

MONTGOMERY COUNTY COURT OF COMMON PLEAS
PROTOCOL FOR VIRTUAL COURT HEARINGS

A. GENERAL RULES

1. All Virtual Court Hearings (including bench trials) conducted before the Montgomery County of Common Pleas shall be scheduled by the Court and shall be conducted using the Zoom video meeting platform for video and audio. This applies to all Level II, fully remote hearings, and all Level III, partially remote hearings, as provided in the Judicial District 38 -- Montgomery County Safety Protocol. For proceedings involving individuals who are incarcerated, the Court may also employ Scopia or another video platform.
2. The Court will issue an Order setting the date and specific time period for the Virtual Court Hearing. The Court shall provide notice of hearing date and time, including both the Court Order and the Zoom invitation, to all counsel of record and all self-represented parties by delivery to their email addresses. This notice shall include both a link to connect to the Virtual Courtroom by video/audio and a telephone number that will permit a participant to connect to audio only. Only participants who do not have access to video will be permitted to telephone in with audio only.
3. All participants shall comply with all Rules of Court, Court Orders, and this Protocol for Virtual Court Hearings. Violators of any such rule may be held in Contempt of Court, for which the Court may impose sanctions following a hearing.

B. IN ADVANCE OF HEARING

1. **Zoom:** Create a Zoom account at zoom.com. No participant in a Virtual Court Hearing is required to have a paid license for Zoom. The Court holds licenses and will be the host for these hearings.
2. **Name Displayed:** Each participant must use their real name in setting up a Zoom account. Attorneys and self-represented parties must provide all names and email addresses to the Court in advance.

3. **Interpreters:** Counsel and self-represented parties must notify the Court no less than 48 hours in advance of the need for an interpreter.

C. WITNESSES

1. **Advance Submission of Witness List:** No later than 24 hours before the scheduled hearing, each attorney and each self-represented party shall provide a list of the names and email addresses of all witnesses and parties participating in the Virtual Court Hearing (including all attorneys) to the court at the Virtual Courtroom email address, as follows:
Judge[Name]VirtualCourtroom@montcopa.org (for example, JudgeDelRicciVirtualCourtroom@montcopa.org), with email copies to all other counsel or parties.
2. **Notice to Witnesses:** Counsel and all self-represented parties are responsible for notifying all parties and witnesses of the scheduling and rules for the Virtual Court Hearing. They should forward the Court Order and electronic invitation to attend the Virtual Court Hearing to all parties and witnesses and confirm their ability to attend the hearing. The Court may, in some cases, also send an e-mail invitation to the Virtual Court Hearing to each party and witness, but this does not replace the responsibility of counsel and self-represented parties to notify their own witnesses.

D. EXHIBITS

1. **Advance Submission of Exhibits:** All proposed exhibits to be introduced or referred to at the Virtual Court Hearing must be submitted to the Court at least 5 business days prior to the scheduled Virtual Court Hearing, unless otherwise specified by Court Order. Exhibits shall be submitted to the Court, with copies shared by email with opposing counsel and parties by email addressed to the Virtual Courtroom email address specified above.
2. **Use Appropriate Virtual Courtroom Email Address:** Please do not email exhibits to a Judge's individual email address. Any exhibits sent to a Judge's individual email address will not be available to the Court Clerk for the Virtual Court Hearing.
3. **Format of Exhibits:** The Court will only accept exhibits formatted as:
 - a. PDF for documents;

- b. JPG for photographs/images;
 - c. MP4 for videos;
 - d. The Court will NOT accept executables or Word Documents (DOC.)
4. **Redacting Exhibits:** All proposed exhibits shall be redacted of all personally identifying information (e.g. Social Security Number) and all information required to be redacted pursuant to the Public Access Policy of the Unified Judicial System of Pennsylvania.
 5. **Marking Exhibits:** All exhibits should be pre-marked as P-1 or D-1 (etc.) and labeled in the following format: Beginning with the case docket number and a short description: “2020-12345, P-1, (tax return).”
 6. **Exhibit List:** In addition to the individual exhibits, counsel and self-represented parties shall submit with the exhibits an Exhibit List, identifying each numbered exhibit and a brief description.
 7. **Manner of Transmission to Court:** All proposed exhibits of each party that are in PDF format should be combined into one PDF document, with each separate exhibit “bookmarked” so that the Court Clerk can readily display the document.

E. ACCESSING HEARING

1. **Video and Audio:** All participants should connect by both video and audio. The Zoom platform works on all smart phones, tablets and computers, however, connection by computer is recommended. For participants who are unable to join with video, they will be able to join the Virtual Court Hearing by a telephone number that will be provided in the electronic invitation. Attorneys must show good cause for failure to appear by video.
2. **Time to Join Hearing:** All attorneys, parties and witnesses for the scheduled Virtual Court Hearing shall connect to the Virtual Courtroom at least 15 minutes before the scheduled start time. Be aware that the Court will be conducting multiple hearings each day in different Virtual Courtrooms (with different meeting numbers). Please make sure you use the correct connection information to join the correct Virtual Courtroom for your hearing.
3. **Virtual Waiting Room:** When each participant (attorney, party, witness or court staff) joins a Virtual Court Hearing, they will initially appear in a Virtual Waiting Room. When the case is ready, the Court will admit the attorneys and clients into

the Virtual Courtroom. Unless otherwise ordered by the Court, witnesses will remain in the waiting room until permitted into the Virtual Courtroom for their testimony.

F. DURING HEARING

1. **Decorum:** A Virtual Court Hearing is an official court proceeding. All counsel and participants shall observe all rules of decorum, civility and ethics during Virtual Court Hearings. Everyone involved shall display respect for the dignity of the court by their conduct, language and attire.
2. **Microphone and Video:** When each participant is admitted to the Virtual Courtroom, the participant's video will be on and audio will be muted until the hearing begins. The Court will retain the authority to limit video images to the witness testifying and the attorneys conducting examinations at any time. The Court will retain the right to mute any microphone at any time during the hearing. The Court will control all screen sharing of any documents to be viewed during the hearing.
3. **Witnesses During Hearing:** Only witnesses appearing by video will be permitted to testify unless the Court expressly permits a witness to testify by telephone. Witnesses will remain in the Virtual Waiting Room until admitted into the Virtual Courtroom by the Court. Except as ordered by the Court, non-party witnesses will only be permitted in the Virtual courtroom while they are testifying. While testifying, witnesses shall not use notes, cell phones or other devices. Aside from the questioning of witnesses in the hearing, attorneys may not communicate with witnesses during their testimony.
4. **Communication with other Participants During Hearing:** Except as provided specifically for attorney-client communication, below, participants are prohibited from using the Chat feature, texting or any other means of communication with other participants during the hearing.
5. **Attorney-Client Communication During Hearing:** Attorneys may, with Court approval, "slip notes" to clients using the chat feature and send a private message to clients. Attorneys must request and receive permission from the Virtual Court Hearing Host to use the private Chat feature. To do so, hit the "CHAT" button at the bottom of the chat window to send a message to the Host asking for court approval to be permitted to Chat with your client. If granted, pull-down the recipient arrow and select your client's name. Chat messages will not be saved.

6. **Attorney-Client Conference During Hearing:** Attorneys may request an opportunity to confer with clients privately during the hearing. Identify the client with whom which you wish to confer by name. The Court will send you into a confidential “breakout” room to confer with your client. You will then be invited back into the Virtual Courtroom.
7. **Sidebar:** An attorney may request a sidebar with all counsel and the Court; The Court will send you into a confidential “breakout” room for the sidebar. At the end of the sidebar, you will all return to the Virtual Courtroom.

G. RECORDING AND TRANSCRIPTS

1. All Virtual Court Hearings (Level II and Level III) will be of record with a Court Reporter participating remotely. Transcripts shall be available, as previously, upon request and any required payment through Court Administration.
2. No participant is permitted to record or save any part of the proceedings in Virtual Court Hearings. Recording is strictly prohibited under Pennsylvania law. Participants shall NOT record, duplicate, or save or photograph any audio, video or image of any part of the proceeding, including conferences or sidebars. This prohibition applies to using Zoom or any other means of recording or saving content.
3. Any party, attorney, witness or other participant who creates an unauthorized recording of any portion of a Virtual Court Hearing may be held in Contempt of Court, for which the Court may impose sanctions following a hearing, and may face other penalties.