

REMOTE HEARING PROTOCOL FOR SUMMARY JUDGMENT DIVORCE  
DURHAM COUNTY FAMILY COURT  
27 MAY 2020

1. All summary judgment divorces will be held remotely unless there is an objection for good cause.
2. The number of summary judgment divorces per session will be in the judge's discretion.
3. Only summary judgment motions will be considered in the summary judgment remote sessions. There will be no trials for divorce via remote hearing. The Rules of Civil Procedure apply.
4. Attorneys or parties who are scheduling a hearing for summary judgment, must advise the opposing party that remote hearings may be objected to for good cause. This can be done in a notice of hearing (DUR-DOM-35), or a separate notice. Consent to the remote hearing is encouraged.
5. All parties who wish to appear for the summary judgment motion must do so remotely unless there is an objection for good cause. If a non-moving party objects to a remote hearing, that party may submit his or her objections in writing using form DUR-DOM-37. This form must be filed with the clerk of court within 5 days of receipt of the Notice of Remote Hearing. The objecting party should, before filing the form, consult with the opposing party about their position on the objection &/or Motion to Continue and indicate the same on the form upon filing. Upon receipt of the objection, the moving party has 2 days to submit, in writing, any further response to the objection. The judge, after considering the submissions of both parties (or the elapsed 2 days after the filing of the objection) will rule on the objection without further hearing or may, in the judge's sole discretion, schedule a pretrial conference by Webex or phone conference with the parties to discuss the objection and any potential solutions before ruling.
6. The moving party shall be responsible for submitting the divorce judgment and the Certificate of Absolute Divorce (typed) to the Family Court Office at 510 S. Dillard Street, Durham, NC 27701 and sending a copy to the opposing party when the motion for summary judgment is filed. If the necessary documents are not received, you will not be "invited" to the WebEx remote hearing and the motion will not be heard. If

documents are incorrect or incomplete, the motion for summary judgment will not be granted.

7. Family Court will send a Webex invite to all parties at least 5 days prior to the hearing.
8. At the conclusion of the remote hearing, the divorce judgment will be time-stamped and mailed by the Family Court office to the moving party for service. The moving party is responsible for serving the opposing party. The moving party must submit a self-addressed stamped envelope to receive the divorce judgments by mail.
9. Business casual or business attire is appropriate dress for parties and counsel.
10. All participants must be able to be seen and heard by the judge.
11. During the hearing, parties that are not speaking should have their microphones muted unless and until they are addressed by the judge.
12. If an interpreter is needed for a pro se party, please indicate that request in the email. A request will be made to AOC and an appropriate invitation will be sent to the interpreter. We cannot guarantee that interpreters will be available for the dates and times chosen by the parties for a WebEx hearing, and adjustments may need to be made if you request an interpreter.
13. The remote hearing will be recorded, and copies will be available for request through the Durham County Clerk of Court.