

Administrative Order – Cattaraugus County Family Court Virtual Trials
Hon. Moses M. Howden

Pertaining to all hearings conducted before the Honorable Moses M. Howden in the Cattaraugus County Family Court, the proceedings will be presented virtually through TEAMS, and the necessity exists to address the admission of exhibits and documentary evidence during the virtual hearing, it is hereby

ORDERED, the parties and the Attorney for the Child[ren] shall pre-mark all exhibits that the parties and the Attorney for the Child[ren] intend to offer as evidence at the hearing and file the original exhibits with the Court Clerk's Office at least five (5) days before the hearing is scheduled to be heard, and it is further

ORDERED, the parties and the Attorney for the Child(ren) shall serve, electronically or otherwise, authentic copies of all such exhibits on the opposing attorneys and the Attorney for the Child[ren] at least five (5) days before the hearing, and it is further

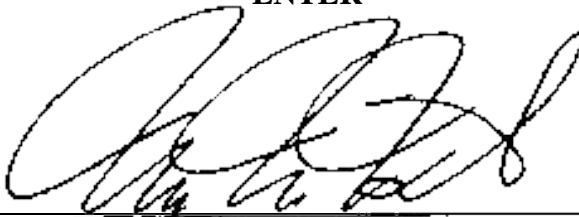
ORDERED, the parties and the Attorney for the Children shall serve, electronically or otherwise, a witness list on the opposing attorneys and the Attorney for the Child[ren] at least five (5) days before the hearing, and it is further

ORDERED, that the parties and Attorney for the Child shall make sure that their witnesses are sequestered when testifying, and it is further

ORDERED, that compliance with terms of this order shall be required for the admission of documentary exhibits and other physical evidence at the hearing, and it is further

ORDERED, that the attached "Policies and Procedures" shall be followed and observed by the parties, their attorneys, and the Attorney for the Child(ren).

ENTER

A handwritten signature in black ink, appearing to be 'M. Howden', written over a horizontal line.

Hon. Moses M. Howden

1. Exhibits

- a. Any documents which a party intends to present or offer as exhibits shall be filed with the Cattaraugus County Family Court Clerk's Office and shall be provided to the opposing party/parties, as well as any attorneys involved in the matter. They must be filed no later than the date provided by the Court when the hearing/trial is scheduled.
 - b. All submissions by counsel should be filed using EDDS. They shall not be mailed or hand-delivered to the Court. Mailing may cause delays or mis-deliveries and should only be used if EDDS is not available.
 - c. Pro se (self-represented) litigants may hand-deliver exhibits to the Court if they are unable to use EDDS.
 - d. Submission of documents and exhibits should only be done by counsel unless a party is pro se.

Direct submissions by represented parties will not be accepted.
2. The submissions should reflect the case name, file number, docket number, and the date and time of the hearing/trial.
3. If multiple exhibits are being submitted, they should be submitted as separate pdfs.
 - a. One exhibit with multiple pages should be submitted as a single pdf "document" through EDDS.
4. Please clearly pre-mark exhibits. Exhibits for the Petitioner will use numbers and respondent letters.

They should also be simply described (Petr's Exh. 1 for identification, Report;

5. **Petitioner** is number Ex. #1; Ex. #2). **Respondent** is letter (Ex. A, Ex. B, etc.).

ALL witnesses should be able to clearly see the documents so they can accurately identify them when on the stand.

6. Please advise the Court in advance if any exhibits will be entered into evidence by stipulation.

PLEASE NOTE: If you have technical difficulties submitting your documents, contact the Court immediately. DO NOT wait until the deadline for submissions or the date of the scheduled trial.

PLEASE NOTE: For all virtual hearings and trials, all parties shall appear visually using Microsoft Teams. The Court must see everyone. All are encouraged to test the application in advance and parties should contact their attorneys in advance regarding logistics, proper trial etiquette, etc.

7. Witnesses

- a. It is the responsibility of the party calling the witness to testify to arrange for their appearance.

Witnesses may come to the courthouse and appear using Teams from the Court's virtual kiosk which is set up in a secure and sterile area for this purpose. The witness will be sequestered and accompanied at all times by security. The kiosk allows for appearances using video and audio over Teams. The area will be thoroughly sanitized before and after each witness. Please advise the Court in advance (and as soon as is practicable) if the virtual kiosk will be required by any of your witnesses.

- b. Witnesses may also appear remotely, as long as they will be connected through the Teams application. The Court will carefully monitor the participants in the

virtual appearance. Witnesses **should not** attempt to connect to Teams in advance. Just like an in-person trial, witnesses will be excluded from the virtual courtroom until it is time for them to give testimony.

- c. Witnesses should have access to any necessary documents on the day of the trial. It is impossible to question a witness about an exhibit they do not have or cannot see,
8. There shall be absolutely no recording – audio, visual, still photo, or by any other means – of any portion of the proceeding. An order will be issued from the bench at the start of the trial and should be interpreted as such. Recording may result in a party being held in contempt of court.
9. Failure to submit any exhibits or documentation by the required deadline may result in those documents being precluded in evidence.
10. Please ensure that your electronic devices are fully charged. Keeping laptops plugged into an outlet is strongly encouraged, as the use of video can discharge a battery quickly. Everyone should plan in advance to be in a location with adequate privacy, internet access, and power.
11. All should be reminded that, although the hearing/trial is virtual, it is still a court proceeding. Proper courtroom attire, language, and etiquette shall be followed.