

COURTROOM 3C INFORMATION REGARDING APPEARANCES IN COURT

INTRODUCTION

The directions below are intended to ensure due process for all parties. Please read this in its entirety. If you have any questions about any of the information set out in this order, please contact the Court's Judicial Clerk at liane.anderson@judicial.state.co.us.

FIVE THINGS TO KEEP IN MIND

1. You should plan to appear in Court in person except as allowed as follows: The Court will hold the following CIVIL events via WebEx or in person: settings, case management conferences, and CIVIL pretrial conferences. You may appear by WebEx for those types of CIVIL proceedings. When in doubt, file a motion. All CRIMINAL matters must be in-person unless approved by the Court prior to the scheduled event.
2. If you have an outstanding warrant, you must appear in court in person for any type of proceeding.
3. If you appear by WebEx, you must treat it as though you were in court, in person and your camera must be on.
4. If you appear by WebEx, you must be properly dressed, you must be able to be seen clearly by video, you must be able to be heard, and you must be in a quiet place without distractions. Do not appear while driving. WebEx video appearance is preferred to phone appearances, which are only available with permission.
5. If you don't follow these WebEx directions, the Court will take appropriate action and may find that you have failed to appear for your hearing.

More detailed information on these five points is set out below. The Court will follow the rules established by Chief Justice Directive 23-03, which governs virtual, in-person, and hybrid formats.

The information below sets out this Court's expectations regarding each type of hearing. Jury trials are not specifically addressed here and you should follow the Court's Jury Trial Scheduling Order filed in your case.

CIVIL Settings, case management conferences, and pretrial conferences in matters set in Courtroom 3C will be held via WebEx, unless otherwise ordered by the Court. You may always appear in person if you prefer. Evidentiary hearings, including discovery disputes, whether **CIVIL** or **CRIMINAL** will be held in-person unless counsel or a pro se party can show good cause as to why an evidentiary hearing or discovery dispute should be held in a remote or hybrid manner. Any requests for remote appearances for evidentiary hearings shall be made in writing in compliance with Rule 121 regarding conferral with other counsel and/or parties. Parties are encouraged to cite and reference Chief Justice Directive 23-03 if these rules do not cover a scenario.

If authorized by the Court, hearings may occur with some parties present in the courtroom and some appearing by WebEx (a “hybrid” hearing). These cases must be approved by the Court for good cause. Witnesses and counsel should be in a location with stable internet connectivity, with cameras turned on, and shall be alone in the room. A party may file a written motion to request permission to appear by WebEx.

For **CRIMINAL** cases, if a Defendant intends to enter an plea or admission the Court requires that party to appear in person. The Court will entertain requests for remote appearance with good cause shown. Any requests for remote appearances for the taking of a plea or admission shall be made in writing. It is improper for counsel to communicate with the Court’s clerk via email, *ex parte*, with a request for their client to appear remotely. Any e-mail communications must include all parties if it includes the Judicial Clerk.

WEBEX HEARINGS

Hearings are in-person unless listed above as WebEx or unless specifically approved by the Court. The following should govern WebEx participation whether in a virtual hearing, hybrid, or in-person hearing at which WebEx it utilized for parties or witnesses.

Courtroom 3C can be accessed as follows:

WebEx conference line: 1-415-655-0001 or 1-720-650-7664

Access Code: 2593 718 4330 # and then # again

<https://judicial.webex.com/meet/joseph.findley>

Access Code: 2593 718 4330

The Colorado Judiciary uses Cisco WebEx for audio and video conferencing. Cisco WebEx Meetings is a free app that can be downloaded to computers, laptops, tablets or phones. Anyone who has a smartphone can use the App or weblink; a computer is not required. This App can be used to access hearings held by audio or video conference which are hosted by the Court. The link below provides tutorials.

<https://help.webex.com/en-us/8bzter/Cisco-Webex-Meetings-Video-Tutorials>

Counsel/parties/witnesses must have a strong internet connection and be in a private setting without background noise.

The WebEx hearing room will be locked. The Court will admit only those who fully identify his or her full name, unless that person is a victim or minor, in which case they shall coordinate with the District Attorney or counsel so that the Court can accurately identify a person who has a non-identifying moniker on the virtual platform.

Please note that WebEx contains a private chat feature. Attorneys can send a private communication by way of instant message during the hearing. If an attorney needs a break from the video hearing in order to communicate with a client by phone rather than through the IM/Chat feature, a recess should be requested. Please note that there is a risk of unintentionally sharing communication with all present on WebEx, so the Court suggests caution if utilizing the chat function for attorney-client communication.

Any counsel who requires a breakout session will be granted no more than 5 minutes before the session will be ended. More time may be provided for good cause shown. The Court's docket time is not intended for attorney client conference time.

For counsel/parties who do not have the ability to appear by video, they may access a hearing by phone by calling one of the phone numbers listed above and entering the Access Code provided. Phone participation is not encouraged, but may be utilized if video is unavailable. Please make your reason clear if calling in with phone only.

Audio and/or video recording of any portion of a WebEx hearing is strictly prohibited. Violation of this prohibition may result in the imposition of sanctions including contempt of court that may include a penalty of up to six months in jail.

WebEx hearings are court proceedings and all participants shall follow ordinary standards of decorum. Participants should ensure they are appropriately dressed, that

their surroundings are quiet and well lit, that their electronic devices are functioning correctly, that they have an adequate internet connection, and that distractions in home environments are minimized. WebEx participation while driving or from a car is strictly prohibited. Witnesses providing testimony shall be alone and may be asked to verify with their camera that no other person is in the room with them.

Attorneys shall forward the meeting information to their clients and any witnesses. It is the responsibility of the attorney to ensure clients and witnesses have the necessary contact information to participate in the video/phone hearing.

Counsel/parties/witnesses should call in at the designated time. Parties dialing or videoing into the court shall **not** interrupt any ongoing proceedings and should wait to be acknowledged by the court. It is **very** important that only one person speak at a time and that parties wait their turns to be called upon to speak.

Any attorney/party/witness/observer who is not speaking should be on the “mute” setting. If any attorney has an objection during an evidentiary hearing or would like to otherwise address the court at an appropriate opportunity, he or she may do so and state the reason clearly.

Evidentiary Hearings. All proposed exhibits must be e-filed to the court’s file before any evidentiary hearing pursuant to Chief Justice Directive 11-01. The e-filed exhibits **must also include an identifying description of the exhibit. (For example, Exhibit 1 – The Lease.)** Any audio or video recording must have a placeholder Exhibit filed (For example, Exhibit I – Placeholder for body camera footage). The video or audio clip shall also be provided to the court in advance of the hearing on a flash drive or disc and must be in a format that can be played without proprietary software. Counsel for Plaintiff/Petitioner shall mark their exhibits numerically with a brief description of what the exhibit is for ease of navigating during the hearing. Defendant/Respondent shall mark their exhibits alphabetically with a brief description of the exhibit. Exhibits must be so labeled with a brief description of each exhibit to avoid the need for a bench notebook.

Counsel is expected to know how to use the “share screen” function in WebEx to publish exhibits for all participants. Parties are encouraged to reach stipulations concerning exhibits and other evidentiary issues.

The Colorado Rules of Evidence shall continue to apply to all hearings.

A “pre-hearing” conference/video practice may be scheduled with the 3C judicial clerk to allow familiarity to address any procedural or technical issues or concerns.

Any witness who is testifying on WebEx must testify in the same manner that they would as if they were on the witness stand in the courtroom. That is, the witness may not access other materials while testifying without specific permission from the Court. Witnesses should be visible on camera from chest up so that the Court and counsel can monitor if a witness appears to be looking at a phone or documents without permission. The private chat feature must not be used by counsel or any other person and any witness (including the attorney’s client) while that witness is testifying. Violation of this prohibition may result in the imposition of sanctions including contempt of court.

Any witnesses who are waiting to testify on WebEx will be placed in the virtual “lobby” of the virtual Courtroom until it is that witness’s turn to testify.

IN-PERSON HEARINGS

The courtroom is open to the public. The Court will follow Chief Justice Directive 23-02 as to livestream for **CRIMINAL** cases. WebEx will be turned on for **NON-CRIMINAL** hearings based on the circumstances of the case and the request of the parties. WebEx will be locked to avoid disruption. The Court will admit only those who fully identify his or her full name, unless that person is a victim or minor, in which case they shall coordinate with the District Attorney or counsel so that the Court can accurately identify a person who has a non-identifying moniker on the virtual platform. The Court will follow Chief Justice Directive 23-03 regarding virtual access. MH cases are not published virtually to the public.

Bring a computer or laptop. When witnesses or other necessary parties are expected to appear by phone or WebEx with some individuals present in the courtroom, the attorneys or *pro se* parties should bring a computer or tablet with them that will allow them to observe and, if necessary, ask questions of, the witness who is testifying remotely.

Bring your own bottled water. Individuals in the courtroom may bring water to counsel table with them. Due to security, only plastic water bottles are allowed into the building. The Court can also provide water to counsel/parties/witnesses.

Individuals will be asked to be considerate of others and to share when utilizing Court accommodations.

OTHER COURTROOM 3C RULES IN GENERAL

These rules apply not only to in-person hearings, but to WebEx hearings, hybrid in-person, and virtual hearings, any and all court hearing, settings, status conferences, and language in court filings and pleadings.

1) All persons in the courtroom are expected to conduct themselves in a manner that shows respect for all other persons in the courtroom. No name calling or personal attacks, body or facial gestures, or obnoxious or rude noises will be permitted or tolerated. The Court reserves the right to excuse an offending party from the Courtroom, including counsel, to rediscover his or her decorum in the hall.

2) No hats may be worn in the courtroom. Exception: Headwear that is required for medical purposes or worn as part of religious dress is considered proper.

3) No food or beverages or gum will be allowed in the courtroom unless provided by the court or specific permission for the items has been granted by the Court. Food and beverages needed for medical purposes should be brought to the attention of the Court at the beginning of the proceedings.

4) No one in the courtroom may engage in unnecessary conversation, loud whispering, or other distracting activity while court is in session.

5) All persons without physical disabilities that prevent them from doing so are expected to stand when the judicial officer presiding over the proceedings enters and exits the courtroom.

6) No recording devices whatsoever will be allowed in the courtroom. This includes cell phones, personal digital assistants, digital and analog recording devices, cameras, and any other device configured to record audio and/or video. Any persons

found in possession of such devices in the courtroom may be asked to relinquish possession of said devices to the Court during their presence in the courtroom. If any electronic device is heard by the judicial officer presiding over the proceedings, the device may be confiscated. Any device confiscated by the court will be returned at the convenience of the Court. Administrative Policy 2012-2. If a device is required for medical monitoring or treatment, that fact must be brought to the Court's attention prior to the beginning of the hearing.

7) While Court is in session, no one in the courtroom is authorized to address the Court without prior permission of the judicial officer presiding over the proceedings. Authorization to speak will be considered given by the Court when the Court directs a question to an individual or a group. Authorization for speaking may also be obtained when a person has stood and received the acknowledgment of the Court that they may speak. If a party is objecting to a question or an answer, has stood and has not been recognized by the Court, then a party may use the single word "objection" to obtain the attention of the Court. The reason for objection must only be given after the party or counsel has been acknowledged and the reason has been requested by the Court. You must provide a specific reason for your objection and be ready to explain or defend that reason.

8) All objections, arguments and other comments by parties and counsel shall be directed to the judicial officer presiding over the proceedings and not to any other person in the courtroom. Questions of witnesses and jurors (if applicable) are appropriate once permission to proceed has been given by the Court. Anyone addressing the Court during sentencing must not address the Defendant, but only the Court.

9) Parties and officers of the Court will address each other and all the participants in the proceedings respectfully and formally by using appropriate titles and surnames rather than first names. Children may be addressed by their first names and permission may be requested to use first names when many parties share the same surname. Address parties appropriately and respectfully (i.e., use Mr., Ms., Mx., or Mrs. or any designation a party may express, but not first names without permission) and request the same of your clients/witnesses. If any specific surname is preferred, please let the Court know.

10) Only the judicial officer presiding over the proceedings will issue any Orders, make any findings of law or fact as they pertain to rulings regarding legal matters, and make any rulings. Once the Court has made a ruling, no additional argument will be allowed unless specific permission to do so has been granted by the Court. In the event of an unfavorable rulings, a party may request permission to make a brief and professional record.

11) No one in the courtroom is authorized to approach the bench or the witness stand without prior approval of the Court. Also no party or counsel is permitted to be behind the bench or to utilize the Court personnel exits without explicit permission by the Court.

12) Any persons found by the judicial officer presiding over the proceedings to be in violation of the Rules of Courtroom Conduct may be asked to leave the courtroom or held in contempt.

13) Do not ask the Judicial Clerk or Law Clerk for legal advice. The Court expects the Judicial Clerk and Law Clerk to be treated with courtesy and respect by both attorneys and their staff. The Court will address any infractions with this rule on the record.

14) Absent unavoidable circumstances, Court does not start late. Counsel must be on time for court appearances. Please be prepared and punctual.

15) Cases in this courtroom are recorded. To make a clear record, do not interrupt the Judge, witnesses, or other attorneys unless making a timely objection. Counsel should speak clearly into a microphone while in-person, virtually, or telephonically.

16) Turn cell phones or any other portable devices completely off and request the same of your clients and witnesses. Cell phones with ringers set to silent disrupt through vibration. Attorneys may access their phones for calendaring purposes. Anyone who requires use of a phone for medical purposes (For example, hearing aids) may be used if silent.

17) Do not leave trash on the tables or throw any liquid in the trash containers in the courtroom.

18) These tenets, where applicable, should apply to written filings. Do not make requests for relief without providing proper legal authority. Do not file in a pleading what would be considered disrespectful if stated in the Courtroom based on the above rules.

19) Courtesy, integrity, perseverance, self-control, and indomitable spirit are tenets of importance in this courtroom.

20) Being respectful is the first rule listed. The last is a reminder to be kind.

Thank you in advance for respecting everyone who appears or works in Courtroom 3C.

The procedures outlined herein are evolving and may be modified or updated periodically. If questions arise, please contact the Court's Judicial Clerk at liane.anderson@judicial.state.co.us.

SO ORDERED on October 23, 2024

BY THE COURT:



Joseph D. Findley
District Court Judge