

GUIDELINES FOR REMOTE BENCH TRIALS

Given court closures arising out of the SARS-CoV-2 pandemic, trial in this matter will be conducted via Microsoft Teams. To assure the fair conduct of trial, the following procedures shall be followed:

1. All parties and all witnesses shall appear at trial via Microsoft Teams, with both video and audio activated. No party or witness may testify by audio only or by telephone unless all parties stipulate that the testimony may be taken by audio only.
2. Unless otherwise excused by the Court, each party to this matter shall arrange for their own video appearance for each day of trial, and shall be solely responsible for the payment of any fees arising from such appearance.
3. Each party shall arrange for the video appearance of any third-party witness it intends to call, and shall be solely responsible for the payment of any fees arising from such appearance. Witnesses who have been properly subpoenaed shall cooperate with the parties in the making of these arrangements unless their appearance has been excused by the Court.
4. Each party shall assure that their video feed and that of their witnesses is of sufficient quality and scope so that the Court and opposing counsel may see and hear the witness clearly, and be able to assure that no witness is susceptible to coaching or has the ability to rely on any materials out of sight of the Court and/or opposing counsel. The Court recommends that each party and witness have more than one device available to them in the event that problems arise with the device they primarily intend to use.
5. Any and all materials that any witness relies on to refresh recollection or otherwise during the course of his or her testimony shall be provided to all counsel upon request.
6. Each party shall send a hard copy of any pre-marked exhibit it intends to introduce to both the Court and opposing counsel no later than 3 p.m. on the court day preceding the scheduled trial date. Petitioner/Respondent exhibit stickers to be used.
7. Each party shall to the extent possible provide a hard copy of any exhibit it intends to have a witness view during that witness's testimony to the witness in advance of the time the witness testifies.
8. Parties and counsel shall assure that any non-party witness who will testify at trial will not see or hear any of the trial proceedings that occur before they testify, or that occur after they testify and before they are excused from providing further testimony.
9. Each party shall assure that the proceedings are not being recorded or reported in any manner other than by the duly-authorized court reporter.