exchange with each other, and shall file with the clerk, all evidence and demonstrative aids sought to be introduced. All exhibits must be pre-marked for identification and shall include an index listing all proposed exhibits with the exhibit numbers or letters. Where possible, counsel/parties should seek to file jointly.
6. Counsel/parties shall provide a copy of exhibits to be utilized at the hearing to the presiding judge at least five (5) business days prior to the hearing. Counsel and self-represented parties shall contact the judge's office regarding this requirement to confirm proper submission procedure (for example, hard copies or electronic submission).
7. Counsel/parties shall ensure that all witnesses are in possession of the evidence proposed to be admitted through that witness.
8. Nothing in this Administrative Order limits the trial court's ability to designate supplemental procedures.
9. Similarly, nothing in this Administrative Order limits the trial court's discretion to admit, admit for a limited purpose, or deny entry or use of such evidence, or fashion whatever relief is appropriate under the circumstances, based on the Florida Rules of Evidence or lack of compliance with these procedures.
10. After the hearing, counsel/parties must work promptly to prepare a corrected index of exhibits which have been introduced in evidence marked in the manner designated by the Court or the Clerk at the hearing.
11. If the parties comply in good faith with this procedure but technological issues prevent a meaningful review of the evidence through remote means, the Court may reset the matter.
12. This Administrative Order shall take effect immediately and shall remain in effect until superseded or vacated by further order of this Court or the Florida Supreme Court.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 18th

day of May, 2020.



Michael T. McHugh
Chief Judge

History. - New.

Jfr 5/20/20
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