

Attachment C
GUIDELINES AND PROCEDURES FOR REMOTE HEARINGS
CIRCUIT COURT FOR HARFORD COUNTY

Notice is hereby provided that the Circuit Court for Harford County will continue to conduct some hearings via video remote platform, as the Court moves into Phase III of its reopening. Therefore, to ensure a smooth and positive experience for all, the following guidelines and procedures should be followed with all remote hearings:

1. Attorneys and self-represented litigants: With all initial filings, add your email address to your contact information and the telephone number you can be reached at on the day of the hearing. With existing cases, update your contact information by filing with the Clerk of the Court your email address and telephone number.
2. All remote hearings will be initiated by the Court sending out to counsel of record, or self-represented litigants, an email invitation for a remote hearing using one of two Judiciary approved remote hearing platforms: Skype for Business or Zoom for Government. Once you receive notice of the type of remote hearing platform, download any necessary application to your electronic device before the hearing to ensure it is properly working and that there are no issues (e.g. camera working, sound check, sufficient internet connectivity).
3. It will be the attorneys' responsibility to forward the email link for the remote hearing to their clients and witnesses. Self-represented litigants will also be required to forward the email link for the remote hearing to any witness. In the event the witnesses are to be sequestered, see No. 4 below.
4. Witnesses: Prior to the hearing the attorneys and self-represented litigants should file with the Clerk of the Court a list of witnesses, with full names, email addresses and telephone numbers. If a party requests to have the witnesses sequestered, and an email hearing link was sent by the party to the witness, the remote platform may allow for a witness to remain in a virtual waiting room until called to testify by a party. Alternatively, during the hearing the judge can add the witness once the witness is called to testify by a party.
5. All participants in a video remote hearing should join the remote hearing using their first and last names. **All participants are expected to be seen and heard (audio and video function must be enabled on their devices)**. In the event a witness (including a party who will be testifying) does not have access to a video function, the attorney or self-represented litigant must file a request with the Court to have the witness appear telephonically.

6. Participants in the remote hearings should eliminate any distractions at their locations. All cell phones and other electronic devices should be on silent and may not be used during the hearing, unless permitted by the judge.
7. All participants are expected to conduct themselves as if they were in the courtroom. Attorneys are expected to abide by the Maryland Attorneys' Professional Rules of Conduct and maintain professionalism in both their appearance and conduct.
8. Exhibits: The parties shall prepare and file with the Clerk of the Court proposed exhibits as follows:
 - a. File with the Clerk of the Court, an Exhibit List that lists all the exhibits being offered by the party, which includes the name of the exhibit and the exhibit number;
 - b. Each proposed exhibit **shall be filed separately**. Prior to filing the proposed exhibit it should be marked to reflect the party offering the exhibit and the number (e.g. P1, D1, State 1, Pet. 1 or Resp. 1). The numbers on the exhibits should be consistent with the numbers assigned on the Exhibit List;
 - c. For a multi-page document, each page should be numbered prior to the exhibit being filed.
 - d. If an exhibit is a video, audio recording or non-documentary item, prior to the start of the hearing the party offering the exhibit must take steps to have the exhibit delivered to the judge, except as otherwise ordered by the judge.
9. Orders: If the remote hearing concerns a pending motion, prior to the hearing the parties shall prepare and file proposed orders with the Clerk of the Court.
10. Remote hearings are official court proceedings and will be recorded by the Court. The independent recording of any hearings by any participant, including attorneys, is prohibited by Maryland law.
11. During the remote hearings, all participants should mute their audio function and unmute only when speaking. This will limit the amount of noise interference during the hearings.
12. In the event a party has issues entering a remote hearing, the party should immediately contact the administrative assistant of the presiding judge.
13. It is the Court's intention to start all remote hearings at the scheduled time; however, unforeseen circumstances, technical difficulties or other remote hearings may cause a delay in the start time. All attorneys should notify their clients and witnesses that a delay may occur and that the hearing will start as soon as possible.

14. Criminal Cases: In addition to numbers 1 – 13 above, the following procedures will also apply in all remote criminal hearings:

- a. Defendants must have the ability to appear by video (telephone appearance will not be allowed).
- b. Prior to any remote hearing commencing, the judge will verify that the defendant is knowingly and voluntarily waiving: 1) the right to be physically present in the courtroom, 2) to have a public hearing, and 3) witnesses appearing in person.
- c. With crime victims, the State should inform the judge whether the victim will be appearing for the remote proceedings or if the appearance is being waived.
- d. If the criminal proceedings involves a guilty plea, the attorney must review the Waiver of Rights (WOR) with the Defendant prior to the hearing, and: 1) the Defendant must initial and sign the WOR; 2) the attorney must also sign the WOR and; 3) the attorney must file it with the Clerk of the Court before the hearing.
- e. Interpreter cases - the WOR will be done on the record with the interpreter.
- f. Violation of Probation hearings – agents may appear telephonically. Either party may file a request with the judge to have the agent appear in court during the remote hearing.

15. These guidelines and procedures will be revised as circumstances warrant.

/S/ Angela M. Eaves
Administrative Judge
Circuit Court for Harford County

Issued: July 17, 2020