

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

KATHERINE STOCKS
Director and State Court
Administrator



JOHN MCCORMICK
Assistant Court Administrator

AGENDA

Commission to Study Best Practices for Virtual Advocacy in Nevada’s Courts

Date and Time of Meeting: September 26, 2023 @ 2:00 PM

Place of Meeting: Remote Access via Zoom (see “Notices” for access information)

- I. Call to Order
 - A. Call of Roll
 - B. Determination of a Quorum
 - C. Welcome and Opening Remarks
- II. Public Comment
- III. Review and Approval of Previous Meeting Summary (*Tab 1; pages 3-7*)
 - A. August 30, 2023
- IV. Finalization and Approval of the “Preamble for Rules of Virtual Advocacy” (*Tab 2; pages 8-12*)
- V. Review and Approval of Subcommittee Reports
 - A. Subcommittee on Uniform Rules for Civil Cases (*Tab 3; pages 13-15*)
 - B. Subcommittee on Uniform Rules for Criminal Cases (*Tab 4; pages 16-18*)
 - C. Subcommittee on Uniform Rules for Family Cases (*Tab 5; pages 19-22*)
 - D. Subcommittee on Uniform Rules for Limited Jurisdiction Courts (*Tab 6; pages 23-25*)
- VI. Other Items/Discussion
- VII. Public Comment
- VIII. Adjournment

Notices:

- Action items are noted by * and typically include review, approval, denial, and/or postponement of specific items. Certain items may be referred to a subcommittee for additional review and action.
- Agenda items may be taken out of order at the discretion of the Chair in order to accommodate persons appearing before the Commission and/or to aid in the time efficiency of the meeting.
- If members of the public participate in the meeting, they must identify themselves when requested. Public comment is welcomed by the Commission but may be limited at the discretion of the Chair.
- The Commission is pleased to provide reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If assistance is required, please notify Commission staff by phone or by email no later than two working days prior to the meeting, as follows: Jamie Gradick, (775) 687-9808 - email: jgradick@nvcourts.nv.gov
- This meeting is exempt from the Nevada Open Meeting Law (NRS 241.030)
- At the discretion of the Chair, topics related to the administration of justice, judicial personnel, and judicial matters that are of a confidential nature may be closed to the public.
- **Notice of this meeting was posted in the following locations:** Nevada Supreme Court website: www.nvcourts.gov; Carson City: Supreme Court Building, Administrative Office of the Courts, 201 South Carson Street; Las Vegas: Nevada Supreme Court, 408 East Clark Avenue.

Teleconference Dial-in: 1-408-419-1715 or 1-408-915-6290

Meeting ID: 858 4429 4453

Participant Passcode: 058740

TAB 1

Supreme Court of Nevada
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MEETING SUMMARY

Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts

August 30, 2023

2:00 p.m.

Summary prepared by: Jamie Gradick

Note: Because this meeting focused on developing/editing a working document, this summary includes only the relevant discussion and action item portions of the meeting.

Members Present:

Justice Douglas Herndon (Co-chair)
Justice Patricia Lee (Co-chair)
Justice Ron Parraguirre (Co-chair)
Judge Tara Clark Newberry
Judge Paige Dollinger
Evelyn Grosenick
Judge Kriston Hill
Darin Imlay
Judge Tierra Jones
Christopher Lalli
Alicia Lerud
Judge Lori Matheus
Leslie Nino Piro
Jennifer Noble
Jonathan Norman
Judge Melissa Saragosa
Judge Natalie Tyrrell

Guests Present:

Audrey Beeson
Judge Scott Freeman
Peter Handy
Celinda Galindo Hull
Thomas Qualls
Marcie Ryba
JoNell Thomas
Nick Tomassetti
Chief Judge Jerry Wiese

AOC Staff Present:

Ms. Jamie Gradick
Ms. Almeda Harper

- I. Call to Order
 - Justice Herndon called the meeting to order at 2:06 p.m.
 - Ms. Gradick called roll; a quorum was present.
- II. Public Comment
 - There was no public comment.
- III. Review and Approval of Previous Meeting Summaries
 - The summaries of the April 15, 2022, December 2, 2022, and July 11, 2023 meetings were approved.
- IV. Finalization and Approval of the "Preamble for Rules of Virtual Advocacy"

- Attendees reviewed and discussed proposed revisions to the document.
 - Justice Lee commented on the applicability of the presumption lists to the limited jurisdiction courts; given the differences between these courts, it may be better if only the preamble and procedural rules applied to those courts.
 - Justice Herndon informed attendees that, it's his understanding, that the Chief Justice prefers all courts be included in this effort. As such, there will need to be a presumptive appearance case type list developed specifically for the limited jurisdiction courts.
 - Attendees briefly discussed the variety in caseloads, processes, and resources amongst the limited jurisdiction courts.
 - Justice Herndon suggested that the Subcommittee on Uniform Rules for Limited Jurisdiction Courts reconvene, with the addition of members of the Bar and the full-Commission chairs, to try to develop a list that will work for everyone.
 - ♦ Ms. Gradick will reach out to Marcie Ryba and other practitioners in this meeting and will set a meeting up.
 - Judge Clark-Newberry suggested the removal of the “always” language from the preamble as a “carve-out” for those situations where an in-person appearance is impracticable. Softening the language to allow the deviation may be more acceptable to some of the rural jurisdictions.
 - Chris Lalli commented on the importance of statewide uniformity of rules and stated that there are enough “off-ramps” in the procedures to allow for flexibility for those courts and situations that need it. Justice Parraguirre expressed agreement with this.
 - Judge Saragosa expressed concern issuing a written order to a defendant who is not present in the courtroom; this can cause a variety of issues, especially for DV cases.
 - In these instances, is there room in the “offramps” of the rules for courts to make local rules in advance?
 - Judge Saragosa expressed concern regarding gathering initial contact information or completing financial disclosures and suggested that limited jurisdiction court be allowed to develop their own “offramp rules”.
 - Justice Herndon commented that these issues are judge/court specific; the lists are presumptive, the judge will have the discretion to decide what works best for their court and under what circumstances.
 - Justice Lee suggested the addition of specific language allowing the court to “rebut” the presumptions as needed by the court or requested by parties, just for clarity.
 - JoNell Thomas commented that this can't be a “free-for-all” as there are some circumstances that must be in person. Additionally, there is a need for uniformity throughout the state; that shouldn't be “thrown out” for “judicial whim”.
 - ♦ Justice Herndon commented that judges are expected to follow the guidelines and only deviate from the presumptions when they deem it necessary and can support it with a good cause showing.
 - Attendees discussed public attendance and access.
 - Under Section 2(d), public needs to contact the court since not all courts have virtual access links publicly published to their websites; this is cumbersome for those larger courts that do have links readily accessible in their websites.
 - Justice Herndon offered proposed language; attendees agreed.
 - Justice Herndon referenced S.C.R. requiring notice of deviation within 5 days; the preamble sets it at 48 hours.
 - Discussion was held regarding the possibility of revising the S.C.R., and the timing for doing so, in order to avoid a potential conflict between the S.C.R and this document.
 - ♦ A suggestion was made to add “consistent with Supreme Court Rule” to the preamble.
 - ♦ Judge Clark-Newberry commented that the S.C.R.s need updating in a few places.
 - ♦ Justice Parraguirre commented that the S.C.Rs could be updated quickly; a public hearing isn't necessary for these types of updates. Once the Commission's product is complete,

the Supreme Court's legal staff can complete an evaluation of what updates are needed and this can be placed on the next conference agenda.

- Attendees discussed the pro bono exception language proposed by Justice Lee and Mr. Norman.
 - Mr. Norman commented that many pro bono attorneys are more likely to take cases if they know, up-front, whether they may appear remotely.
 - Justice Herndon expressed concern regarding the breadth of the provision and suggested the language be modified to include language encouraging the court to give preference to pro bono practitioners. Attendees agreed to this addition.
- Attendees briefly discussed the remaining changes proposed by Justice Lee and Mr. Norman.
 - Mr. Norman commented that the public access issues had already been addressed by changes made earlier in the meeting.

V. Review of Subcommittee Reports

- Attendees reviewed and discussed the Presumptive Appearance Case Types for Criminal Cases list.
 - Mr. Lalli suggested “preliminary hearings” be added to the list; attendees agreed.
 - Judge Saragosa suggested the addition of “pretrial release hearings”.
 - Justice Herndon clarified that this particular list, along with the civil and family lists, pertain specially to district courts.
 - Justice Parraguirre commented that the civil list contains items that should be relocated to the criminal list; Ms. Gradick made the changes.
 - Attendees discussed what types of proceedings would fall under the “evidentiary” hearings category.
 - Judge Saragosa commented that items already codified in statute wouldn't need to be included on these lists.
 - Evelyn Grosenick expressed concern regarding the “virtual option for family and victims or for defendants already in custody” exception under “sentencing” - allowing the option for parties/defendant to opt for virtual could be problematic.
 - Attendees discussed that this, oftentimes, is a jail transportation issue.
 - Mr. Imlay commented that stipulations by counsel should be exception for all the presumptions.
 - Justice Herndon commented that this could be challenging in instances where the judge has questions regarding the reasoning or details behind the stipulation.
- Attendees reviewed and discussed the Presumptive Appearance Case Types for Civil Cases list.
 - Justice Herndon commented that the civil list contains items that should fall under the family list; these items are already on that list and will be removed from this one.
 - Justice Herndon commented on those hearing types in which both “presumptive in-person” and “presumptive virtual” are listed as options and asked that attendees choose one option or the other.
 - Settlement conferences: Justice Parraguirre commented that preferences among those judges participating in the Supreme Court's settlement program vary and it's more efficient to have a virtual option when adjusters are appearing remotely from out-of-state.
 - ◆ Attendees discussed this needing to be decided on a case-by-case basis and agreed to leave it to judicial discretion with, input from the parties, rather than select a presumption.
 - **Status conferences:**
 - Motion Hearings (dispositive): Attendees discussed the rationale behind this and agreed that this falls under “law and motion” calendar and doesn't need its own category on the list.
 - Attendees discussed the inclusion of “mediation” on the list and agreed to remove it; this was based on feedback from practitioners, but the courts shouldn't weigh in on this.
 - Attendees discussed whether the “Exceptions/comments” will be included in the final recommendations.

- Justice Herndon explained that he doesn't intend this column to be part of the final product so the Commission will need to decide how to incorporate the applicable comments into the preamble/procedural rules.
- Attendees reviewed and discussed the Presumptive Appearance Case Types for Family Cases list.
 - Attendees discussed the inclusion of "mediation" on the list and agreed to remove it; attendees also made changes to "settlement conferences" to conform with those made to the civil list.
 - Justice Herndon suggested "Ex Parte Applications for TPOs" be changed to presumptively in-person to comply with S.C.R.
 - Attendees discussed local preferences/practices and agreed to add "with hearing" and make this presumptively in-person.
 - Attendees discussed "Motions to Extend or Dissolve".
 - Alicia Lerud commented that DV advocates in her jurisdiction have requested that motions to extend hearings remain virtual; statistics show a higher rate of participation in the virtual format.
 - Justice Herndon expressed concern regarding not having the parties appear in person on these issues.
 - Ms. Beeson suggested there be a "carve-out" for instances in which TPO service wasn't properly completed.
 - After discussion, attendees agreed to change this presumptively "virtual" on the understanding that the judge retains discretion to hold it in-person, if they deem it necessary.
 - Ms. Beeson suggested 432B Guardianships be presumptively virtual, especially since the other guardianship hearings are virtual.
 - Attendees briefly discussed and agreed.
 - Attendees briefly discussed the addition of "case closures" to the list; these should be virtual.
 - The change was approved.
 - Ms. Beeson commented that adjudicatory and plea hearings should be separate entries and explained the differences in how these are, usually, handled.
 - Attendees discussed the various forms these hearings take and what they are called in various jurisdictions. A suggested was made to differentiate between "contested" and "uncontested" adjudicatory hearings.
 - Attendees agreed to use the language of 432B to title the initial plea (or admit/deny) hearing category; Judge Dollinger will look this language up and provide it to Ms. Gradick.
 - Justice Lee commented that the subcommittee discussed adoptions should be left to judicial discretion.
 - Judge Dollinger commented that the judge should defer to the family's preference unless there's cause not to.
 - Attendees agreed to make it presumptively virtual understanding that the families are free to choose to come into court.

VI. Next Meeting

- Ms. Gradick will send out a calendar invite the next meeting.

VII. Adjournment

- There being no further comment, the meeting was adjourned at 4:30 p.m.

TAB 2

PREAMBLE FOR RULES OF VIRTUAL ADVOCACY

The rules for Virtual Advocacy in the courtroom were promulgated by the Commission to Study Best Practices for Virtual Advocacy to promote effective and efficient hearings by all Nevada courts, utilizing virtual means for select and defined court matters. The rules' purpose is to create time and cost savings, provide prompt hearings, and heighten access to justice for all parties.

The rules are designed to provide guidance for which court proceedings may presumptively be heard virtually through audio visual means. Because attorneys, their clients and the public should ~~always~~ have the ability to attend court proceedings in person if they so desire, judicial officers should always be present in the courtroom for any court proceeding.

These rules should be interpreted with reference to the purposes of legal representation and of the law itself. When participating in virtual court proceedings, attorneys and all parties must adhere to the Rules of Professional Conduct and, conduct themselves in an appropriate and respectful manner as if they were physically present in court. A lawyer and their clients are also expected to always present themselves in a virtual court proceeding with the same standards, protocols, and guidelines as if they were physically present for the court proceeding. No provision of these rules should be construed to conflict with existing Supreme Court Rules or with Nevada Revised Statutes.

Commented [GJ1]: The civil rules subcommittee has requested this language be removed; however, during the 8/17 meeting with subcommittee chairs, the agreement was to leave these two references to "always".

REMOTE/VIRTUAL HEARING PROCEDURES

In accordance with court rules, should any party wish to deviate from the presumptively virtual or presumptively in-person hearing format, as outlined in the attached "Presumptive Appearance Case Type" lists (Exhibits A-D), please refer to the following procedures to request accommodation from the Court. ~~and these procedures, a party or witness may appear using virtual technology after providing notice to the court and all other parties. After receiving a notice or request for a virtual hearing, the court has the discretion to require an in-person appearance under certain circumstances.~~

If a party intends to deviate from the presumptive hearing format, they are to provide notice to the Court and other parties 48 hours prior to the appearance unless otherwise dictated by Supreme Court Rule. In instances where 48-hour notice is not possible due to exigent circumstances, a party is to provide notice as soon as practicable.

If a case type is presumptively in-person, it is expected that all necessary parties will appear in person unless good cause is shown to justify a virtual appearance. Courts should give deference to virtual appearance requests by pro bono and/or appointed counsel appearing in cases outside of the county in which they reside, except that evidentiary hearings and trials shall be presumptively in-person.

The protocols to request, appear, and conduct virtual hearings will be managed according to ~~local court virtual hearing rules and/or~~ the following procedures:

1. Scheduling

- a. ~~For any virtual proceeding, Once identified for proceeding by way of a virtual hearing,~~ the Court will notify the parties of the date and time of the hearing and will provide hearing access information-
- b. Parties (or counsel if represented) are to provide the Court with their current contact information prior to the occurrence of a virtual hearing, at the time the request for virtual hearing is filed with the court.

2. Attendance

- a. Parties, counsel, and identified witnesses will access the virtual hearing by visiting the appropriate court's public website, or by contacting the Court and following ~~its the court's~~ procedures and/or guidelines.
- b. Prior to the hearing date, it will be necessary for participants to access to the appropriate remote platform on their electronic devices (computers, cell phones, or laptops).
 - All participants must test remote platform app functionality prior to their hearing date.
- c. Most judicial proceedings are presumptively open to the public. As it

does for "in person hearings", the Court retains discretion to "close the courtroom" for the virtual hearing based on the applicable statutory justifications for doing so.

- d. Members of the public, including friends or family, who wish to attend a virtual hearing may do so through the court's website and/or by directly contacting the court, if necessary. ~~are to make a request directly to the appropriate court as outlined by the court's applicable procedures.~~
- Family members, friends, and members of the public who "attend" the virtual hearing are considered non-participants just as they would be for in-person proceedings.

3. Conduct at Hearing:

- a. If the Court authorizes a virtual hearing at which evidence will be presented, all exhibits to be referenced during the hearing must be presented in accordance with court rules and procedures, as applicable.
- b. All other pertinent statutes and court rules will apply to the hearing.
- c. Proper courtroom ~~Business casual or business~~ attire is required ~~appropriate~~ for parties, counsel, and witnesses.
- d. All participants must be able to be seen and heard by all other participants. All participants must have their camera ON when addressing the Court, unless excused.
- e. All participants must identify themselves with court-appropriate screen names.
- f. During the hearing, parties that are not testifying should have their microphones muted unless they are speaking.
- e.g. Participants utilizing the chat function should do so professionally and respectfully.
- h. Witnesses should be in a room alone during testimony, without access to any documents or papers, other than copies of exhibits already provided to the Court and opposing parties.
- f.i. When the Exclusionary Rule is invoked, all parties shall be admonished accordingly to follow applicable court rules.

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~~g.i.~~ Attorneys and parties who are in separate locations may communicate privately via text or email during the hearing, provided however, parties may not communicate with counsel while they are testifying.

~~h.k.~~ No one may communicate with witnesses privately during their testimony ~~the hearing~~ without the Court's permission.

~~i.l.~~ All participants must be in an office or room with proper lighting. There should not be any distractions (noise or other things) occurring in the background.

~~j.m.~~ ~~All participants must have their camera ON when addressing the Court unless excused.~~

~~k.n.~~ Participants will be allowed to speak only when prompted by the Court.

~~l.o.~~ Participants should ask to sign off before signing off to make sure they do not have any other issues to resolve.

~~m.p.~~ Attorneys are responsible for advising a clients's and witnesses regarding appropriate behavior while participating.

~~n.q.~~ If a party's internet connection is poor and the Court is unable to view, hear, or understand an attorney or litigant, the Court reserves the right to hear from the party telephonically, continue the matter, ~~or~~ take the matter off-calendar, or pursue any other remedy that the Court deems appropriate.

4. Court Reporters

- a. Refer to local court rules and procedures for the use of court reporters during virtual hearings.

5. Court Interpreters

- a. Refer to local court rules and procedures for the use of court interpreters during virtual hearings.

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TAB 3

EXHIBIT A

Presumptive Appearance Case Types for Civil Cases in District Courts

Case/Hearing Types	Presumptively In-Person	Presumptively Virtual	Exceptions/Comments*
Settlement Conferences	NA	NA	Case by Case judicial Discretion. To be determined by the judicial officer at the time of setting, with input from the parties.
Status Conferences/ Trial Readiness	X	X	Locals can choose to be in person but default should be presumed Virtual
Entry of Plea	X		
Probation Revocation	X		
Order to Show Cause	X		
Bail Hearing	X		
Sentencing	X		
Motion Hearings (dispositive)	X	X	Case by Case Attorneys can choose
Discovery Commissioner Motions		X	
Trials	X		Case by Case Judicial discretion Rule needs to incorporate emergency process for when a witness is ill morning of
Involuntary Commitment		X	Virtual appearances will allow appearances from hospitals without the need to transport
Term of Parental Rights (uncontested)		X	
Term of Parental Rights (contested)	X		
Adult Guardianship		X	
Minor Guardianship		X	
Pretrial Conferences		X	Not applicable to status checks

Commented [GJ1]: If this comment won't be included in the final product, the commission needs to decide how to incorporate this into the preamble/procedural rules.

Commented [GJ2]: Need to choose one option or the other; attendees didn't come to a decision during the meeting.

Commented [GJ3]: These items have been relocated to the criminal list

Commented [GJ4]: Falls under "law and motion"

Commented [GJ5]: These items exist on the family cases list

Case/Hearing Types	Presumptively In-Person	Presumptively Virtual	Exceptions/Comments*
Hearing on Ex Parte Filing		X	
Mediation	X		
Evidentiary Hearing	X		Rule needs to incorporate emergency process for when a witness is ill morning of
Probate Status Hearing		X	
Probate Uncontested		X	
Probate Contested	X		
Specialty Court Hearings	X		Maybe virtual option for Group A participants, as a reward?
Competency Review	X		
Delinquency Review	X		
Detention Review	X		
Injunctive Relief	X		
Calendar Call		X	
Law and Motion Generally		X	

*Exceptions/Comments column is for Commission discussion purposes only and will be removed before final publication

TAB 4

EXHIBIT B

Presumptive Appearance Case Types for Criminal Cases in District Courts

Case/Hearing Types	Presumptively In-Person	Presumptively Virtual
General Arraignments		X
Arraignments <i>Involving guilty pleas</i>	X	
General Motion Practice		X
Motion Practice <i>Involving the presentation of witnesses and/or evidentiary items</i>	X	
General Status Checks		X
Status checks <i>Where a timely notice of a compliance issue has been provided</i>	X	
General Competency Hearings		X
Competency Hearings <i>Involving dispositive motions, challenge hearings or any other hearings involving the presentation of witnesses and/or evidentiary items</i>	X	
General Specialty Court Hearings - <i>Prosecution</i>		X
General Specialty Court Hearings – <i>Defense - First appearance</i>	X	
General Specialty Court Hearings – <i>Defense - After First appearance</i>		X
Specialty Court Hearings <i>Involving a timely notice of a compliance issue - Prosecution and Defense</i>	X	
General Calendar Calls		X
Calendar Calls <i>Involving a guilty plea</i>	X	
Trials	X	

Case/Hearing Types	Presumptively In-Person	Presumptively Virtual
Settlement Conference	X	
General Sentencing Hearings	X	
Sentencing Hearing <i>Out of town/state defendant and a stipulation to probation and/or statutorily mandated probation</i>		X
Post-Conviction/Writs		X
Probation Revocation Hearings	X	
Misc. Post-Conviction Appellate Motions		X
Misc Evidentiary Hearing	X	
Grand Jury Proceedings	X	

TAB 5

EXHIBIT C

Presumptive Appearance Case Types for Family Cases in District Courts

Case/ <u>Hearing</u> Types	Presumptively In-Person	Presumptively Virtual	Exceptions/Comments*
ALL CASE TYPES			
Evidentiary Hearings	X		Unless all parties agree to Virtual
Order to Show Cause	X		
Contested Prove-Ups	X		
Uncontested Prove-Ups		X	
Trials/Terminations	X		
Settlement Conferences	<u>NA</u>	<u>NA</u>	<u>To be determined by the judicial officer at the time of setting, with input from the parties.</u> Judge's Discretion
CIVIL/DOMESTIC			
Case Management Conference		X	
Adoptions	X		Judge's Discretion
Motions		X	
Return Hearings		X	
Status Checks		X	
In-Custody Hearings		X	
UCCJEA		X	
UIFSA and TPO Objections		X	
TEMPORARY PROTECTIVE ORDERS			
Ex Parte Applications for TPOs <u>(with hearing)</u>	<u>X</u>	<u>X</u>	
Motions to Extend or Dissolve	<u>X</u>	<u>X</u>	
Unopposed Motions		X	
JUVENILE DEPENDENCY			
Adoptions	<u>X</u>	<u>X</u>	Judge's Discretion
Preliminary Protective Hearings	X		

Case/ <u>Hearing</u> Types	Presumptively In-Person	Presumptively Virtual	Exceptions/Comments*
432B Guardianships Citations	X	<u>X</u>	
<u>Contested Adjudicatory Hearing pursuant to NRS 432B.530</u>	<u>X</u>		
<u>Uncontested Adjudicatory Hearing pursuant to NRS 432B.530</u>		<u>X</u>	
<u>Adjudicatory/Plea Hearings</u>	X	<u>X</u>	
Panel Reviews	X		
Status Checks		X	
Unopposed Motions		X	
Disposition Hearings		X	
In-Custody Hearings		X	
Reviews/Permanency		X	
<u>Case Closures</u>		<u>X</u>	
JUVENILE DELINQUENCY			
Detention Hearing	X		
Plea Hearing	X		
Detention Reviews and Objections		X	
Certifications	X		
In-Custody Hearings	X		Important for children to appear in court
Report and Disposition		X	
FAMILY SPECIALTY COURTS			Including but not limited to: Family Preservation Court (4 th JD) Family Treatment Court (2 nd JD) Safe Babies Court (2 nd JD) Juvenile Mental Health Court Juvenile Drug Court Juvenile Diversion Court Juvenile Restitution Court Juvenile Delinquency Court Dependency Mental Health Court Dependency Drug Court
Poor Progress	X		
Good Progress		X	As incentive

Case/ <u>Hearing</u> Types	Presumptively In-Person	Presumptively Virtual	Exceptions/Comments*
Detention Alternative for Autistic Youth Court (DAAY Court 8 th JD)	X		Held in person regardless of progress
CHILD SUPPORT			
Initial Child Support		X	
Modification Hearing		X	
Enforcement Hearing	X		
Motion Hearings		X	
In-Custody Hearings		X	
ADULT GUARDIANSHIP			
All Adult Guardianship Hearings		X	
MINOR GUARDIANSHIPS			
Citation Hearings		X	
Motions		X	
Status Check		X	
Compliance		X	
FAMILY MEDIATION			
Mediations		X	
Parent/Child Observation	X		

*Exceptions/Comments column is for Commission discussion purposes only and will be removed before final publication.

TAB 6

EXHIBIT D

Presumptive Appearance Case Types for Limited Jurisdiction Courts

Case/Hearing Types	Presumptively In-Person	Presumptively Virtual	Exceptions/Comments*
Criminal			
Pre-trial release hearing		<u>X</u>	Judges Tiras, Bishop, and Matheus prefer virtual Judges Saragosa and Leung prefer in-person, virtual requires a motion with good cause
Preliminary Hearings, Misdemeanor Trials, and Other Evidentiary Hearings	<u>X</u>		Judges Tiras, Bishop, and prefer virtual, would like to avoid filing a motion for every case Judges Saragosa, Matheus, and Leung prefer in-person, virtual requires a motion with good cause <u>Combined preliminary hearing and testifying witness</u>
Arraignment		X	
Contempt and Probation Revocation Hearings	<u>X</u>		Judge Tiras and Judge Bishop prefer virtual Judge Saragosa and Judge Leung prefer in-person <u>In-custody defendants can be virtual</u>
Status Check		X	
Misdemeanor Trial	<u>X</u>		Judge Tiras and Judge Bishop prefer virtual Judge Saragosa and Judge Leung prefer in-person <u>Combined preliminary hearing and testifying witness</u>
Testifying Witness	<u>X</u>		Judges Tiras, Bishop, and Matheus prefer virtual Judges Saragosa and Leung prefer in-person
Revocation Hearing	<u>X</u>		Judges Tiras, Bishop, and Matheus prefer virtual

Case/Hearing Types	Presumptively In-Person	Presumptively Virtual	Exceptions/Comments*
			Judges Saragosa and Leung prefer in-person <u>Combined with Contempt Hearings</u>
<u>Revocation Hearing – In Custody</u>		X	Eliminates transport <u>Combined with Contempt Hearings</u>
<u>Contested hearing</u>		X	<u>Remove as these fall under new prelim, misdo, and evidentiary category</u>
Extraditions	X	X	<u>For paperwork but attorneys can appear virtually</u>
Jury Trial	X		Jury must be in-person. Witnesses, attorneys, etc. can appear virtually
<u>Motion Practice</u>		X	<u>Similar to Civil subcommittee wording</u>
<u>Confirmation of Council Proceeding</u>		X	
Civil			
Civil Infractions		X	
Small Claims	X		It depends on the evidence, Start as virtual, if an issue comes up, reschedule as in-person <u>Deviate to virtual if an inmate is involved</u>
Evictions		X	
TPO		X	
Bail Hearings		X	
<u>Motion Practice</u>		X	
<u>Trials</u>	X		
<u>Status Checks</u>		X	

*Exceptions/Comments column is for Commission discussion purposes only and will be removed before final publication