

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

AND


COURT OF COMMON PLEAS OF HUNTINGDON COUNTY,
PENNSYLVANIA

IN RE: 20th Judicial District – Conduct of : 33 MM 2020
Proceedings via Advanced : CP-31-MD-125 -20
Communication Technology During : AO-16-2020
Judicial Emergency :

SUPPLEMENT TO ADMINISTRATIVE ORDER

AND NOW, this 22nd day of April, 2020, pursuant to Administrative Order AO-16-2020, filed April 22, 2020, the Court hereby establishes the attached Protocols for Criminal Proceedings Conducted via Advanced Communication Technology.

BY THE COURT:



George N. Zanic, President Judge

C: Irene Bizzoso, Esq., Supreme Court Prothonotary
Geoff Moulton, Court Administrator of Pennsylvania
Stacey Witlec
Kay Coons, Prothonotary/Clerk of Courts
Virginia Cooper, Register & Recorder/Clerk of the Orphans' Court
Jeffrey E. Leonard, Sheriff
Duane Black, Warden
Leonard Hahn, Director, Probation Department
Shannon Walborn, Director, Department of Children and Youth
David G. Smith, District Attorney
Fredrick Gutshall, Esq., Director, Office of Court Appointed Counsel
Angela J. Robinson, District Court Administrator
Huntingdon House
The Abuse Network
Huntingdon County Bar Association

The Original of the Document has
been filed in the Office of the
Prothonotary/Clerk of Court on

APR 22 2020

**PROTOCOLS FOR CRIMINAL PROCEEDINGS CONDUCTED VIA
ADVANCED COMMUNICATION TECHNOLOGY**

Pursuant to Administrative Order AO-16-2020 and the Notice to Appear to which these Protocols are attached, you have been directed to appear before the Huntingdon County Court of Common Pleas via advanced communication technology at the date and time specified in the Notice. Appearance before the Court via advanced communication technology is the same as appearance before the Court in person, and the expectations and requirements in regard to your conduct are unchanged.

These Protocols are broken down into Sections directed to defendants who are not in custody (Section I), defendants who are in custody (Section II), attorneys (Section III), and witnesses (Section IV), along with specific instructions for downloading and installing the Zoom app (Section V). Please review the appropriate sections below carefully.

In addition to the below, note that for defendants who are not in custody, you must follow these instructions and appear as directed in the Notice. Failure to appear may result in the issuance of a bench warrant for your arrest.

I. DEFENDANTS NOT IN CUSTODY

- A. You have been directed to appear before the Court via Zoom meeting. The meeting will serve as the virtual courtroom. Instructions for how to download the Zoom app are in Section V, below, including the range of devices able to use it.
- B. Unless you are appearing from the same location as your attorney, you must appear alone. Adult family members who would ordinarily be allowed to be present in the courtroom (i.e., those who are not witnesses) may be in the room with you, but cannot participate unless called on, and must remain quiet and not interrupt. Children should not be present.
- C. These Protocols are set up for defendants participating from a location separate from their attorney. If you are in the same location as your attorney, some of these Protocols will be inapplicable. Apply common sense as appropriate.
- D. The Meeting ID and password are included in the Notice. Join the meeting at least 5 minutes before the scheduled time. Unless prior approval has been granted by the Court, you must appear by video, as opposed to voice only.
- E. When you join the meeting you will be in a virtual waiting room with all other parties, attorneys and witnesses. There may be several cases set on the docket at that time. When your case is called, the Court will bring you into the virtual courtroom.
- F. When you enter the virtual courtroom, your video will automatically be on and your audio muted, until the hearing begins. You will need to unmute your audio by clicking the microphone icon. When you are called upon to speak, start talking, pause for a moment, and then continue, so give the audio time to "catch up." Be careful and courteous when others are speaking; if you cough, rustle papers, or otherwise make noise, you may cut them off.
- G. Proceedings will be on the record. The Court's standing rules prohibiting video and audio recording in the courtroom, along with the ban on the use of cellphones generally, remain in effect. You

are prohibited from recording the proceedings in any way. All proceedings are being recorded by the Court Reporter, and transcripts may be requested as with any other proceeding.

- H. You may confer with or provide notes to your attorney using the private chat feature. To do so, hit the "CHAT" button, and at the bottom of the chat window, pull-down the recipient arrow and select your attorney's name.

Note:

- 1. You are prohibited from using the chat feature to communicate with witnesses, opposing attorneys, the judge, or court staff present in the meeting.
- 2. You are not to communicate with your attorney or anyone else while you are testifying.
- 3. You are not to hold or refer to notes, paperwork, or other materials while testifying, the same as if you were you were on the witness stand in a live courtroom.
- I. If needed, you may confer in private with your attorney. The Court will enable this by moving you and your attorney into a separate, confidential "breakout room," while keeping the primary meeting open. The Court will not at any time enter the breakout room, and conversations in these rooms are not recorded in any way. When you are ready to return to the virtual courtroom **be sure to click "return to main session,"** as opposed to "leave meeting."
- J. The Court may use breakout rooms for sidebar discussions with counsel. The Court may shift you back to the virtual waiting room while such discussions occur, and will bring you back into the virtual courtroom when ready.
- K. **Do not leave the meeting under any circumstances until the proceedings are concluded.** This would be the same as walking out of court in the middle of a hearing without being dismissed.

II. DEFENDANTS IN CUSTODY

- A. On your end, your appearance via advanced communication technology will be in the form of a video call, subject to the direction of the facility where you are being held.
- B. On the Court's side, you may only see the judge, or, at times, you may see an empty conference room. The Court Reporter, attorneys (including your attorney), and other participants will be appearing via conference call. The audio will come through the speakerphone on the conference room table. You will be able to hear them, and they will be able to hear you.
- C. If you need to confer with your attorney privately, the judge will leave the room, and the other parties will be excluded from the conference call. You will then be able to talk with your attorney with you on video and your attorney on the speakerphone in the conference room. If you have not had a chance to confer with your attorney before the proceeding, the Court will make time available to you for this to occur.

III. ATTORNEYS

- A. You and your client have been directed to appear before the Court via Zoom meeting. The meeting will serve as the virtual courtroom. Instructions for how to download the Zoom app are in Section V, below, including the range of devices able to use it. All attorneys appearing before the Court via advanced communication technology are deemed to be familiar with, and shall follow, these Protocols. If you are unfamiliar with Zoom, go to <https://youtu.be/ayaENNMKSqs> for a Zoom CLE video from the State Bar of Texas Family Law Section. It is lengthy (2 hours), but informative.
- B. If your client does not have access to technology sufficient that they can use Zoom, or is not technologically skilled enough to use Zoom, they may appear with you from a suitable location (e.g., your office). Otherwise, you and your client shall appear from separate locations. These Protocols are set up for proceedings with all participants appearing from separate locations. If this is not the case, some of these Protocols will be inapplicable. Apply common sense as appropriate.
- C. The Meeting ID and password are included in the Notice. Join the meeting at least 5 minutes before the scheduled time. Unless prior approval has been granted by the Court, you, your client, and any witnesses must appear by video, as opposed to voice only.
- D. When you join the meeting you will be in a virtual waiting room with all other parties, attorneys and witnesses. There may be several cases set on the docket at that time. When your client's case is called, the Court will bring you and your client into the virtual courtroom.

- E. When you enter the virtual courtroom, your video will automatically be on and your audio muted. You will need to unmute your audio by clicking the microphone icon.
- F. When you go to speak, start talking, pause for a moment, and then continue, so give the audio time to "catch up." Be careful and courteous when others are speaking; if you cough, rustle papers, or otherwise make noise, you may cut them off.
- G. Wait until questions are completed before announcing an objection. Do not interrupt or talk over witnesses or opposing counsel. Because of the way the Zoom app gives primacy to the most recent speaker, speaking over others cuts off their audio. The usual vigorous back-and-forth between counsel needs to be slowed down so all can be heard, allowing the Court to make appropriate rulings.
- H. You may confer with or provide notes to your client using the private chat feature. To do so, hit the "CHAT" button, and at the bottom of the chat window, pull-down the recipient arrow and select your client's name. You may not chat, text, or in any way confer with your client during his or her testimony. You are not to use the private chat feature with any non-client witnesses or opposing counsel.
- I. If you need to have a private conversation with client, the Court will move you both into a separate, confidential "breakout room," while keeping the primary meeting open. The Court will not at any time enter the breakout room, and conversations in these rooms are not recorded in any way. When you are ready to return to the virtual courtroom **be sure to click "return to main session,"** as opposed to "leave meeting."
- J. The Court may also use breakout rooms for sidebar discussions with counsel and for private discussions between you and opposing counsel.
- K. Each party is responsible for having their witnesses in the virtual waiting room at least 5 minutes before the scheduled time.
- L. If witnesses are to be sequestered, the Court will move them back to the virtual waiting room, and then recall them when it is time for them to testify. Sequestered witnesses are not permitted to watch the public livestream (if any) during the hearing, or otherwise view or listen to the proceedings in breach of the sequestration.
 - 1. You, your client, and other witnesses are further prohibited from communicating with a sequestered witness in any fashion, whether via the chat feature, telephone, text, e-mail, or otherwise.
 - 2. Testifying witnesses are not to hold or refer to notes, paperwork, or other materials while testifying.
- M. There is to be no communication with your client via the chat feature while they are testifying.

- N. All exhibits to be considered by the Court must be submitted in accordance with AO-16-2020. Unanticipated rebuttal evidence may be submitted during the hearing through the "CHAT FILES" feature.
- O. Proceedings will be on the record. The Court's standing rules prohibiting video and audio recording in the courtroom, along with the ban on the use of cellphones generally, remain in effect. All proceedings are being recorded by the Court Reporter, and transcripts may be requested as with any other proceeding.
- P. No one is to annotate anyone else's shared screen unless expressly permitted or directed by the Court to do so.

IV. WITNESSES

- A. You have been called to appear before the Court as a witness via Zoom meeting. The meeting will serve as the virtual courtroom. Instructions for how to download the Zoom app are in Section V, below, including the range of devices able to use it.
- B. You must be alone in the room from which you are appearing. Friends or family members who wish to view the proceedings must do so from the public livestream, if available.
- C. The Meeting ID and password are included in the Notice. Join the meeting at least 5 minutes before the scheduled time. Unless prior approval has been granted by the Court, you must appear by video, as opposed to voice only.
- D. When you join the meeting you will be in a virtual waiting room with all other parties, attorneys and witnesses. There may be several cases set on the docket at that time. When the case you are testifying in is called, the Court will bring you into the virtual courtroom.
- E. When you enter the virtual courtroom, your video will automatically be on and your audio muted, until the proceedings begin. You will need to unmute your audio by clicking the microphone icon. When you are called upon to speak, start talking, pause for a moment, and then continue, so give the audio time to "catch up." Be careful and courteous when others are speaking; if you cough, rustle papers, or otherwise make noise, you may cut them off.
- F. Proceedings will be on the record. The Court's standing rules prohibiting video and audio recording in the courtroom, along with the ban on the use of cellphones generally, remain in effect. You are prohibited from recording the proceedings in any way. All proceedings are being recorded by the Court Reporter.
- G. You may not use the chat feature to message anyone in the virtual courtroom, including, without limitation, other witnesses and the party for whom you are testifying or their attorney. If anyone other than the Court attempts to contact you via the chat feature, notify the Court immediately.

H. If witnesses are to be sequestered, the Court will move you back to the virtual waiting room, and then recall you when it is time for you to testify. Sequestered witnesses are not permitted to watch the public livestream (if any) during the hearing, or otherwise view or listen to the proceedings in breach of the sequestration.

1. Attorneys, parties, and other witnesses are further prohibited from communicating with you in any fashion while you are sequestered, whether via the chat feature, telephone, text, e-mail, or otherwise.
2. You are not permitted to hold or refer to notes, paperwork, or other materials while testifying. All testimony must be from memory, unless otherwise directed by the Court.

- I. The Court may use breakout rooms for sidebar discussions with counsel. The Court may shift you back to the virtual waiting room while such discussions occur, and will bring you back into the virtual courtroom when ready.
- J. **Do not leave the meeting under any circumstances until the proceedings are concluded.** This would be the same as walking out of court in the middle of a hearing without being dismissed.

V. ZOOM MEETING APP

- A. Visit zoom.us and create an account. You must use your real name in setting up your Zoom account. You should also download and install the app on your computer, tablet, or smartphone, depending on the device or devices you intend to use for your appearance. (You can do this by clicking Resources, and selecting Install Client or App). If you cannot figure out how to do it, just remember this—when you attempt to host or join a meeting, Zoom will ask you whether to open the meeting in the browser or open/install the Zoom app. *Instruct it to open in the Zoom app and allow it to install the program.* It is crucial that you install the program/app rather than relying on the web browser, as the web browser does not have all the features of the app necessary to function as a virtual courtroom.
- B. Note that while Zoom also has an alternative option to use a telephone to call in to a meeting and appear by audio only, you may not appear in this manner without the prior approval of the Court.