

GENERAL MAGISTRATE DANIEL J. FREYBERG

Dependency Division Policies and Procedures

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VIRTUAL/VIDEOCONFERENCE HEARING PROCEDURES

Due to the COVID-19 pandemic and administrative orders from the Florida Supreme Court and Eighteenth Judicial Circuit, the following procedures are in place until further notice. There is limited court access as set forth in various Administrative Orders. Counsel and self-represented parties are expected to keep themselves advised as to the status of attendance at dependency proceedings.

Courts are encouraged to conduct proceedings via remote technologies where available and appropriate. The following guidelines are for use at hearings before the General Magistrate. **ALL HEARINGS BEFORE THE GENERAL MAGISTRATE SHALL BE CONDUCTED VIRTUALLY BY MICROSOFT TEAMS, AND NOT IN PERSON.** These procedures are intended to simplify the virtual/videoconference process, not to make it more burdensome. Above all, attorneys, parents, participants and witnesses are expected to be flexible and reasonable.

To attend any and all hearings before General Magistrate Dan Freyberg virtually, you will join via the link below. Please share this Microsoft Teams link/phone number with necessary parties: <https://fl18.org/gmdf1>

For those who must call-in using audio only, the following phone number and designated pin number are as follows:

Or call in (audio only)

+1 386-310-1754

Phone Conference ID: **414 814 714#**

Please take note that the link/phone number will not change on a daily basis.

To ensure that virtual/videoconference hearings run smoothly, all participants shall abide by the following procedures:

TECHNOLOGY AND DEVICE REQUIREMENTS

Hearings will be conducted only using Microsoft Teams. Participants shall download the free Microsoft Teams App from <http://teams.microsoft.com/downloads> (for a computer), or from the App Store for their smartphone or other electronic device. All participants are expected to download the app/program in advance of the hearing and become sufficiently proficient to permit the hearing to proceed. Each participant shall ensure that he or she has sufficient bandwidth to permit the hearing to proceed. Each participant shall ensure that he or she has the proper equipment to properly participate in the proceeding. [Additional information and training regarding Microsoft Teams is available on the Eighteenth Judicial Circuit website.]

ATTENDING A HEARING

1. Counsel will be responsible for providing the link to the hearing to all parties and witnesses.
2. Hearing participants will click on the meeting link invitation provided. NOTE: you may be entering a “lobby” that has many other attendees. After you enter, immediately make sure that your microphone is muted and your camera is closed, until your case is called, or you are addressed by the Court/General Magistrate. When you are addressed by the Court/General Magistrate, unmute your microphone and open your camera. To unmute your microphone from a phone, press *6.
3. The Court/General Magistrate prefers that all participants appear on camera, rather than only by audio means. If at any time a participant has technical issues with hearing or seeing anything, or if their screen freezes, please let the Court/General Magistrate know immediately.
4. Despite these proceedings being conducted virtually, this is a court proceeding, and all attendees are expected to dress in businesslike/professional attire. Beverages are permitted, but eating and smoking are strictly prohibited.
5. Discovery, Evidence, and other Rules of Procedure still apply, unless suspended or amended by the Florida Supreme Court. See Florida Supreme Court AOSC 20-23, Amendment 1, and its successive administrative orders.

PREPARING EVIDENCE FOR A VIRTUAL/VIDEOCONFERENCE HEARING

1. **No later than five (5) business days before a hearing**, counsel shall exchange any and all exhibits and have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of exhibits. The parties are encouraged to reach an agreement as to the admissibility of all evidence. Exhibits to be entered by way of other witnesses shall be shared with those persons, as well.
2. After the above substantive, good faith telephone conference, and **no later than three (3) business days before the hearing**, the parties are to scan and email their exhibits to the Court/General Magistrate. Each document shall be in .pdf format and compiled into a single file. The first document in the file shall be an Index identifying each document by title. Documents are not required to be pre-marked or labelled. NOTE: After review, the Court/General Magistrate may require that any voluminous evidence packages be printed by counsel and delivered to the courthouse prior to the hearing.
3. The proponent of any exhibit which will be entered into evidence without objection shall note that on the Index page.
4. If there are objections to the admissibility of any exhibits, the party raising the objection shall identify the exhibit and identify the ground(s) of the objection. Such objections shall be emailed to the Court/General Magistrate and the opposing side, and all parties shall be copied on any such correspondence. All objections are reserved and shall be ruled on at the hearing.
5. Identification of witnesses, and the administration of an oath shall be governed by AOSC 20-16, or any successive Administrative Order.
6. In lieu of witness testimony, the parties may stipulate to the facts to be considered by the Court/General Magistrate by emailing a signed, written stipulation, with the facts set forth, to the Court/General Magistrate prior to the applicable hearing.
7. For any evidentiary motion hearings before the Court/General Magistrate, at which witness testimony is expected to be presented, counsel shall exchange witness lists, which shall include the witness' names, email address, cell phone number, and/or landline phone number, unless subject to confidentiality.
8. Counsel shall identify any witness for whom an interpreter or an accommodation under the ADA will be required sufficiently before the hearing so that accommodations can be arranged. To schedule a Spanish Interpreter, please email Alejandra Martinez (Alejandra.Martinez@flcourts18.org) and Marta Vittitoe (marta.vittitoe@flcourts18.org) to make necessary arrangements.

PREPARING WITNESSES FOR A VIRTUAL/VIDEOCONFERENCE HEARING

Counsel is responsible to provide these instructions to any witnesses and to ensure their compliance

1. If the Rule of Sequestration is invoked, the witness may be instructed to leave the Teams video meeting. Counsel presenting the witness will be responsible for contacting the witness when it is time for their testimony.
2. The witness must be provided copies of all identified exhibits that pertain to that witness, prior to the hearing.
3. The witness shall be instructed not to look at or to refer to any document or electronic device during his or her testimony, nor have any communication of any kind with anyone that is not the lawyer questioning them or without the authorization of the Court/General Magistrate.
4. The witness may be required to use his or her camera to scan the room before and after testimony and may not use a virtual background.
5. Witnesses are discouraged from being in the same physical space as the attorney or self-represented party. However, if the witness or party testifying is in the same physical space as the attorney or self-represented party questioning the witness, the camera shall be directed at the witness. The attorney or self-represented party may not assist the witness with answers in any way, including, but not limited to, gestures, notes, or facial expressions, or otherwise impact or influence the witness' testimony "off camera".
6. Having two (2) participants in the same room using different devices is inappropriate, as it will cause "feedback", which will make the proceedings impossible. ALL participants using different devices should be in different rooms.

PROCEDURES DURING THE VIRTUAL/VIDEOCONFERENCE HEARING

1. At the beginning of the virtual hearing, the Court/General Magistrate will call the case and instruct all participants when to announce themselves for purposes of the Record.
2. All participants shall place their microphone on mute (on a cellular device, press *6) unless they are speaking or wish to make an objection. Use of the "raised hand" feature can be used and is helpful so that the Court/General Magistrate knows a participant wishes to address the Court/General Magistrate.

3. The use of technology requires a rigid rule of speaking one at a time. All proceedings before the Court/General Magistrate are recorded by Brevard Digital Court Reporters. You will see the name of the Court Recorder in the list of participants. Participants MAY NOT use the Microsoft Teams App or any other device to record the virtual hearing.
4. NO ONE shall interrupt, or “talk over” other speakers during the hearing, unless it is necessary to assert an objection. Attorneys are advised to instruct all witnesses that if they hear someone talking after a question, they must pause before answering so the Court/General Magistrate can address any objections. Everyone needs to understand that, although everyone will get their chance to talk, the process may need to be slowed down so that everyone can be heard.
5. If an interpreter is necessary, all participants shall speak slowly, in short, complete sentences or questions, and allow time for translation. No one shall respond to a question posed by another participant until the question has been translated fully. Any case with interpreters must be designated as such in any request for a hearing. Again, please contact Alejandra Martinez (Alejandra.Martinez@flcourts18.org) and Marta Vittitoe (marta.vittitoe@flcourts18.org) to schedule Spanish Interpreter services.
6. All participants are REQUIRED to ensure that no children are able to hear or see the virtual hearing, unless children are participating.
7. All participants are required to identify anyone that may be observing the proceedings with them. This is essential for the Rule of Sequestration to be effective and to ensure the credibility of all witness testimony.

PROCEDURES FOR SCHEDULING A HEARING

1. All requests for hearing time should be e-mailed with an attached copy of the e-filed motion to both the Judicial Assistant, Patti Anderson (Patti.Anderson@flcourts18.org) as well as the Administrative Assistant, Peggy McFarland (Peggy.McFarland@flcourts18.org).
2. You must copy all parties on your email.
3. Your email must indicate how much hearing time is being requested.
4. As a reminder, any stipulated motions likely do not require a hearing. For stipulated motions, you can submit a proposed order via the e-portal for review.