

Conducting Court Proceedings During a Pandemic

The Honorable Perry H. Gravely, Circuit Court Judge
Thirteenth Judicial Circuit

The Honorable Walton J. McLeod, IV, Circuit Court Judge
Eleventh Judicial Circuit



Virtual South Carolina
Local Government Attorneys' Institute



**SOUTH CAROLINA
ASSOCIATION OF COUNTIES**

Friday, November 20, 2020

Court during the Pandemic and Beyond

Hon. Walton J. McLeod, IV (11th Circuit)

Hon. Perry H. Gravely (13th Circuit)

I. "Court Operations" Memorandum- Chief Justice Donald W. Beatty (Sept. 14, 2020)

A. WebEx Hearings

1. Judges Discretion for conducting hearings by "remote communication technology."
2. Consent of parties not required
3. Press and other interested individuals allowed to observe

B. In-Person hearings

1. Limited to attorneys, parties, necessary witnesses, court staff and limited number of members of press.
2. Hearings to be adequately staggered to minimize number of people appearing, in waiting areas, etc.
3. Scheduling so that there is 20 minute break between hearings
4. Limited number of hearings per day
5. CDC Guidelines to be followed
 - a. Social distancing
 - b. Wearing of Personal Protective Equipment
 - c. Sanitizing supplies

C. Family Court

D. Circuit Court

1. All circuit court to hold jury trials as scheduled on Court Calendar
2. Chief Administrative Judges for Circuit are to prepare rosters
3. Continuances should "not be granted based solely on a general reluctance by a party, attorney, or witness to attend court, so long as proper safeguards and protocols are being observed."

II. WebEx Virtual Courtroom

A. Locating Judge's Courtroom.

1. Go to *sccourts.org*. Click on Calendar/Monthly view. Then select Circuit Court for the day of your hearing-this will provide a list of all Circuit Judges and the Virtual Courtroom link.

2. User Guide

B. Troubleshooting

1. Host has not started session
2. Bandwidth
3. Use of call in feature
4. Be patient and flexible

C. Tips for using WebEx

D. Parties' Recording of WebEx hearings prohibited. Order of Chief Justice Beatty. (9.29.20)

III. Jury Trials

A. Jury Qualification and Selection

B. Courtroom modifications

C. Other modifications

IV. Going Forward

A. Hearings via WebEx

B. Jury Trials



The Supreme Court of South Carolina

DONALD W. BEATTY
CHIEF JUSTICE

POST OFFICE BOX 3543
SPARTANBURG, SOUTH CAROLINA 29304-3543

MEMORANDUM

To: Circuit Court Judges
Family Court Judges
Clerks of Court

From: Chief Justice Beatty

Subject: Court Operations

Date: September 14, 2020

I. Status Update

For the past six months, our state and nation have battled the ongoing COVID-19 pandemic. During this time, the South Carolina Judicial Branch has been forced to alter our courts' normal operating procedures. Yet, despite these challenging circumstances, our judges, clerks of court, and court staff have worked diligently to ensure that the South Carolina Judicial Branch continues to accomplish its mission "[t]o provide a fair and efficient forum for the just resolution of civil, family, and criminal matters." Since the beginning of this pandemic, Circuit Court and Family Court judges have held about 11,000 hearings via WebEx. Numerous other hearings have additionally been held in person, via Zoom, teleconference, and other platforms. I am truly grateful to all who have made this possible.

As we have incrementally increased court operations, it is now time to move toward normal court operating procedures. **Pursuant to the Supreme Court's order dated April 3, 2020, titled RE: Operation of the Trial Courts During the Coronavirus Emergency (As Amended April 22, 2020), this memo serves as notice that beginning September 21, 2020, court operations will resume normal scheduling and docket management, including in-person hearings in Circuit Court and Family Court, as well as General Sessions and Common Pleas jury trials.** All matters may be heard in-person effective September 21, 2020. Judges,

however, have discretion to determine whether it is appropriate to conduct a hearing using remote communication technology. Consent of the parties or counsel is not required. Please use WebEx, the conferencing platform supported by the Judicial Branch. Videoconferencing should be hosted by the judge and not by a party to the case. In cases where members of the press request to observe a remote hearing that ordinarily would be open to the public, an invitation to the videoconference should be provided to them.

When an in-person hearing is conducted, only attorneys, the parties, necessary witnesses, necessary court staff and a limited number of members of the press will be allowed to appear. Hearings must be adequately staggered to minimize the number of people appearing at the same time in the courtroom or hearing room, and the waiting rooms, hallways or other common areas which support the courtroom or hearing room. Particular attention should be paid to scheduling so that at least twenty (20) minutes separate the conclusion of one hearing and the beginning of the next hearing. It is understood that this scheduling will limit the number of hearings held each day. Where appropriate, judges should consider ruling upon motions without need for a hearing.

Any matter heard in person must be conducted in a reasonably safe manner in accordance with established COVID-19 protocol. Reasonably safe manner assumes adherence to CDC social distancing recommendations, wearing of personal protective equipment when appropriate, availability of adequate sanitizing supplies, and staggering of hearings.

II. Family Court

In-person hearings on all matters should begin September 21, 2020; however, Family Court Judges have discretion to determine whether the matter may be handled using remote communication technology. Judges are reminded that continuances are to be avoided. Family Court Judges may continue to grant an uncontested divorce, approve a settlement agreement or consent order, without a hearing.

III. Circuit Court

Given the success of the pilot General Sessions jury trials held in August 2020, all judicial circuits should now prepare to conduct General Sessions and Common Pleas jury trials through the remainder of 2020.

Counties that have submitted a COVID-19 Jury Trial Plan and received approval may proceed with conducting jury trials. Counties that have not submitted a plan shall do so by September 18, 2020. It is the responsibility of the Chief Judge for Administrative Purposes in each circuit to ensure that plan is submitted for each county in the circuit.

IV. General Guidance

Please take note of the following:

1. Clerks of Court, in consultation with the Chief Judges for Administrative Purposes, shall prepare dockets for the ensuing terms of court through December 31, 2020. Full dockets are required for Common Pleas, General Sessions, and Family Court. Should your scheduled term of court break down or collapse for one or more days of the week, please notify Tiffany Raines at Court Administration as soon as possible.
2. Limited judicial travel for court assignments is permitted. However, travel will be allowed outside of a judge's home circuit only when the travel can be accomplished by commuting daily. Judges should carefully review their schedules for the remainder of 2020 and determine whether their current assignments will allow them to commute on a daily basis. If a judge has assignments which would require them to remain overnight, please notify Tiffany Raines at Court Administration. Unless a judge will be staying with family, Court Administration will make adjustments to the statewide calendar to allow for a daily commute. However, chief judges for administrative purposes may continue to handle cases within the circuit for which they are assigned as administrative judge.
3. Continuances should not be granted based solely on a general reluctance by a party, attorney, or witness to attend court, so long as proper safeguards and protocols are being observed.
4. Chief administrative judges should work with the Attorney General's office to schedule PCR hearings as may be feasible.

V. Monitored Plan

As we have seen thus far in 2020, the impacts of the COVID-19 pandemic have been unprecedented and unpredictable. This may continue for many months.

I will continue to monitor court operations and make alterations should the need arise statewide or in a particular judicial circuit.

I thank you for your continued commitment to provide access to the courts and ensure that justice is served. Please let me know if you have any questions or concerns.



SCJB Webex Events

Guide for Attorneys

Virtual Court

August 7, 2020

**South Carolina Judicial Branch
Office of Information Technology**

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Columbia, South Carolina 29201
IT Help Desk: (803) 734-1799

www.sccourts.org



Introduction

Cisco Webex Events is the **Judicial Branch's** method for hosting **Virtual Court**. While it has features similar to **Cisco Webex Meetings**, it offers a robust version of events and moderated webinars that are suitable for a virtual courtroom. It is designed to allow communication typically through the internet via shared audio, video, and file sharing. You do not need a **Webex** account in order to represent your client in a virtual courtroom.

This guide will specifically cover the procedures in **Webex Events** that will enable an **Attorney** to:

- **Enter and Exit a Virtual Court Session**
 - Joining a Court Session
 - Leaving the Court Session
- **Presenter Functions**
 - How to Attend a Test Meeting
 - How to Raise/Lower Your Hand
 - How to Communicate with Participants
 - Virtual Sidebar

Joining a Virtual Court Session

A virtual court session does not start automatically at the scheduled time. It must be started by the Host (Judge). Each judge has his/her own virtual courtroom. No one can enter a judge's virtual courtroom until the judge has started the session.

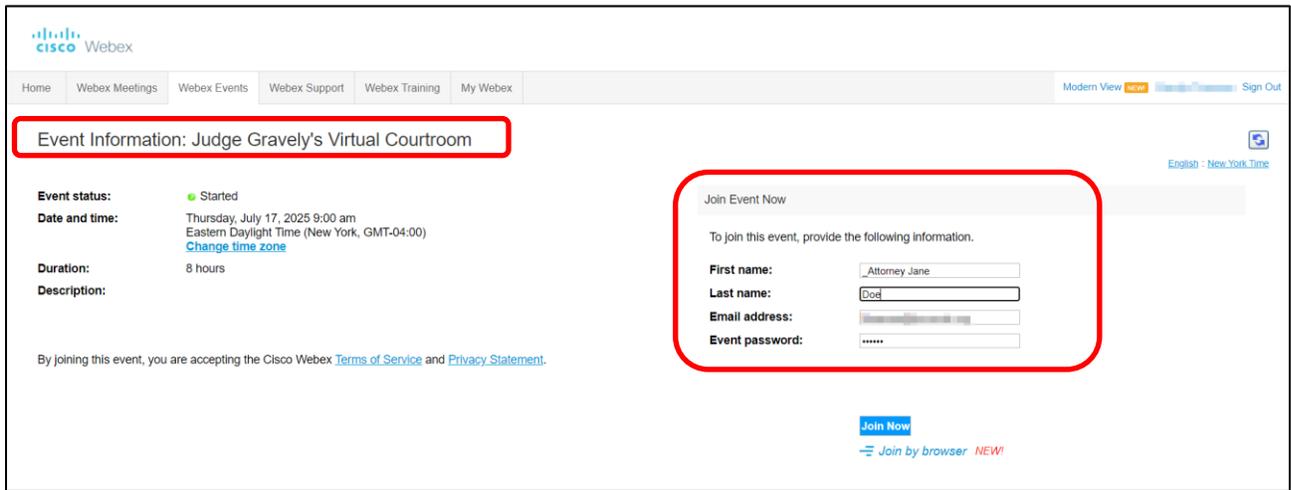
Attorneys access a judge's virtual courtroom via SCJB's monthly calendar page.

1. Open a **Chrome** browser and type <https://www.sccourts.org> in the address bar.
2. When the **SCJB** home page appears, select **Calendar>>Monthly View**.
3. The current month's calendar appears.
4. Find the date for the court session.
5. Click on the appropriate link: **Circuit** or **Family**
6. In this example, we will use the **Circuit** link.
7. The Circuit Court Judges' daily schedules appear. Click on the **Virtual Court** link appearing beneath the "End Date" or "Court Reporter(s)" for a specific judge.



Common Pleas Non-Jury/General Sessions Non-Jury
Judge: Gravely, Perry H.
Circuit No: 13
Start Date: 07-27-2020
End Date: 07-31-2020
[Virtual Court Link](#)

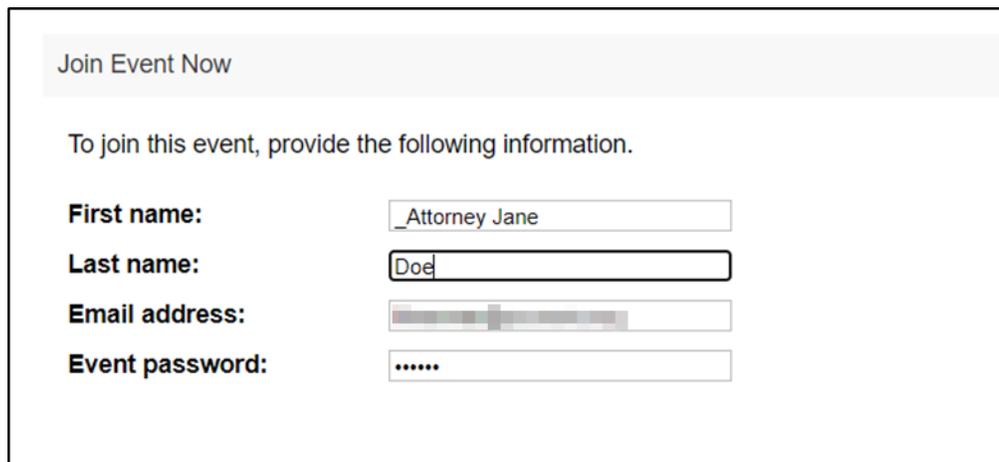
8. The **Webex Events** “Event Information” screen appears.



The screenshot shows the Cisco Webex Events interface. The top navigation bar includes 'Home', 'Webex Meetings', 'Webex Events', 'Webex Support', 'Webex Training', and 'My Webex'. The 'Event Information: Judge Gravely's Virtual Courtroom' title is highlighted with a red box. The event details on the left include: Event status: Started; Date and time: Thursday, July 17, 2025 9:00 am Eastern Daylight Time (New York, GMT-04:00); Duration: 8 hours; Description: (empty). The 'Join Event Now' section on the right is highlighted with a red box and contains the following fields: First name: _Attorney Jane; Last name: Doe; Email address: (blurred); Event password: *****. A 'Join Now' button and a 'Join by browser NEW!' link are visible at the bottom right.

9. Check the “Event Information” to confirm you have accessed the correct judge’s virtual courtroom prior to joining the session.

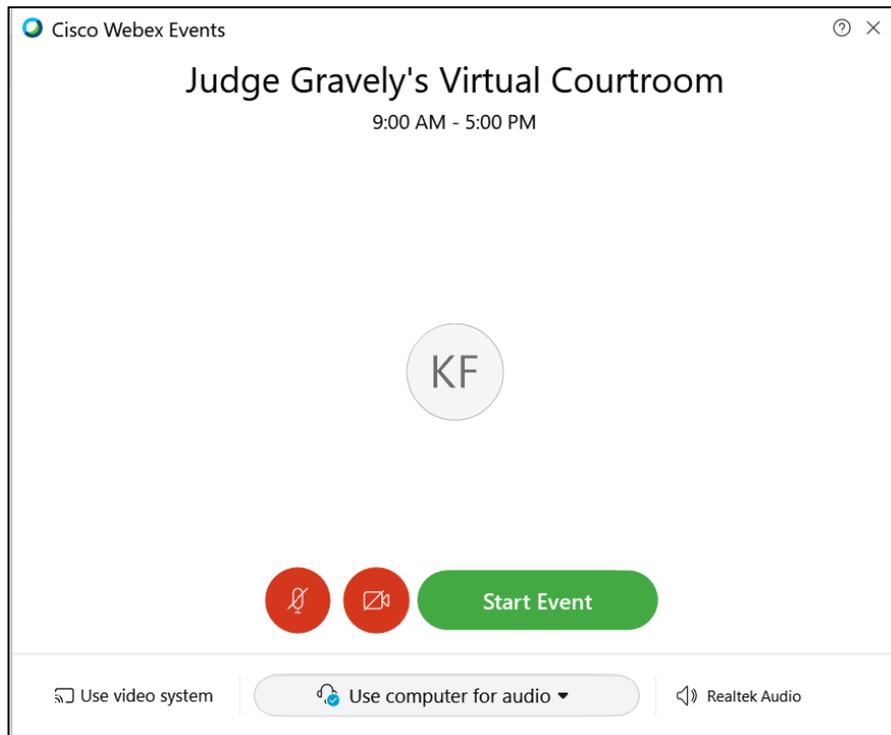
10. Join the court session by completing the “Join Event Now” section on the right side of the screen. Modify your first name by typing an underscore character followed by the word “Attorney” and then a space before your first name. In the example, “Jane” becomes “_Attorney Jane”. Your first and last name will be combined in the court session and will appear as “_Attorney Jane Doe”. Using the underscore before the word “Attorney” assures that all attorney names will appear together at the top of the attendee list. And no attendee whose first name just happens to begin with the letters “Att” will be in that part of the list.



The close-up screenshot shows the 'Join Event Now' form with the following details: Title: Join Event Now; Instruction: To join this event, provide the following information.; Fields: First name: _Attorney Jane; Last name: Doe; Email address: (blurred); Event password: *****.



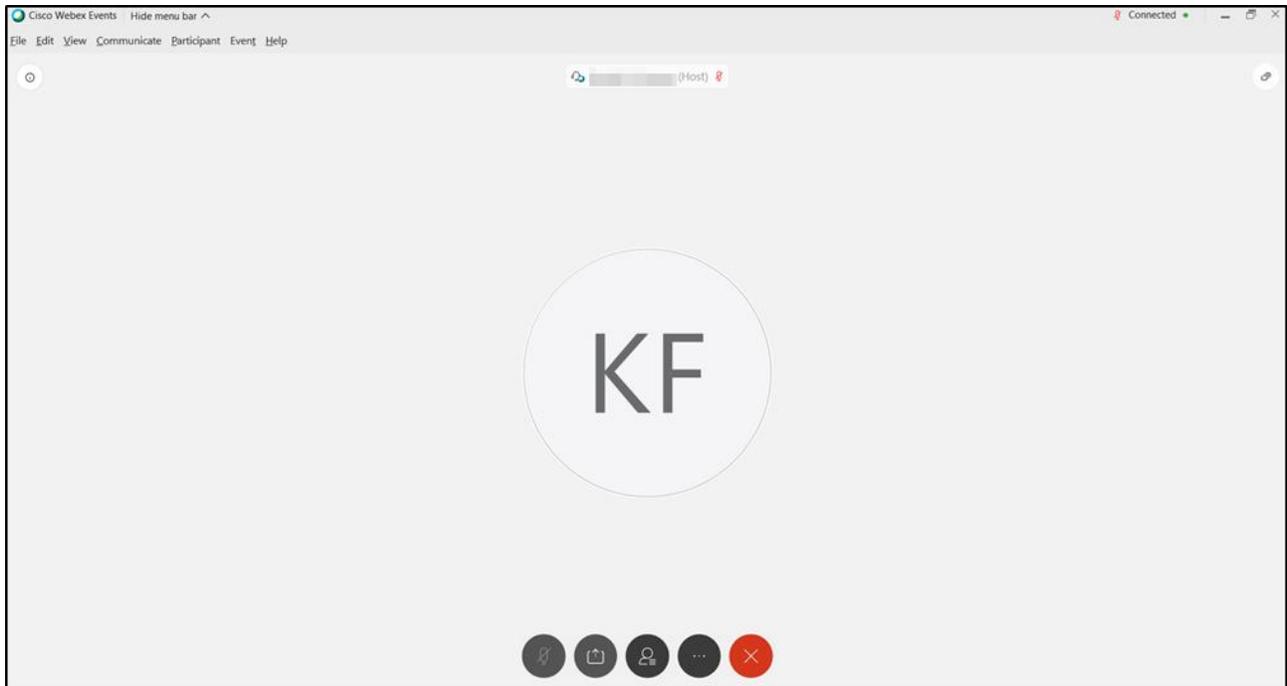
11. Enter your email address. An event password has already been provided for you.
12. Click the blue "Join Now" [Join Now](#) button at the bottom of the screen.
13. The judge's virtual courtroom window appears.



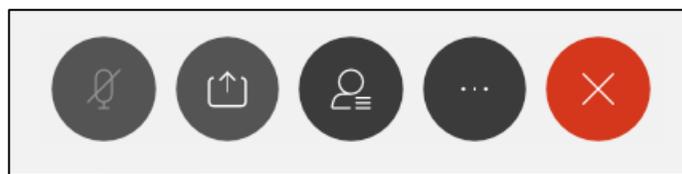
14. Click the "Join Event" button.
15. You enter the virtual courtroom.



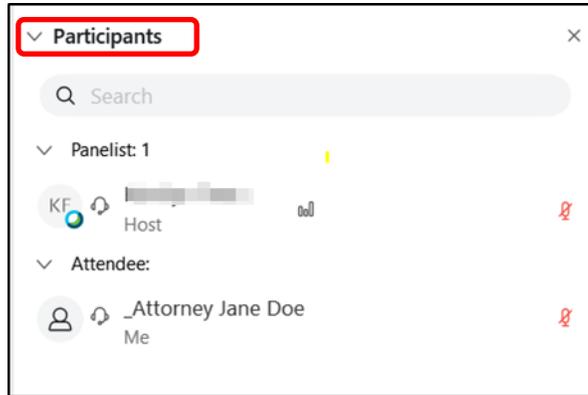
Cisco Webex Events: Virtual Court for Attorneys



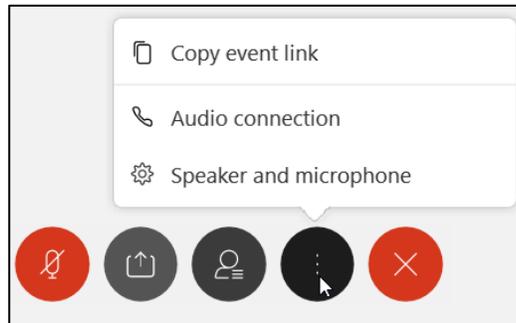
16. The name of the judge appears at the top of the screen as the Host. You have joined as an **Attendee**; however, the judge can promote you to a **Presenter** at the appropriate time which will give you the necessary privileges to present or to defend your case.
17. When you first enter the virtual courtroom your microphone will be muted. The microphones of all attendees have been muted by the Host who will allow them to be unmuted at the appropriate time.
18. At the bottom of your screen are several icons.



19. The first icon allows you to mute or unmute your microphone (once the Host has released control of the microphones).
20. The second icon, when enabled by the Host, allows you to share the content on your screen with all attendees.
21. The third icon allows you to view or hide the list of other participants in the session by opening the **Participants** panel.



22. The fourth one provides a few additional options to include: copy the event link, switch your audio connection from your computer to a phone, test your speaker and adjust the volume on your microphone.



23. The fifth icon allows you to leave the court session.

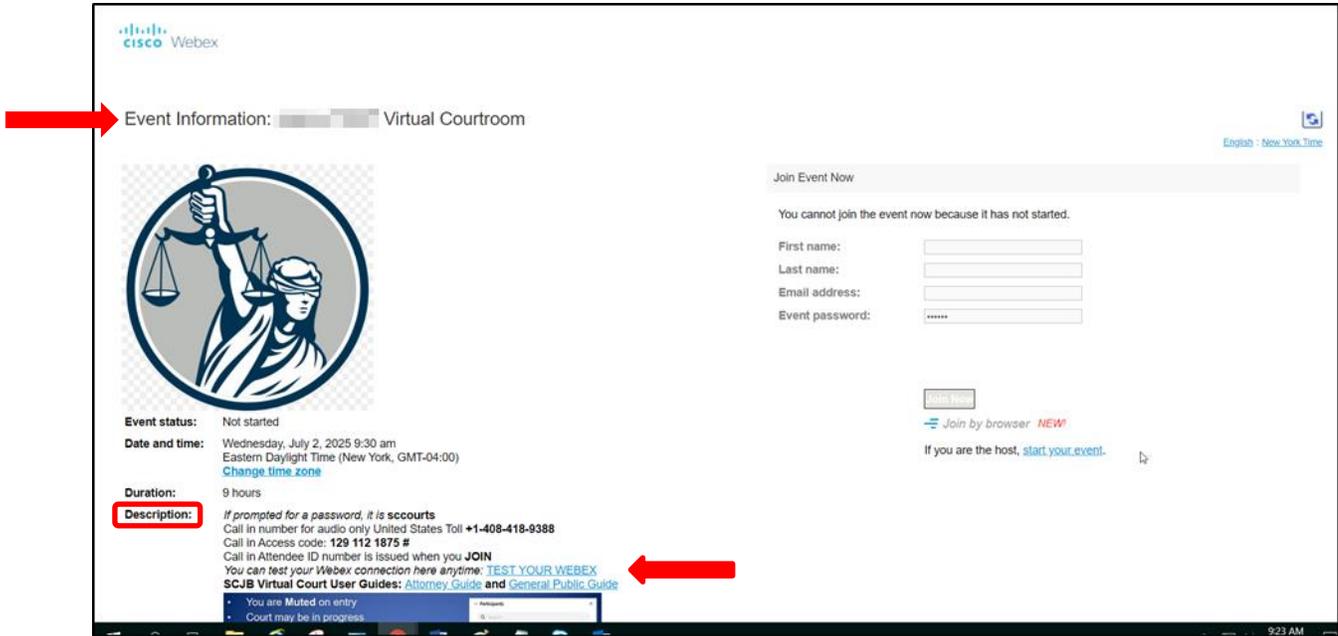


How to Attend a Test Meeting

Cisco Webex has a **Test Meeting** available to anyone who would like to become familiar with the different options available in a meeting such as sharing your screen, checking your microphone, or testing your video. The **Test Meeting** is available 24/7, and you are the only one in the meeting when you join it. It requires you to enter your name and e-mail address to join the meeting. There is no Host. You can even do a test recording of the meeting that you can save to your personal computer and playback after you leave the meeting to hear how you sounded and to see how your presentation looked. There is no limit to the number of times you can access the **Test Meeting**; however, there is a limit to how much time you can spend in the meeting - 10 minutes. Nevertheless, it is a handy tool to make sure you are comfortable with the meeting options and prepared to use them when you join a **Virtual Courtroom** session.



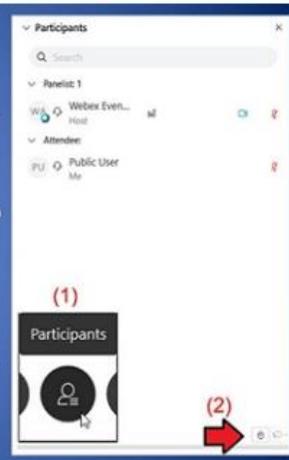
You can access the **Test Meeting** one of two ways. Look for the **TEST YOUR WEBEX** link on the **Event Information** screen that appears when you click the link to join a judge’s virtual courtroom. It is located on the left-hand side of the screen under the **Description** section.



Description:

If prompted for a password, it is sccourts
Call in number for audio only United States Toll **+1-408-418-9388**
Call in Access code: **129 112 1875 #**
Call in Attendee ID number is issued when you **JOIN**
You can test your Webex connection here anytime: [TEST YOUR WEBEX](#)
SCJB Virtual Court User Guides: [Attorney Guide](#) and [General Public Guide](#)

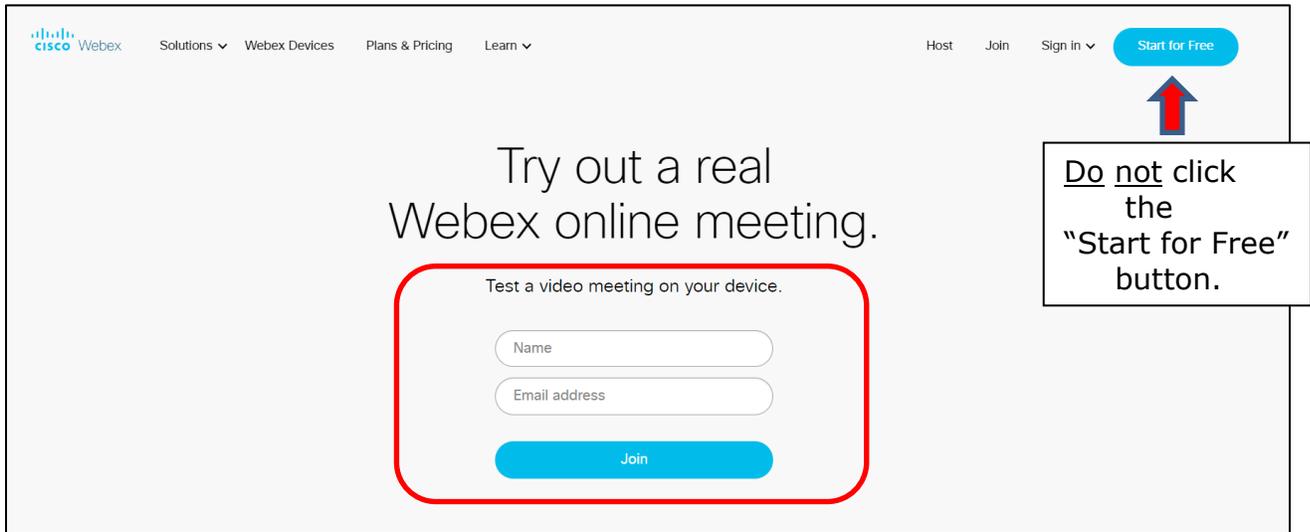
- You are **Muted** on entry
- Court may be in progress
- When it's time to call your case, the Judge may ask you to **"Raise Your Hand"**
- (1) Click on the **Participants** icon at the bottom of your screen
- (2) Click on the hand icon at the bottom right to **"Raise"** or **"Lower"** your hand
- Under **Event Material** you may select **VIEW INFO** for our **User Guides** that are best viewed with Windows or Mac
- If you are experiencing connection issues, you can use the **call in number** provided. Be sure to **mute** yourself and your **computer volume** to prevent an audio feedback loop



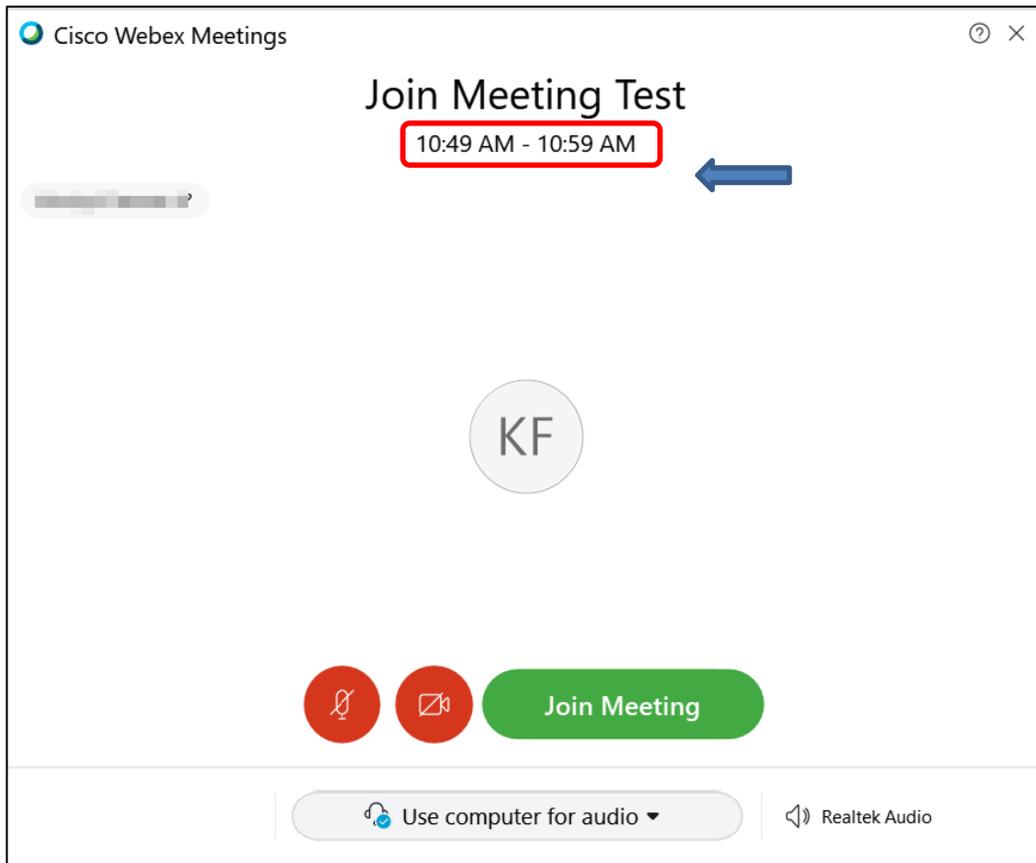


Or, you can click on the URL below (or copy and paste it into your browser's address area) to go directly to the **Test Meeting** screen.

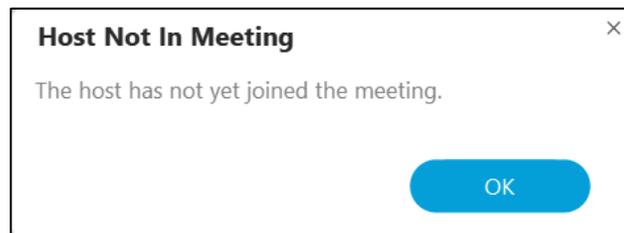
<https://www.webex.com/test-meeting.html>



Enter your name and email address and click **Join**. **DO NOT** click the blue "Start for Free" button in the upper right-hand corner. That takes you to a sign-up screen for a free trial of **Webex Meeting**, not the **Test Meeting**. (If you do click the "Start for Free" button, just click the back arrow to return to the **Test Meeting** screen.)



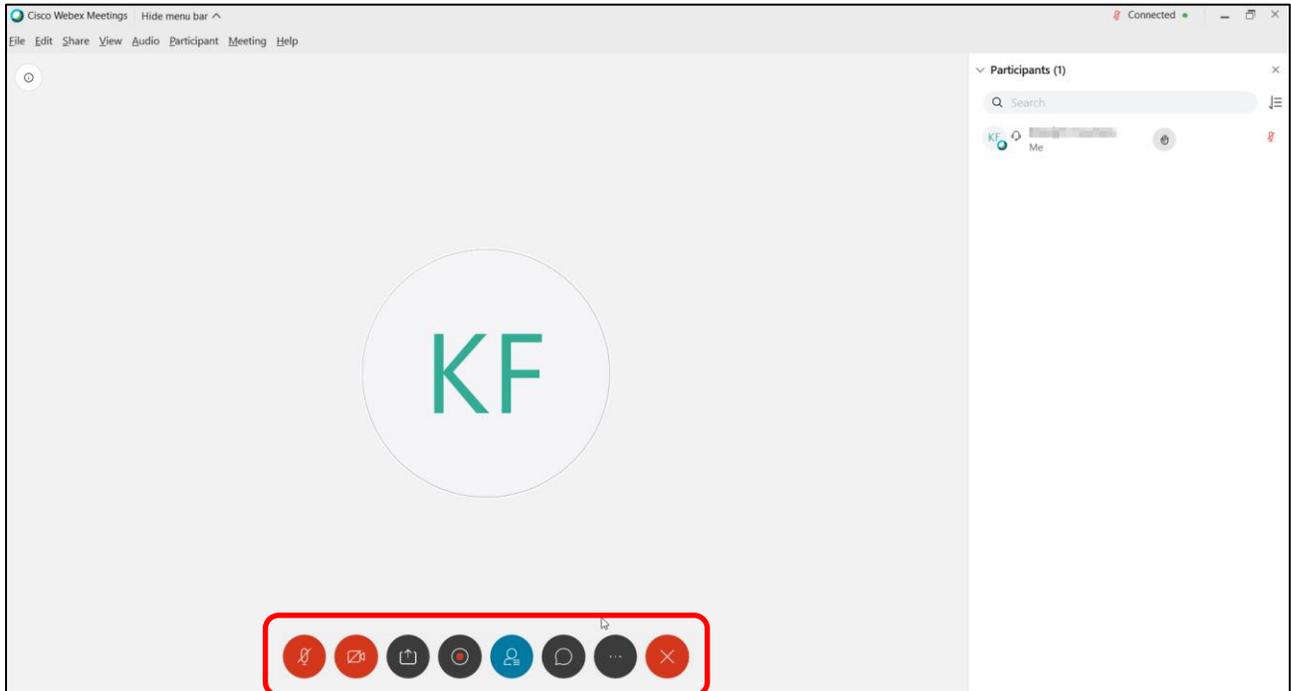
The **Join Meeting Test** window appears. (Note the meeting duration of 10 minutes.) Click “Join Meeting” button.



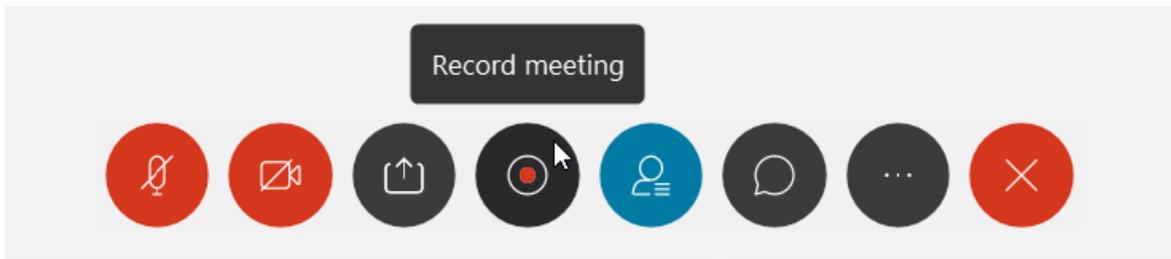
A small “Host Not in Meeting” message window appears. Click “OK”.



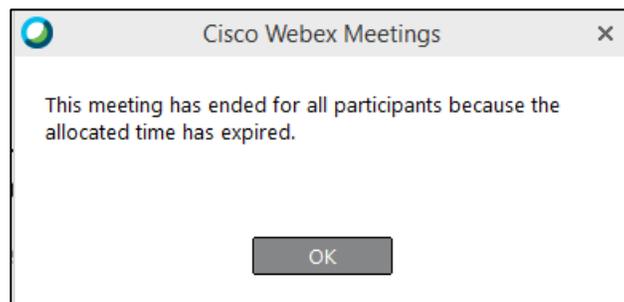
Cisco Webex Events: Virtual Court for Attorneys



The full meeting window opens with all the option icons at the bottom of the screen enabled for you to use in your test, including the **Record meeting** icon. Hover your cursor over each icon to see its purpose.



Once you have finished your test, click the red icon with the "X" to leave the meeting. **Note:** If you run over the allotted 10 minutes for the **Test Meeting**, the meeting room disappears abruptly and a message window opens explaining why the meeting ended. Click "OK".



You can start another **Test Meeting** immediately if you need more time.



Three Video Views Available

Webex Events offers 3 video views when more than two persons are in a session:

- **Active Speaker View**
 - Person speaking appears in full video
 - Convenient for small groups
 - Video-only layout for two person meetings
- **Active Speaker and Thumbnail View**
 - Person speaking appears in full video
 - Up to 5 other participants appear as thumbnails across the bottom of screen
 - Default video-only layout
- **Grid View**
 - Displays up to 25 participants at one time (5 across and 5 down)
 - Order of videos on the screen:
 - Host and Presenters appear first
 - Participants who spoke most recently appear next
 - Participants displaying a video are next

See examples of these at the following **Webex Event Help** link:

https://help.webex.com/en-us/nk20oui/Full-Screen-Video-Layouts-in-Cisco-Webex-Meetings-and-Cisco-Webex-Events#concept_C0E25B039CA0CAB367B14DD17D1F5FE1

Click the down arrow next to each video view in the link above to see screen examples.

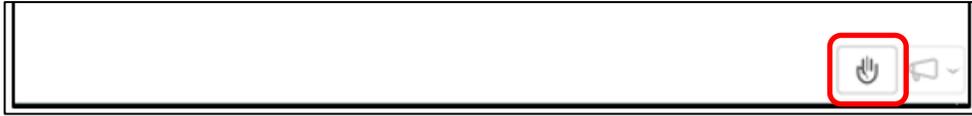


When **Attendees** enter a virtual courtroom, they have the **Active Speaker View**. If the Host (**Judge**) promotes them to a **Presenter** or **Panelist**, they will have the option of selecting any one of the 3 views. The view they select is unique to their screen. However, when there are only 2 participants in an event, only the **Active Speaker View** is available. Also, the Host can lock focus for everyone in the session on a particular participant in the **Active Speaker and Thumbnail View** if so desired.

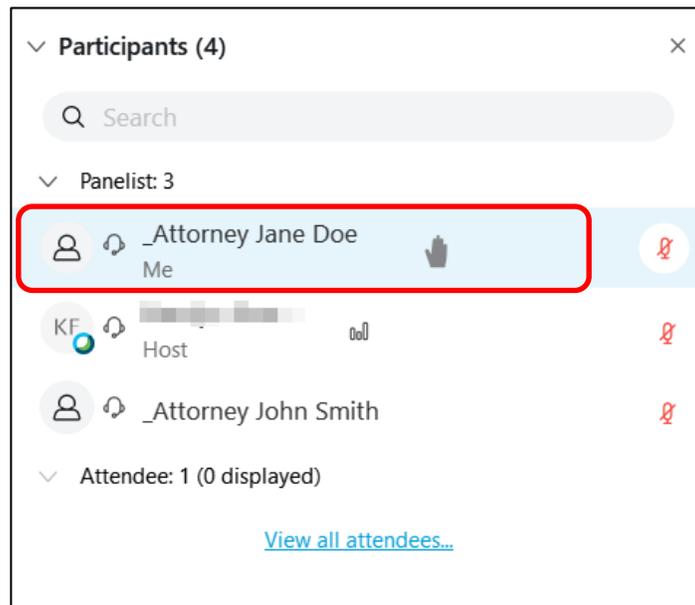


How to Raise/Lower Your Hand

If asked to raise your hand by the **Judge**, click on the small hand icon located in the lower right-hand corner of the **Participants** panel.



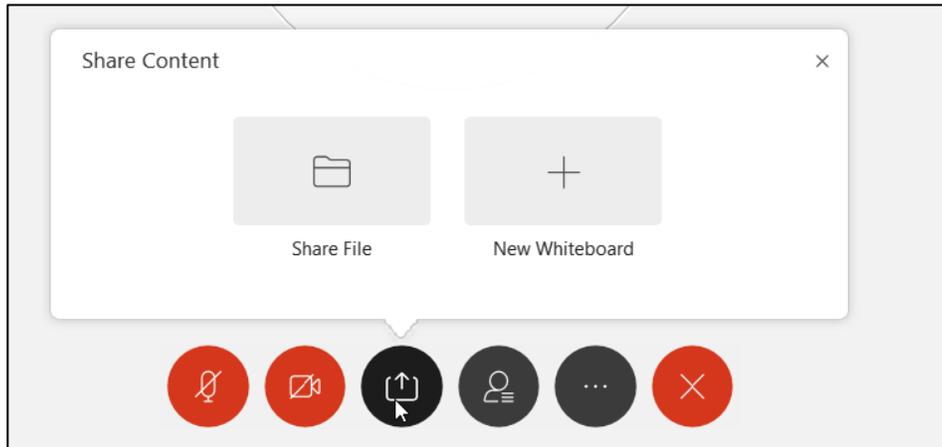
As soon as you click the hand icon, a gray hand image appears next to your name in the "Participants" list. The **Judge** and all other participants can see this. To lower your hand, click the small hand icon at the bottom corner of the panel again. The gray hand image next to your name disappears. The hand icon acts as a "toggle switch" allowing you to raise or lower your hand.



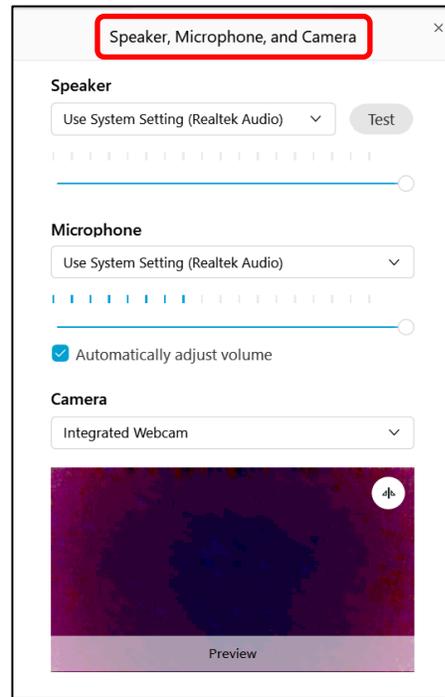
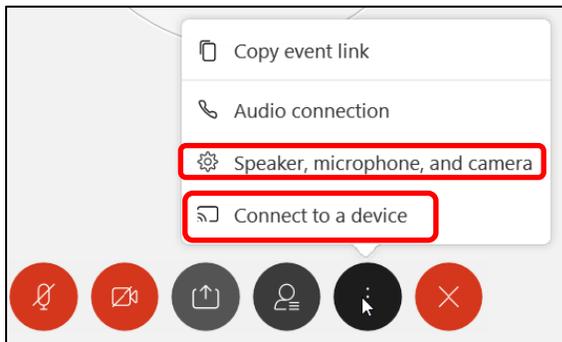


Presenter Functions

When promoted to a **Presenter** by the **Judge**, your microphone becomes enabled, a video icon appears in your line of icons at the bottom of the screen, and you have an additional option to connect to a device. If the **Judge** allows you to share content, you will be able to share files from your computer or share a whiteboard.



In addition, you have a couple of additional options in your option list. You will be able to preview your camera and connect to a device.

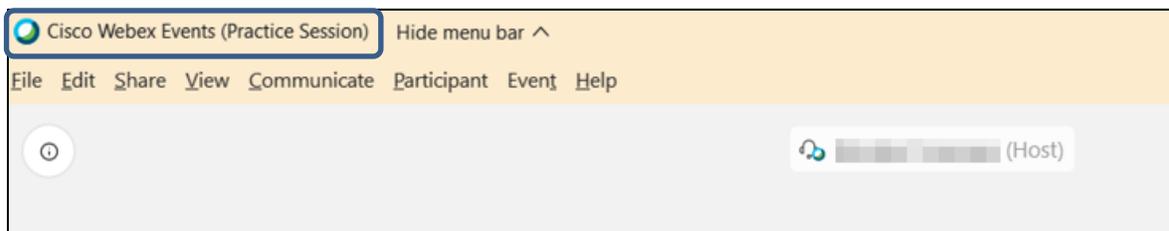




Virtual Sidebar

It is possible to hold a **virtual sidebar** in a **Virtual Courtroom** by utilizing what is known as a "Practice Session". A "Practice Session" can only be started and stopped by the Host (**Judge**). When the **Judge** starts a "Practice Session", the **Judge**, the **Presenters**, and the **Panelists** are all moved "virtually" into a subconference area away from the virtual courtroom. As a result, conversations in the "Practice Session" are private and cannot be heard by the **Attendees** back in the virtual courtroom.

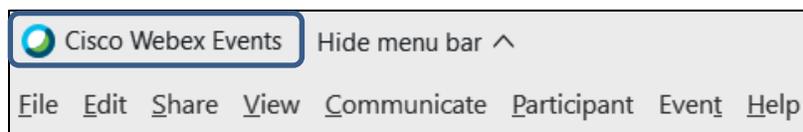
A tawny colored highlight bar appears at the top of the virtual courtroom window and "Cisco Webex Events (Practice Session)" appears in the upper left-hand corner of the highlight bar when the Host starts a "Practice Session" (see image below). Since this is the only indication that a "Practice Session" is in progress, a best practice would be to let the **Attendees** know that you are about to go into a **virtual sidebar** and during this time no one in the sidebar will be able to hear the **Attendees** and vice versa.



Partial view of "Practice Session" highlight bar

In addition, nothing opened by the **Panelists** or **Presenters** in the **virtual courtroom** prior to the **virtual sidebar** will be visible to the group in the "Practice Session". You must reopen any documents, files, or videos you need for the sidebar once the "Practice Session" begins. It is important to keep in mind that any items opened in the **virtual sidebar** (such as whiteboards, web content, shared documents, and presentations) must be closed prior to the **Judge** ending the "Practice Session" because anything opened in the sidebar will be visible to the **Attendees** back in the **virtual courtroom** when the sidebar ends.

The tawny highlight goes away when the sidebar ends (as shown below).



Partial view of menu bar after "Practice Session" ends

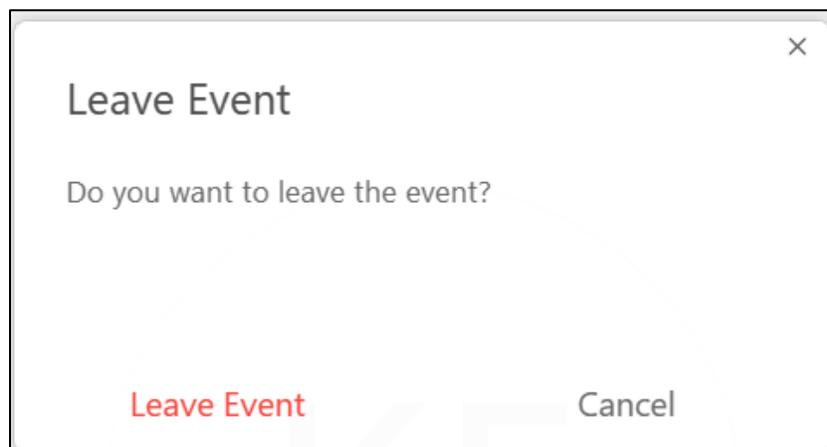


Leaving the Courtroom Session

To leave the virtual courtroom session, click the red icon with the "X" at the bottom of your screen.



A confirmation window appears. If you are ready to leave the court session, click "Leave Event". If you did not mean to leave the session, click "Cancel".



Court News ...

2020-09-28-01

The Supreme Court of South Carolina**RE: Recording of In-Person or Virtual Court Proceedings**

ORDER

As the COVID-19 pandemic continues to affect court operations, virtual platforms are commonly and frequently used to conduct court proceedings. In order to protect the integrity of the judicial process, I find it necessary to issue this Order.

Pursuant to Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that taking still photographs, recording (visual or audio), or streaming of any live, virtual, or subsequently broadcasted court proceeding is strictly prohibited unless specifically authorized by the presiding judge pursuant to Rule 605, SCACR. This Order includes, but is not limited to, all Circuit, Family, Probate, Master in Equity and Summary court proceedings. The written transcript remains the official record of any court proceeding.

Persons found to be in violation of this Order may be held in contempt of court and subject to sanctions.

This Order is effective immediately and shall remain in effect unless amended or rescinded by subsequent Order of the Chief Justice.

s/Donald W.

Beatty

Donald W. Beatty

Chief Justice of South Carolina

Columbia, South Carolina
September 28, 2020



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ASSOCIATION OF COUNTIES**

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