

PROTOCOL FOR REMOTE HEARINGS

1. Types of Hearings Permitted Remote

- a. Temporary/Permanent Custody
- b. Temporary Child Support/PSS
- c. Discovery Motions including Motions to Compel
- d. Pre-trial conferences
- e. Legal Motions (non-testimonial) – 12(b)(6), Summary Judgment
- f. Testimonial Divorces
- g. Judicial Settlement Conferences will be available for ALL claims upon request.
- h. Pre-Trial Conferences
- i. **Any other hearing that the court deems appropriate for a remote hearing.**
- j. **Note: All of the above will be scheduled in 3A (High Point). However, remote hearings will not be scheduled in High Point on Mondays. Cases are subject to being assigned to either 2E or 3A (GSO) if it becomes necessary to do so, due to court availability.**

2. Limitations

- a. **You may submit a request without the consent of the parties. If one party disagrees with a remote hearing, the Court will schedule a pre-trial conference to determine whether the matter is appropriate for a remote hearing.**
- b. All hearings and conferences may be subject to the time limits. If time limits are implemented, time spent for cross-examinations will be applied to the time allocated to the attorney/litigant cross-examining a witness/litigant.
- c. **There are no limits on the number of exhibits, except if limited by the court.**
- d. All exhibits must be placed in a share file box or emailed **or delivered** to the courtroom clerk, and emailed to the opposing party, at least 48 hours prior to the hearing. If exhibits are not provided to the Court or the opposing party, they will not be admitted as evidence.
- e. Just because an exhibit is produced correctly does not mean it is admissible. Parties are free to object to exhibits during the hearing. However, it would be advisable to resolve these issues in a pre-trial conference in order to streamline the hearing.

3. Scheduling

- a. All remote hearings will be scheduled through the Trial Coordinator (TCC).
- b. The email requesting a remote hearing must include:
 - i. A copy of the completed Remote Hearings Request form with an acknowledgment that all parties consent to a remote hearing, the limitations on the hearing, and the proposed dates;
 - ii. An attached copy of the motion or complaint to be heard;
 - iii. A list of emails of all attorneys, parties and witnesses to be invited to the hearing; and
 - iv. Three potential dates for the hearing that are at **least 7 days out** from the request for which parties are available.
- c. Dates should be at least 7 days out to allow time for scheduling, exhibit production, and pulling files, EXCEPT for the first week of remote hearings.
- d. Remote trials will only be scheduled appropriately, except there will no remote hearings in courtroom 3A in High Point on Mondays.
- e. **Hearings will be prioritized or ranked in accordance with the order of the daily docket.**
- f. Pre-trial conferences and other brief matters may be scheduled during calendar call. For hearings, once you submit your remote hearing request, the TCC will inform you of the date and time of your hearing and pre-trial conference (if it is necessary). If your case is scheduled for hearing, a TCC will schedule a pre-trial conference in order to address any logistics that need to be addressed.

4. Recording

- a. All hearings will be recorded by the Clerk of Superior Court and/or the Judge. Attorneys, parties and witnesses or attendees are not permitted to record the proceeding. Requests for recordings may be submitted to the Guilford County Clerk's office. Any violation of this provision is punishable by contempt of Court.

5. Attendance

- a. Only parties, counsel, and witnesses will be invited to the hearing. All parties and counsel must be able to be heard and seen by the Court and all other parties in the virtual courtroom.
- b. Each person present (including attorneys) in the virtual courtroom MUST self-identify with their first and last name on their video.
- c. Witnesses may be admitted to the hearing before or when it is time for them to testify (depending on the Judge). They may excuse witnesses upon completion of their virtual testimony.
- d. Attorneys shall not forward the link to the hearing unless permission is given by the court. Attorneys must provide the email addresses of all proposed parties and witnesses in advance to the Trial Court Coordinator or clerk (whichever is applicable).
- e. Members of the public, friends, or family, who wish to attend a virtual hearing, must make a request directly to a Trial Court Coordinator to be invited to the hearing. Members of the public must provide the case name and time of the hearing, and a Trial Court Coordinator will send them an invitation. All members of the public or attendees (aside from attorneys and litigants) attending virtual court of the public must have their video ON, and their audio muted, unless they are testifying before the court.

6. Miscellaneous

- a. Notice of hearings will not be required for a remote hearing once the parties agree to the date. An invitation to the WebEx hearing will suffice.
- b. All other pertinent rules of Civil Procedure and Local Rules will apply to the hearing.
- c. **Generally, business casual or business attire is appropriate dress for parties and counsel, except attorneys MUST wear business attire for trials. However, please keep in mind that the court (judge) may require business attire in a virtual courtroom regardless of the matter that is before the court. Please review the attachment with judges' preferences to ensure compliance.**
- d. Witnesses should be in a room alone during testimony, without access to any documents or papers, other than copies of exhibits already provided to the Court and opposing parties.
- e. Attorneys shall make reasonable efforts to ensure that their clients and witnesses are made aware of the court's protocol for virtual hearings.
- f. Attorneys shall also make reasonable efforts to ensure that their clients and witnesses are prepared for the virtual hearings with regard to the technology necessary for the virtual hearing.

- g. If they are in separate locations, attorneys and parties may communicate privately via text or email during the hearing. **However, the parties may not communicate with counsel while they are testifying. No one may interact with witnesses privately during a hearing without court permission.**
- h. The Court may direct attorney and/or their clients to break out rooms if it becomes necessary.
- i. If an interpreter is needed, please indicate that in the email. A request will be made to AOC and send an appropriate invitation to the interpreter. We cannot guarantee that interpreters will be available for the dates and times chosen by the parties for a WebEx hearing.

Notes:

Business Attire - Rule 12 in the Rules of Professional Conduct (Courtroom Decorum) requires business attire while in a courtroom. However, we realize that if an attorney does not have a court hearing, he or she may not want to wear business attire in virtual court for such a limited period of time or purpose (for pre-trial conferences or for matters other than court hearings). Business attire does not include hoodies, jeans, hats, or other clothing apparel that are casual in nature.

Business Casual - The Court expects attorneys to still look professional in business casual. Business casual does not include sweatshirts or suits, hoodies, hats, or clothing that are too casual in nature.

Judges' Preferences for Virtual Court(s)

Name of Judge	Business casual is acceptable for Pre-Trial Conferences & Matters other than hearings	Business attire is expected at all times (Pre-Trial Conferences, etc...)
Honorable Larry Archie	X	
Honorable Tonia Cutchin	X	
Honorable Bill Davis	X	
Honorable Michelle Fletcher	X	
Honorable Angela Foster		X
Honorable Angela Fox	X	
Honorable Tabatha Holliday	X	
Honorable Carolina Pemberton	X	
Honorable Marcus Shields	X	
Honorable Brian Tomlin	X	
Honorable Marc Tyrey	X	
Honorable Teresa Vincent	X	
Honorable Ashley Watlington-Simms	X	

Business Attire: Rule 12 in the Rules of Professional Conduct (Courtroom Decorum) requires business attire while in a courtroom. However, we realize that if an attorney does not have a court hearing, he or she may not want to wear business attire in virtual court for such a limited period of time or purpose (for pre-trial conferences or for matters other than court hearings). Business attire does not include hoodies, jeans, hats, or other clothing apparel that are casual in nature.

Business Casual: The Court expects attorneys to still look professional in business casual. Business casual does not include sweatshirts or suits, hoodies, hats, or clothing that are too casual in nature.