



State of North Carolina

HOKE COUNTY DOMESTIC COURT

PROTOCOL FOR REMOTE WEBEX HEARINGS IN FAMILY COURT THROUGH MAY 29, 2020

1. Types of Hearings Permitted Remotely:

- a. Initial Status/Scheduling Conferences
- b. Final Pretrial Conferences if a trial date has already been scheduled
- c. Entry of Pretrial Order
- d. Motions that do not require evidence or testimony
 - Examples: Compel, withdraw, access medical records, psychological or drug testing, show cause first appearance
- e. Temporary Custody
- f. Temporary Child Support
- g. Post Separation Support

2. Limitations

- a. All parties must consent to participate by remote hearing.
- b. The assigned Judge shall preside over the hearings.
- c. All hearings and conferences are limited to 1 hour (30 minutes per side).
- d. No exhibits will be permitted except with permission of the Judge. If permitted only 5 exhibits per side (maximum 5 pages per exhibit).
- e. If exhibits are allowed by the judge, and submitted items exceed the limitations, those exhibits (or those portions of the exhibit) will not be admitted as evidence.
- f. All exhibits must be emailed to Mrs. Jennifer Kennedy, Judicial Assistant II(JA), and emailed to the opposing party, at least 48 hours prior to the hearing. If exhibits are not provided to the court or the opposing party, they will not be admitted as evidence.
- g. The presiding Judge will not review the exhibits until the hearing. The issue of admissibility shall be determined during the hearing when a party seeks to introduce evidence. Parties are free to object and argue as to the admissibility during the hearing.

3. Scheduling

- a. All remote hearings (other than divorce) will be scheduled through the JA.
- b. The email requesting a remote hearing must include:
 - i. An attached copy of the motion to be heard;
 - ii. an acknowledgment that all parties consent to a remote hearing, the limitations on the hearing, and the proposed dates;

- iii. a list of all emails of all parties and witnesses to be invited to the hearing including parties and witnesses; and
 - iv. three potential dates for the hearing that are at least 7 days out from the request for which parties are available.
- c. Please contact Mrs. Kennedy to coordinate the finalization of dates for the hearing.

4. Recording

- a. All hearings will be recorded by either the Hoke County Clerk of Court's Office or the Presiding Judge. Requests for recordings can be made by submitting a request with the Hoke County Clerk's Office.

5. Attendance

- a. Only parties, counsel, clerk, JA, and witnesses will be invited to the hearing. All parties and counsel must be able to be seen and heard by all other parties.
- b. Witnesses will be admitted to the meeting when it is time for them to testify. They should leave the meeting after testimony, unless the attorneys/parties make a request to have them remain after their testimony is complete.
- c. Attorneys will not be able to forward the link to the meeting. They must provide the emails of all proposed parties and witnesses **in advance** to the JA.

6. Miscellaneous

- a. It will be in the discretion of the Judge to terminate the WebEx hearing if there are extraneous noises, distractions or interruptions.
- b. No notice of hearing will be required for a remote hearing once the parties agree to the date. An invitation to the WebEx hearing will suffice.
- c. All other pertinent rules of Civil Procedure and Local Rules will apply to the hearing.
- d. Business casual or business attire is appropriate dress for parties and counsel.
- e. All participants must be able to be seen and heard by all other participants. During the hearing, parties that are not testifying should have their microphones muted unless they are speaking.
- f. Witnesses should be in a room alone during testimony, without access to any documents or papers, other than copies of exhibits already provided to the Court and opposing parties.
- g. If they are in separate locations, attorneys and parties may communicate privately via text or email during the hearing, provided however, parties may not communicate with counsel while they are testifying. No one may communicate with witnesses privately during the hearing without court permission.

- h. If an interpreter is needed, please indicate that in the email. A request will be made to AOC and an appropriate invitation will be sent to the interpreter.