

**Rules Concerning Virtual Proceedings**  
**Hon. Kelly O'Neill Levy**  
**Part 31**

1. Unless otherwise directed, for non-trial appearances, parties are expected to be present virtually by video (via Microsoft Teams). To the extent possible, attorneys shall assist in ensuring that their clients have the technical capability to be virtually present during court proceedings. In the event that a party does not have a computer or a smart device to access the Teams platform, counsel should endeavor to provide access to a computer, webcam, smart device, or empty office space with appropriate equipment as a location for court presence, if within their capacity to do so.
2. All persons participating should be familiar with Microsoft Teams and understand the platform well enough to participate effectively [including unmuting, muting, showing video, sharing documents (for attorneys and self-represented parties), etc.]. Attorneys are directed to practice using Microsoft Teams with their clients and proposed witnesses prior to the trial to avoid technological delays and enable the greatest ease with which Virtual Court can proceed.

**General Etiquette**

3. Parties, attorneys, and all participants in court proceedings are expected to appear promptly and within ten minutes prior to the official start time of the court. To maximize efficiency and organization, all parties should avoid delays unless in emergency situations, in which they should do their best to communicate to the other parties and the court.
4. All appearing in Virtual Court should dress appropriately as if they were appearing in the actual courtroom.
5. Video or audio recording of Virtual Court is strictly prohibited.
6. Parties who are not testifying or responding to a question by counsel or the court are to make sure that their microphones are muted at all times.
7. Counsel/parties shall adhere to the same rules of civility and professionalism as if they were in an actual physical courtroom. Excessive arguing and/or interruptions will result in discrepancies and confusion within the record and testimony.

## **Pre-Trial**

8. As noted in the Part's existing rules, counsel and self-represented parties on all cases scheduled for trial in Part 31 must appear for a pre-trial conference on a date selected by the court. Counsel and self-represented parties shall exchange and provide to the court the following at least two days prior to the pre-trial conference:
  - a. A statement of proposed disposition, a child support worksheet (if applicable), an updated net worth statement, and most recently filed tax returns.
  - b. A witness list; any expert reports not previously provided; any pre-trial memoranda; and marked pleadings.
  - c. Proof of filing of the note of issue.
  - d. A list of documents which counsel may stipulate into evidence. The documents shall be pre-marked as exhibits.
9. Counsel shall, where necessary, make motions *in limine* and be prepared to discuss any evidentiary issues at the conference.
10. Unless otherwise directed, counsel shall confer and submit a joint statement of undisputed facts at least 10 days prior to the commencement of trial.
11. Attorneys are expected to review the Virtual Court Rules with their clients prior to the virtual court session.

## **Virtual Testimony**

12. Parties/witnesses must appear individually. If other persons are in the room, they must be situated behind the party/witness and, if possible, within view of the camera angle visible to the court.
13. During testimony or proceeding, parties/witnesses are not permitted to speak to or receive notes or communication from any persons who are present in the room.
14. At the beginning of a witness's testimony, each witness shall swear or affirm that they are not receiving unauthorized coaching, influence, and/or manipulation via text, notes, or speech from persons in the room or off-screen during court proceedings, or are recording their testimony in any audio or visual manner. A violation of this provision may result in the witness's testimony being stricken from the record. If the party is appearing over video, they should be prepared to provide the court with a virtual tour of the room and/or be willing to stand if able to show that they are not holding notes or

any aids. This will be done to ensure that the aforementioned rules of integrity are followed. If a litigant or witness resides at a confidential address and/or giving a virtual tour may disclose their whereabouts or there is a safety concern, counsel for that individual shall conduct a virtual tour of the room from which they will be testifying contemporaneously to testimony in lieu of the litigant providing the court with said virtual tour. In this circumstance, counsel shall then affirm to the Court that no notes or aids were seen to be before the litigant and no other person appears in the room off-screen.

(current as of 3/5/2021)