

Standing Bench Order for Video Conferencing
Adopted by Judges Darrow, McGehee, Mesich, & VandeWiele
April 30, 2020

1. The 14th Circuit has secured a limited number of Zoom licenses to conduct videoconferencing at the discretion of the assigned judge. For consistency, Judges Darrow, McGehee, Mesich, and VandeWiele have agreed to adopt this order for their courtrooms.
2. Attorneys shall share this Standing Order with their client(s) so the client can be prepared and understand expectations.
3. You can access Zoom through a PC (Zoom.us) or a Smartphone (Zoom app).
4. The court reserves the right to order any hearing or motion (or portion thereof) be conducted by telephone or videoconference as Illinois Supreme Court Rules may allow. (See SCR 185 and 241.)

HOW TO REQUEST A VIDEO OR PHONE HEARING

5. If attorneys agree to conduct a hearing by phone or videoconference, they may schedule up to 1 hour without prior court approval; more than 1 hour requires approval of the assigned judge.
6. During the pandemic, the judges signing this order will attempt to conduct hearings remotely unless a compelling reason exists not to. If there is no agreement to proceed by phone or video hearing, set a brief 10-minute phone conference with the assigned judge for direction.
7. All hearings are scheduled through Court Administration.

ACCESSING THE HEARING

8. Attorneys of record will receive a notice via email a few days prior to the video conference with access code instructions. If you do not, contact Court Administration.
9. Attorneys are responsible for getting access information to the client and any witnesses.
10. Attorneys and clients are prohibited from posting, or allowing others to post, conference access code information on social media. Organized groups look for such postings and then try to disrupt the hearing. A violation of this directive could result in sanctions, including paying attorney fees, costs, and damages incurred by others because of any delay.
11. If your client has family or friends who want to observe the hearing they can do so from the attorney's office or client's location. Only in rare instances will the conference host recognize and permit a non-party to join the conference from another location.

ADVANCE PREPARATION

12. Advance preparation by attorneys is key to successful Video Conferencing.
13. Video or phone hearings take a little longer. Build that into the schedule.
14. Download Zoom software and test cameras, speakers and microphones.
15. Attorneys must insure the internet signal from the attorney's desired location (and your witness) is functional for a video conference. Keep in mind:
 - a. Generally rural locations lack stable high-speed internet connections. This will cause a lag in your video connection and sometimes a loss of video signal.
 - b. An ethernet connection works better than wi-fi.
 - c. Keep a cell phone handy as a backup audio communication device.

16. Rename yourself and your client either by:
 - a. At the start of the Zoom hearing by going to "participants" and renaming yourself.
 - b. Going to settings in Zoom and modifying your Zoom profile name accordingly.
17. Select a videoconference location that is free of background noise and distractions. Be mindful of the visual background, lighting, and your attire; as well as the disruption caused by ringing phones, email notifications, children, and pets.
18. Be prompt and ready at the appointed time. The court reporter/host will log on 15 minutes prior to the scheduled hearing. You will be kept in the waiting room until the hearing is ready to start. Use that time to insure your video camera, microphone, speakers and internet connection are working properly.

THE RECORD

19. Normal courtroom rules apply, even though some parties may not physically be present.
20. Any person listening in on the video conference/call is required to identify themselves.
21. There is no audio or video recording, live streaming, or blogging of any part of the proceedings, the same as if a person were sitting in a physical courtroom. Exceptions will be considered for authorized media outlets.
22. The official record is made by the designated court reporter. In most cases, the court reporter will serve as the video conference host.

THE HEARING

23. Mute your microphone to limit distractions and feedback until it is your turn to speak.
24. Only participants from the traditional well of the courtroom such as attorneys, clients, and recognized witnesses will have speaking roles.
25. Observers who would normally sit in the gallery may observe but may not interrupt the hearing and may not communicate with any witness to the hearing.

WITNESSES

26. Seventy-two hours prior to the hearing, each party shall upload their list of witnesses (if any) that will be called during the hearing with a brief non-argumentative listing of topics to be covered with that witness. Also indicate the name of any client(s) who will attend the hearing. Only witnesses and clients on the list will be granted access to the conference.
27. The party calling a witness during the video conference must insure that witness is familiar with how to access the conference and see exhibits.
28. The attorney shall have a cell phone number to call/text the witness so that a non-party witness can be notified when to join the video conference.
29. An order to exclude non-party witnesses is in effect. Attorneys shall explain this rule to their witnesses and their client's family/friends/associates. If there is a violation, testimony may be barred.
30. Witnesses shall identify who is in the room with them during their testimony.
31. 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 when to join the conference.

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

TELEPHONE OPTION

33. In lieu of being visible to the court, a witness may testify by telephone if:
- a. All parties so stipulate and agree to waive the issue on appeal; or
 - b. The trial court orders testimony by telephone, as Supreme Court Rules may allow.
34. It is prudent to have a cell phone handy in case the internet connection becomes unstable.

EXHIBITS

35. Exhibits shall be exchanged prior to the hearing and emailed to the Circuit Clerk at: exhibits@co.rock-island.il.us Identify to the Circuit Clerk the case number, hearing date, and which party is tendering which exhibit(s). All attorneys should approve the joint exhibit email submission.
36. Following a uniform numbering system eliminates the need to add plaintiff/defendant to the exhibit name and permits easy sorting and locating within the exhibit file. Therefore:
- a. Exhibits shall be in PDF searchable form.
 - b. Each exhibit shall be a separate PDF document.
 - i. Each page within that PDF exhibit shall be numbered sequentially by the computer.
 - ii. Each exhibit document name shall start with the exhibit number then a brief descriptor of the document. Example: **Ex. 125 – 2016 US Income Tax Return**
 - 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 to that 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. The court will rule on admissibility of a contested exhibit once the exhibit is offered into evidence.
 - ii. Plaintiff’s contested exhibits shall be numbered 100-199.
 - iii. Defendant’s contested exhibits shall be numbered 200-299.
 - iv. Representative exhibit name: Ex. 225 – 2018 W-2
 - e. Additional parties require additional numbering blocks to be allocated by agreement.
37. Once an exhibit is admitted, the Clerk will upload the admitted exhibit to the court file.
38. Attorneys are responsible for displaying exhibits during the hearing, so familiarize yourself with Zoom document sharing or have your staff assist you during the hearing. The Zoom sharing display will originate from your computer.
39. An alternative to electronic display, the parties agree to utilize a tabbed 3 ring binder containing paper copies of all exhibits plus an exhibit index. Each attorney, witness, and the court must have a binder. The court reserves the right to order this method for sharing exhibits if warranted.
40. 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.

TIPS TO IMPROVE THE RECORD FOR VIDEOCONFERENCES AND CONFERENCE CALL HEARINGS

1. The court reporter's transcript is the only official record. It is illegal for anyone other than the official court reporter to record any portion of these proceedings. If you do, you could be facing fines and prison time.
2. The record is important if there is an appeal or a dispute as to what was/was not said during the hearing. The official record will only be as good as you make it.
3. There are several participants on this line. If you are not speaking, mute yourself so we do not pick up background noise or unwanted audio feedback. Locate your mute button and be familiar with how to mute/unmute yourself. On flip phones, *6 will mute/unmute your phone.
4. When it is your turn to speak during the hearing, unmute your phone and identify yourself. Please identify yourself each time we change who is speaking, otherwise, the court reporter may have a difficult time determining who you are.
5. If an objection needs to be made, you may want to state: "Objection by [Name or other identifying title/party/etc.} and the legal basis for the objection." Note to litigants: If your attorney is present, only your attorney can object on your behalf.
6. If you fail to identify yourself, you may appear in the transcript as "unidentified speaker." If the court reporter must consistently interrupt to ask to repeat something, you will not have a good flow of this hearing.
7. When you do speak, stay close to, and face your microphone. If you cannot be heard, you are going to have a poor record.
8. Verbal responses are essential. Do not nod your head to respond. Speak slowly and pause before and after responses.
9. Be careful about talking over another speaker. It is much harder for the court reporter to take down what is being said if people speak at the same time or interrupt one another. Be mindful that competing audio may cause a complete loss of what is being said.
10. This is a formal proceeding. Treat it as if you are present in the courtroom.

/S/ Judge Clarence M. Darrow

/S/ Judge John L. McGehee

/S/ Judge Kathleen E. Mesich

/S/ Judge Mark A. VandeWiele