

## Sample Findings Regarding Virtual Trials

The Court's order should include specific findings regarding the procedural safeguards the court used in order to memorialize the record.

### Remote Appearances:

The Court has reviewed the Memorandum issued from the Supreme Court on May 11, 2020, and subsequently, the Florida Supreme Court Administrative Order 20-23, Amendment 4 and Administrative Order 20-23, Amendment 5, regarding best practices regarding remote appearances. Pursuant to same, the Court required the parties to exchange exhibits remotely.

The parties were provided a pre-trial hearing on June 16, 2020, as well as a hearing on objections on July 6, 2020, at which time they had the opportunity to file any motions or objections deemed appropriate.

<b>Sample findings regarding evidence and discovery</b>	<ul style="list-style-type: none"><li>• Prior to the pre-trial, the parties exchanged witness lists, exhibit lists, and discovery.</li><li>• The court confirmed that all parties had access to the exhibits admitted into the evidence.</li><li>• Any objections to the admission of exhibits were fully heard prior to its admission.</li></ul>
<b>Sample findings regarding access to technology</b>	<ul style="list-style-type: none"><li>• The Court ensured the witnesses had access to the requisite technology to fully participate in the proceedings.</li><li>• On _____, during the pretrial hearing, the Mother verified that she has the requisite technology and ability to appear remotely with video, audio, and chat capabilities.</li></ul>
<b>Sample findings regarding witness testimony</b>	<ul style="list-style-type: none"><li>• The Court and counsel were able to see and hear all parties throughout the hearing.</li><li>• No party advised that he or she was having difficulty with the technology such that it impaired participation in the proceedings.</li><li>• Before each witness testified, the Court was able to positively identify the witness to administer the oath in accordance with the Supreme Court Administrative Orders promulgated regarding same.</li><li>• During the presentation of witness testimony, all parties were able to contemporaneously raise objections. Any objections raised were immediately ruled on before proceeding.</li><li>• During the presentation of witness testimony, the Court was fully able to see and hear each witness and was able to observe the witness's demeanor.</li><li>• The rule of sequestration was invoked. The Court monitored the participants in the hearing to ensure that a witness did not improperly observe another witness's testimony. The court also impressed upon all witnesses the risk of contempt of court for failing to follow the rule of sequestration.</li><li>• All parties were afforded the opportunity to cross-examine witnesses before the witness was excused.</li></ul>

<b>Sample findings regarding witness testimony, cont.</b>	<ul style="list-style-type: none"><li>• During the presentation of witness testimony, the Court was fully able to see and hear each witness and was able to observe the witness's demeanor.</li><li>• The court also confirmed that the witness was not relying upon notes or documents.</li><li>• The rule of sequestration was invoked. The Court monitored the participants in the hearing to ensure that a witness did not improperly observe another witness's testimony.</li></ul>
<b>Sample findings regarding attorney communication with client</b>	<ul style="list-style-type: none"><li>• All parties were provided the opportunity to privately confer with their clients during the hearing.</li><li>• The parent(s) were advised they could communicate with their attorney privately at any time during the hearing via ZOOM chat, cell phone texts, cell phone calls, email, utilization of breakout room function and court recesses.</li><li>• The waiting room on Zoom was employed. Breakout rooms were also employed during the trial to afford the parents and their attorney the opportunity to confer in private.</li><li>• The court routinely inquired of counsel whether they needed a break to confer with their clients.</li></ul>
<b>Sample findings regarding connectivity</b>	<ul style="list-style-type: none"><li>• No party lost connectivity during the hearing. OR (<u>Party X</u>) lost connectivity during the presentation of (<u>witness</u>). The proceeding was immediately recessed and was not recommenced until (<u>Party X</u>) rejoined the proceeding.</li><li>• Nothing occurred during the hearing that would have caused the Court to halt the hearing or render the hearing unreliable. (If there were problems during the hearing, you must include how they were addressed.)</li><li>• The hearing was recorded in full.</li></ul>