

TEMPORARY PROTOCOLS FOR CIVIL TRIALS IN CHATHAM COUNTY MAGISTRATE COURT

Due to orders of the Georgia Supreme Court and the Superior Court of Chatham County concerning reopening the courts during the COVID-19 pandemic, the following protocols are in effect for bench trials in civil cases in the Chatham County Magistrate Court:

- I. **GENERAL:** All in-person proceedings in civil cases are being scheduled on a limited basis; however, the Court is allowing parties and witnesses to participate in virtual hearings/trials. As these are trying times, the Court expects all parties to exercise the utmost professionalism in their dealings with others.

- II. **REQUESTS FOR VIRTUAL HEARINGS MUST BE SUBMITTED IN WRITING:** All parties wanting a virtual hearing must file a written request to the Court with a copy sent to all other parties. Any attempt to communicate with the Court without notifying the opposing party is considered an improper ex parte communication. Any such communication that does not show notice to the opposing party in the same manner that it was sent to the Court will not be considered until it is shown that the other side was properly notified. The written request should be sent to sbross@chathamcounty.org and at a minimum, indicate:
 - A. The name of the case and the civil action number;
 - B. Whether all parties consent to a virtual hearing/trial (Submission of Signed Consents from all parties should be provided with the request, but no later than two (2) weeks after the date of the request);
 - C. The number of all individuals (including parties, attorneys, potential witnesses, attorneys) attending **in person**, if any;
 - D. A list of (a) names, (b) valid email addresses, (c) telephone numbers of all remote participants (whether party, attorney, or witness) and (d) whether any individuals will be attending from the same remote location. (For example, if the plaintiff and his/her attorney will attend together from one remote location, the attorney would indicate only one email address as sufficient for both to attend.), and
 - E. The need for any special accommodations or concerns (i.e. translators, hearing assistance, etc.).

- III. **SIGNED CONSENTS MUST BE SUBMITTED BY ALL PARTIES TWO (2) WEEKS AFTER THE DATE OF THE COURT'S LETTER IDENTIFYING CASE APPROPRIATE FOR REMOTE HEARING:** Each party (or party's attorney) must submit an executed Signed Consent consenting to a virtual hearing/trial and adherence to these Protocols. All signed Consents must be submitted to the Court as soon as possible, but no later than two (2) weeks after the date of the Court's letter identifying the case appropriate for a remote hearing.
If the parties have not submitted Signed Consents, the Court will require all parties to attend in person at the time of the hearing/trial. The Court has two Signed Consent forms: Pro Se Party and Attorney Represented Party.

Consent Forms can be efiled, mailed or emailed to magistrateclerk@chathamcounty.org.

IV. **TECHNICAL REQUIREMENTS FOR VIRTUAL HEARING/TRIAL**

A. **Equipment:** Each party is responsible for the technology and good internet connectivity necessary to effectively present his/her case, including presentation of witnesses and evidence by electronic means, including but not limited to the following:

1. If available, a hard-wired internet connection is preferable to a wireless internet connection.
2. A PC, laptop, or large tablet (with built-in camera and microphone to allow all participants to see and hear each other):
 - A. If available, a large screen is better, particularly for hearings with many participants.
 - B. If a PC, laptop or large tablet is unavailable, a smart phone may be used in some circumstances (noting that the screen is smaller and not optimal).

B. **Background:** A quiet, private location and neutral background. All participants are discouraged from using a background that would be distracting or decrease visual or audio presentation.

C. **Silence all other devices:** You must ensure your environment is free from background noise.

V. **IF APPROVED, THE COURT WILL SEND NOTICE OF VIDEOCONFERENCE HEARING**

- A. If a videoconference hearing/trial is scheduled, the Court will email a written notice to all parties. The emailed notice will include instructions and a link pertaining to attendance by remote participation.
- B. It is the parties' responsibility to provide an accurate email addresses to the Court. The emailed notice will include instructions and a link pertaining to attendance by remote participation.
- C. If you receive the Hearing Notice by email invitation and "accept" it, the link will be available in your Outlook calendar but will no longer be available as an e-mail.
- D. If a party (including his/her attorney and witnesses) do not receive a WebEx invitation at least two (2) business days prior to the scheduled hearing/trial, please check your spam filter first and then contact Susanne Ross at sbross@chathamcounty.org. It is a party's responsibility to confirm that all WebEx invites have been received by any individuals it wishes to attend the hearing/trial.

VI. **STEPS TO BE COMPLETED TWO (2) BUSINESS DAYS PRIOR TO HEARING/TRIAL:**

A. **Deadlines:** The information below must be received by the Court no later than two (2) business days by 4 p.m. prior to trial. For example, for a trial scheduled on Monday, information must be exchanged between the parties and emailed to Court no later than Thursday at 4 p.m.

B. **Witnesses:** Each party is responsible for timely procuring and serving subpoenas on witnesses. Parties who want to call witnesses (including witnesses under subpoena) and believe those witnesses will attend remotely must provide sufficient contact information for each witness to attend remotely to **magistrateclerk@chathamcounty.org**, so the Court may send notice to allow for that

witness's participation. It is the parties' responsibility to provide and have available all contact information (including alternatives) for every witness the party wishes to reach during the proceeding and in the event of technical difficulty. Each party is responsible for arranging for its witnesses to be available to participate in the hearing by calling in or logging in at the time set for the hearing or by being on a line with a party representative.

C. Documentary evidence: All documentary evidence must be clearly marked and exchanged between the parties and emailed to the Court at magistrateclerk@chathamcounty.org at least two (2) business days prior to the trial. Objections will be handled at the hearing. If the exhibits/documents are not timely provided in advance of the hearing, they might not be considered. Please make sure all documents you want to display to the Court and/or a witness during the hearing are uploaded onto your computer for display via screen sharing during the hearing.

D. WebEx Set Up: If you have not used WebEx before, you can either go to <https://www.webex.com/> to create an account in advance; OR if you decide not to set up an account, you can simply click on the "Join" link at the top right corner when it is time for your hearing and then type in the meeting information from your e-mail. For more technical assistance or information, please go to this link: <https://help.webex.com/en-us/n62wi3c/Get-Started-with-Cisco-Webex-Meetings-for-Attendees>

VII. **REQUIREMENTS FOR DATE OF HEARING/TRIAL:**

A. Please sign in to the hearing at least 5 minutes in advance of the start time to ensure there are no audio or video issues.

B. At the start of the hearing, you will be prompted to join with video and audio. Please join, but keep your microphone muted until prompted by the Court to speak. During the hearing, microphones and cameras can be turned on and off by centering your cursor to the bottom of the screen. A selection bar will appear -- if the microphone and camera icons are red, that means they are off and can be turned on by clicking once on those icons. There is also an icon of a cloud that you can click to enable chatting during the conference. If there are video or audio issues, the judge might need to send the group a message via this chat function.

C. If the Plaintiff does not appear, the case may be dismissed for lack of prosecution, and if the Defendant does not appear, a default judgment may be rendered against the Defendant. If a settlement is reached between the parties prior to the hearing, please notify the Court at once.

D. All other normal trial procedures shall be followed.

E. Exceptions for technical issues will be handled on a case-by-case basis. In the event that it appears that a virtual hearing is not feasible because, for example, of technical issues, the Court may recess the virtual hearing and reschedule the matter for a second virtual hearing or an in-person hearing at the Court's earliest convenience.