

COURTROOM 3A 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 Division Clerk at 970-494-3601.

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 or if you intend to enter a plea, you must appear in court in person.
3. If you appear by WebEx, you must treat it as though you are in court, in person.
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. WebEx video appearance is allowed with Court approval and phone appearances are discouraged and should not be utilized unless video is unavailable.
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 matter.

Settings, case management conferences, and pretrial conferences in matters set in Courtroom 3A will be held via WebEx, unless otherwise ordered by the Court. Evidentiary hearings will be held in-person unless otherwise Ordered by the Court. Counsel or a pro se party must show good cause as to why an evidentiary hearing should be held in a remote or hybrid manner prior to approval. 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. No notes shall be available to the virtual participant unless disclosed to all parties and the Court. A party may file a written motion requesting permission to appear by WebEx.

For CR matters, if a defendant intends to enter a plea during a setting, disposition hearing, or pretrial conference, the Court requires that party to appear in person. Plea paperwork shall be filed prior to the disposition. The Court will entertain requests for remote appearance with good cause shown. Any requests for remote appearances for the taking of a plea shall be made in writing in compliance with Rule 121 regarding conferral with other counsel and/or parties. 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.

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 is utilized for parties or witnesses.

Courtroom 3A can be accessed as follows:

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

Access Code: 2590 381 7491 # and then # again

<https://judicial.webex.com/meet/d08-ftcn-courtroom3A>

Access Code: 2590 381 7491

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.

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.

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 discouraged but may be utilized if video is unavailable. A phone appearance may result in a finding of a failure to appear, and witnesses may not be permitted to testify by telephone. Please make your reason clear if you call 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 to demonstrate that no other person is in the room with them or that they are not looking at notes.

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 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 speaks 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.

Please note the Court employs a “lock meeting” option for all hearings. Anyone who is participating via video, but who calls before their hearing time will be placed into a “lobby” where they cannot hear what is being discussed or see what is being presented in the virtual courtroom. Similarly, the Court will place the witness in the “lobby” to enforce its sequestration Orders.

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 that may be offered into evidence must be provided to the court in advance of the hearing on an external drive 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 labeled with a brief description of each exhibit to avoid the need for a bench notebook. Compliance with this rule means the Court will not need paper copies at the proceeding.

Counsel is expected to know how to use the “share screen” function in WebEx or how to connect to the Court A/V system to publish exhibits for all participants. Parties are encouraged to reach stipulations concerning exhibits and other evidentiary issues prior to the hearing.

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

A “pre-hearing” conference/video practice may be conducted in any case in which an evidentiary hearing is scheduled with any portion that may include witnesses on WebEx in order to address any procedural or technical issues or concerns. Parties are expected to list all stipulated Exhibits at the beginning of a hearing.

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.

Parties should allow additional time for WebEx hearings and should anticipate the need to take more frequent breaks. Any time spent on technical issues with a witness shall be counted as the time spent by the calling party.

IN-PERSON HEARINGS

The courtroom is open to the public, but members of the public who wish to watch the proceedings may observe the proceedings via WebEx or livestream for certain criminal matters. WebEx will be turned on for hearings unless determined otherwise by the Court pursuant to Chief Justice Directive 23-03.

Bring a computer or laptop. When witnesses or other necessary parties are expected to appear by WebEx 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. A laptop will be necessary to connect to the Court's A/V system to allow display of exhibits.

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 3A 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 to 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 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 whatsoever will be allowed in the courtroom from any device. Any persons found utilizing any devices in the courtroom to record proceedings in any manner may be asked to relinquish possession of said device 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.

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. or Mrs. or any a party may express as preference, 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.

11. No one in the courtroom is authorized to approach the bench or the witness stand without prior approval of 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. The majority of 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 still often fail, so be certain the silent function is working properly. Attorneys may access their phones for calendaring purposes.

17. Do not leave trash in the courtroom 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. Any use of generative artificial intelligence must be disclosed and the filing party, whether *pro se* litigant, licensed legal professional, or attorney, are responsible for any hallucination or other incorrect or misleading information he or she may file.

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 3A.

The procedures outlined herein are evolving and may be modified or updated periodically. If questions arise, please contact the Court's Division Clerk at 970-494-3601.

SO ORDERED on _____

BY THE COURT:



Joseph D. Findley
District Court Judge