

**REMOTE JUSTICE**

Judge Jena Culler  
Judge Christine Walczyk  
Andrew Breedlove

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**WHAT CAN BE  
DONE  
REMOTEY?**

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<p><b>Judicial officials throughout the state are hereby authorized to conduct proceedings that include remote audio and video transmissions, notwithstanding any other provision of law.</b></p>	<p><b>Emergency Directive No. 3</b> - <b>Until 10/15/2020</b></p>
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Judicial officials must safeguard the constitutional rights of those persons involved in the proceeding and preserve the integrity of the judicial process. To this end:

- ▶ A party may, for good cause, object
- ▶ Criminal defendant must waive any right to in-person confrontation
- ▶ If the proceeding is required by law to be conducted in a way that maintains confidentiality, then confidentiality must be maintained
- ▶ Must be recorded
- ▶ Each party must be able to communicate fully and confidentially with his or her attorney
- ▶ No Jury Trials

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<p>The court in civil matters, on its motion or upon motion by a party, may in its discretion order that argument of any motion be accomplished by means of a telephone conference without requiring counsel to appear in court in person.</p> <p>Upon motion of any party, the court may order such argument to be recorded in such manner as the court shall direct. The court may direct which party shall pay the costs of the telephone calls. Conduct of counsel during such arguments may be subject to punishment as for direct criminal contempt of court.</p>	<p><b>Rule 6 of the General Rules of Practice</b></p>
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**Remote Temporary Hearings in Domestic Court**

- ▶ **NCGS 50-16.8 – PSS may be based on “verified pleading, affidavit, or other competent evidence”**
- ▶ See also *Wells v Wells*, 132 NC App 401
- ▶ *Story v Story*, 57 NC App 509 (affidavits may be used for temporary custody).

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## WebEx Remote Hearings

**Works well for:**

- Calendar Calls (continuances)
- Summary Judgment Divorce
- Motions
- Ex Parte DV filings
- Nonsecure Custody hearings
- Non-Prejudicial Temporary Hearings in Domestic Court
- Judicial Settlement Conferences

**Does not work for:**

- Jury Trials
- Criminal Trials (No Consent)
- Long Civil Bench Trials
- Voluminous Exhibits
- High Conflict Self Represented Litigants

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## Calendar Call and Hearings without Invitations

- Request nccourts.org email from AOC
  - Can also use a deputy clerk's Personal Room but Meeting ID will be public. If they leave, you will have to publish new Meeting ID
- Set up a new WebEx Account (using the new email address)
- Publish the Meeting ID. Do not use a password.
- Members of the public and attorneys "Join" the meeting
- Use virtual courtroom as an open room, anyone can enter. Or if privacy is desired, lock the meeting.
- Clerk is owner of email and account to manage recordings

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**NOTICE**

In compliance with the directives of Chief Justice Cheri Easley, civil domestic trials will resume at a limited basis beginning June 1, 2020. Some trials and hearings will be "hybrid" and there will be heard remotely via WebEx. More details are provided in the new calendarinfo page for Family Court.

**ALL DOMESTIC CALENDAR CALLS WILL BE CONDUCTED VIA WEBEX AT 9:00 AM FORTY-FIVE (45) MINUTES BEFORE THE HEARING.** Parties will be given 15 minutes to appear for their assigned calendar call. Remote hearings may be requested by either party in advance or ordered by the assigned judge on the day of the scheduled hearing. **ATTORNEYS MUST BE PRESENT TO JOIN ONLINE.** Calendar calls and remote hearings will be at the following WebEx locations:

- Wake County Courtroom 2B Personal Room Meeting ID# 792 744 428
- Wake County Courtroom 2C Personal Room Meeting ID# 792 780 878
- Wake County Courtroom 2D Personal Room Meeting ID# 792 285 900
- Wake County Courtroom 2E Personal Room Meeting ID# 792 282 822
- Wake County Courtroom 3A Personal Room Meeting ID# 152 652 875
- Wake County Courtroom 3C (Domestic) Personal Room Meeting ID# 792 726 975

You do not need a WebEx account to participate in a hearing. You will need a computer with a camera, or 2i a cell phone or tablet and the WebEx App. You will also need an internet connection. You will ONLY use the WebEx App if you are using a cell phone or tablet. The personal meeting rooms can be accessed by going to <https://wex.wakecountync.gov> and selecting the "QIP" tab. In the box provided, type in the meeting ID number listed above for your scheduled courtroom. Make sure your video and audio are working properly before selecting "Join the Meeting". Make your microphone and your name to be called. For more information on remote hearings, please see [Remote Proceedings for the Public](#).

Welcome to Wake County Family Court's online calendarinfo system!

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**CALENDAR CALL**

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**GRID VIEW DIVORCES**

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## Benefits of WebEx Hearing

- SOCIAL DISTANCING LOWERS NUMBERS IN THE COURTHOUSE AND ACCOMMODATES THOSE WITH MEDICAL ISSUES
- ATTORNEYS AND LITIGANTS SAVE MONEY NOT TRAVELING TO COURT OR WAITING FOR TRIAL
- SEE LITIGANTS IN THEIR OWN ENVIRONMENTS. BACKGROUNDS, CLEANLINESS OF HOME, ETC.
- SOME WILL FEEL MORE COMFORTABLE AND ACT MORE LIKE TRUE SELF
- NO MASKS CAN SEE FACES

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**Set up tips for hearings**

- Clerk should have log in credentials for the Courtroom (or use a clerk account).
- Judges should be made "host" or "cohost"
- Publish limitations on time and numbers of exhibits in advance
- Set preferences in advance.
  - Recording - Audio only?
  - Meeting Lock
  - Who can share?

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**BEST PRACTICES**

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**Allow attorneys and parties to communicate via text or chat, but keep in separate rooms or you will have:**

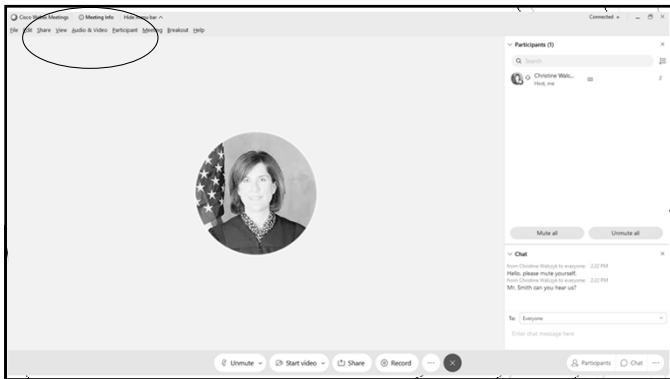
- ▶ Audio feedback if computers close together
- ▶ Attorney and litigant talking to each other *during testimony*
- ▶ Tag team witnesses testifying together

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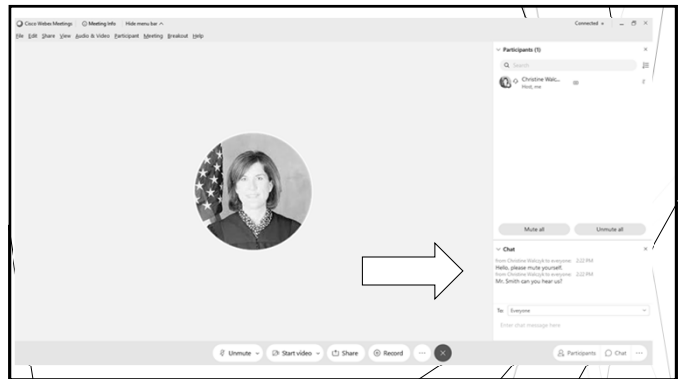
**Judge should be the host or cohost during a hearing. Host can:**

- ▶ Record (cohost cannot record)
- ▶ mute and unmute
- ▶ limit or allow sharing of documents or screens
- ▶ remove a document improperly shared
- ▶ "lock" the meeting
- ▶ send people to the lobby or expel people from the meeting

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**Get Exhibits and Judgments in advance:**

- ▶ Exhibits can be emailed or sent via Liquid Files
- ▶ Divorce Judgments and Certificates of Divorce can be emailed in advance for signature at the time of hearing



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**Use strong *wifi* or plug into Network or:**

- ▶ Images will freeze and you will lose witnesses
- ▶ Difficult to hear and see
- ▶ Note that cell phone use will work, but there will be no video if someone is using phone for something else. Need WebEx App for phones.

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**STAFF ISSUES**

- How to receive exhibits?
- Do you want the deputy clerk present during hearing? Same room?
- Backup through Digital Court Recording?
- If Judge is Remote - How will you get electronic signatures?

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