

## DURHAM COUNTY

### TRAFFIC/MISDEMEANOR PLEAS PROTOCOL

**(NO LEVEL A1, 1 or 2 DWIs or Cases where supervised probation is being requested)**

Procedure for requesting a hearing: The procedure for requesting/scheduling a hearing will remain the same that we've utilized in the past. However, there are separate forms for request and consent for the WebEx hearing that must be submitted with detailed information and documents. This is explained in the below policy.

#### 1. Types of Hearings Permitted Remotely:

- a. All matters are continued until on or after June 1, 2020, except as set forth below. Matters will be held along with those deemed necessary that can be held safely.

TRAFFIC PLEAS - Counsel should email ADA Dale Morrill @ [DALE.A.MORRILL@NCCOURTS.ORG](mailto:DALE.A.MORRILL@NCCOURTS.ORG) a list of the cases they are requesting to be pulled at least 7 days in advance and make arrangements with the traffic team to do plea negotiations.

#### • What you must submit to schedule a hearing:

All parties, District Attorney's Office and parties MUST consent to participate by remote hearing by submitting the following:

- A. Request for WebEx Remote Hearing Form is to be submitted to Dale Morrill at least 7 days in advance of the hearing date requested. The request should have a list of all the attorneys and their email addresses, the Defendant and of anyone else that is being requested to attend the hearing.
- B. Waiver of Appearance shall be sent by the attorney to be filed in the clerk's file.

#### I. SCHEDULING

- a. The clerk, upon receipt of the request from Dale Morrill shall pull all cases for the attorney and schedule them for date and time slot to be heard on Thursdays (Morning session 9am-12pm and Afternoon session 2pm-4pm).
- b. On Tuesdays, attorneys will negotiate with Dale Morrill or a member of the traffic team between the hours of 9 and 5.
- c. Each attorney will be permitted to schedule up to 50 traffic cases. The clerks, will in their discretion, determine the number of cases per attorney based on the case types.

#### 2. RECORDING – all recordings must be done by the Clerk of Court

- a. All hearings will NOT be recorded by the Clerk of Court.
- b. NO ONE is permitted to record the proceeding without prior knowledge and approval of the Judge. Violation of this will be punishable by contempt powers of the court.

- c. Only parties, counsel, and victims will be invited to the hearing. All parties and counsel must be able to be seen and heard by all other parties.
- d. All parties will enter the meeting with video visible and audio on mute. The judge will unmute the audio of counsel upon the start of the hearing.

#### K. ATTENDANCE

- a. Only parties, counsel, and persons listed on the request sheet will be invited to the hearing. All parties and counsel must be able to be seen and heard by all other parties.
- b. All parties will enter the meeting with video visible and audio on mute. The judge will unmute the audio of counsel upon the start of the hearing.
- c. Attorneys shall not forward the link to the meeting to anyone. ALL invitations must come from the Clerk of Court.
- d. The general public may attend court for viewing if a request for hearing form is filled out and delivered to the clerk of court with the date and time they are requesting to attend.

L. INTERPRETER REQUESTS: If an interpreter is needed, attorneys will need to fill out the form on the NCCOURTS.org website or right click this link: [www.nccourts.gov/request-for-spoken-foreign-language-court-interpreter](http://www.nccourts.gov/request-for-spoken-foreign-language-court-interpreter). Please indicate on the request for hearing/consent form that an interpreter will be requested so that the clerk will be alerted so that an invitation to the interpreter can be sent by the Clerk of Court. 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

#### WHAT THIS PROCESS SHOULD LOOK LIKE:

1. Attorneys send a request for a WebEx hearing to the Clerk of Court. The Clerk will pull all cases requested by counsel and schedule the hearing with a date and time to appear.
2. Counsel and the ADA will have negotiated dispositions in the case prior to the hearing.
3. The Clerk of Court will file the Request form in the court file and set up a WebEx Hearing for the scheduled hearing date and send an invitation to all persons listed on the Request form, as well as the presiding judge.
4. Attorneys are to provide the Clerk of Court a filed copy of waiver of appearances for each case or have their client appear by WebEx, as well.
5. The clerk will schedule the attorneys cases all on one date and assign a time slot if available. There will be two sessions (9:00 am-12 pm) and (2 pm-4 pm).
6. Clerks will make sure that the ADA/Judge is forwarded copy of the court docket the day before the hearing dates.
7. The judge will be made a co-host. All audio capabilities except for the judge's will be muted at the start of the hearing. The judge will ask that counsel mics be unmuted
8. The ADA will call the cases and the hearing will proceed.
9. The clerk will read out each defendant's name.
10. The clerk will record the judgment and close the case out as in the normal course of business

NO RECORDING OF THE DISTRICT COURT TRAFFIC/CRIMINAL PROCEEDINGS WILL BE MADE

Attire: Business Casual/Business Attire is the appropriate attire for all parties, witnesses and counsel. No parties should be dressed in t-shirts, pajamas or athletic attire. All should conduct themselves in a professional manner.