

Dear Justice Stakeholders,

Attached please find a copy of our updated protocol for remote hearings in Phase V. We have found it necessary to change the previous policy as we were not getting notice when a person elected to appear remotely. This has led to confusion and inefficiency especially when circumstances necessitated switching cases to different courtrooms. This new policy will give all District Court personnel a docket entry so we can know when someone elects to appear remotely. I understand there will be a transition period between the old and the new policy and appreciate everyone's patience.

Please use the form noted in the attached memo. All requests will be forwarded to a judge immediately without waiting for response from the other side. In accordance with Chief Judge Barbera's Order all such requests to appear remotely will be granted liberally. The other side will always be given an opportunity to object at the hearing.

Please also note these new protocols do not apply to remote appearances by inmates or persons in the care of the Maryland Department of Health. Those appearances will be conducted in accordance with their separate policies and procedures.

Please disseminate this to your personnel as needed. As always, I welcome your feedback as we respond to this ever-changing situation.

Sincerely,



Eric W. Schaffer

Administrative Judge

District Court of Maryland

District 11- Frederick & Washington Counties

100 W. Patrick St., Frederick, MD 21701

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DISTRICT ELEVEN

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MEMORANDUM

To: All Court Staff, District 11
From: Administrative Judge, Eric Schaffer
Date: September 24, 2020
Subject: **District 11: Protocol for Scheduling Remote Hearings**

The remote technology provided by JIS has been instrumental in keeping the Court functioning during COVID-19. A designated local policy ensures consistency in communications from the clerk's office regarding the scheduling of remote hearings. The guidelines outlined below pertaining to procedures surrounding remote hearing scheduling should be carried out by clerks and staff to the extent practicable.

1. All hearings should be initially scheduled to be conducted in-person. However, an individual involved in a proceeding may request to participate remotely.
2. Case parties that seek remote participation should be directed to file the following form with the court: <https://mdcourts.gov/sites/default/files/court-forms/ccdc110.pdf>
3. Clerks should send the submitted request to the judge for ruling and should not hold the motion for response from the other parties. Clerks should attach the corresponding blank order to the task: <https://courtnet.courts.state.md.us/district/forms/general/ccdc110jo.pdf>
4. If granted, clerks should follow the proper tip sheets that provide steps for incorporating Zoom meeting information into Odyssey, as well as notifying proper parties.
5. Individuals that call requesting the remote hearing link should be given the toll-free phone number and meeting ID **only**. **By dialing in with the phone number and ID, the participant will not have the ability to unmute themselves, unless the Court unmutes them during the session.**
6. Defendants (or their counsel) should be made aware that although they can listen to the session with the provided Zoom information, they will not be permitted to participate in the hearing remotely without a judge's order. If the case includes must-appear charges, their failure to appear could result in a warrant being issued for their arrest.

Hon. Eric W. Schaffer
Administrative Judge
District 11