

IN THE 21st JUDICIAL CIRCUIT
STATE OF ALABAMA

ADMINISTRATIVE ORDER

An Order Relating to Virtual Court Hearings

WHEREAS, the Supreme Court of Alabama issued an administrative order dated March 13, 2020 that “. . .[a]ll in-person proceedings in all state and local courts in Alabama, including, but not limited to, proceedings in the circuit court, district court (including cases on the small claims docket), juvenile court, municipal court, probate court, and appellate courts, are suspended beginning Monday, March 16, 2020 through Thursday, April 16, 2020, subject to [certain] exceptions . . .”; and

WHEREAS, in the above-referenced administrative order, the Supreme Court of Alabama expressly provided in the order that “. . . all judges and clerks are urged to limit in-person courtroom contact as much as possible by utilizing available technologies, including electronic filing, teleconferencing, and videoconferencing . . .” and further provided that “. . . [t]his order expressly does not prohibit court proceedings by telephone, video, teleconferencing, or other means that do not involve in-person contact. . .”; and

WHEREAS, Supreme Court of Alabama Chief Justice Tom Parker issued an order dated March 24, 2020, for court reporters in a court proceeding using audio-video communication technology to administer oaths to witnesses who are not physically present before the court reporter; and for trial courts to consider the testimony of those witnesses as evidence; and

WHEREAS, the Supreme Court of Alabama issued an administrative order dated April 2, 2020, that adopted the administrative orders previously issued by Chief Justice Parker dated March 16, 2020, March 18, 2020 and March 24, 2020. Further, the Supreme Court of Alabama’s

April 2, 2020, order provided that “. . .[a]ny deadlines in the Court’s Administrative Orders that are set to expire on April 16, 17 or 20, 2020, are hereby extended through **April 30, 2020**, and the orders shall remain in full force and effect through **April 30, 2020**. . .” ; and

WHEREAS, after consultation with all other judges of this Judicial Circuit, the following rules are deemed necessary for the local implementation of virtual court hearings;

It is therefore ORDERED that until April 30, 2020, or during any subsequent period of time the Supreme Court of Alabama shall suspend or partially suspend in-court proceedings and allow for court hearings to be conducted by audio conference or video conference, the following rules and guidelines are hereby adopted and shall be followed by all parties appearing for any hearing or trial that is presently pending or hereinafter filed in this Judicial Circuit in which sworn testimony is taken by the use of video conferencing or audio conferencing equipment.

1. Definitions:

The term "*video conference*" means the use of any interactive technology that sends and receives video, audio, and data so that two or more individuals can communicate with each other contemporaneously from different locations using cameras, microphones, speakers, cell phones or telephones, and computer monitors or screens that allow the individuals participating to view and hear each other.

The term "*audio conference*" means the use of any interactive audio technology, including a cell phone or telephone, that permits two or more individuals to contemporaneously speak with each other from different locations.

2. Each judge or referee of this Judicial Circuit shall have the discretion to require that any non-jury court proceeding be conducted by video conference or audio conference. Except as otherwise provided by law or separate Supreme Court of Alabama order, every court proceeding