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Fifth Judicial District Court
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**COURT'S STANDING ORDER FOR ATTORNEY AND LITIGANT DECORUM IN
VIDEO COURT APPEARANCES FOR HEARING OFFICER CONFERENCES**

Whereas the court recognizes that the use of video conferences will expedite the administration of justice during the ongoing COVID-19 crisis and its aftermath while reducing the health risks to litigants, attorneys, and court staff;

The court adopts the following standing order to safeguard the dignity of all proceedings conducted by video conference. The court directs all interested parties to its promulgated guidelines, which, while not mandatory, may offer assistance in ways to comply with this order and improve the video conference experience for all involved.

1.

Differences for conferences conducted in the presence of an attorney and not in the presence of an attorney

Licensed attorneys are officers of the court and owe certain duties of candor and cooperation to the court. Attorneys are also trained and educated in the ways in which to comply with these obligations and proper procedures properly. The court therefore permits attorneys some latitude and implements different protocols when the attorney can attest to participants who are present with them for a video conference.

2.

Persons present during conference

All persons present during a video conference shall be identified to the court. In this context, "present" means occupying the same physical space as a participant, able to communicate with a participant through any means or able to hear or see the audio-visual stream of the conference.

2a.

Attorneys and those co-located with attorneys

For attorneys with witnesses or clients present at the same physical location with the attorney, the attorney may seek leave of the court to have only the person actively speaking or testifying visible on the video conference screen. Counsel may also mute the microphone when appropriate to confer with clients or staff but shall not use mute during the examination of a co-located witness without leave of court. Counsel may further request to activate the separate room feature of Zoom to conduct a private conversation with his/her client prior to rejoining the conference.

2b.

Persons not co-located with attorneys

For parties and witnesses not co-located with their attorney, including self-represented litigants, all persons co-located with the party or witness must be visible at all times unless leave of court is given to deviate from this practice. Persons should be prepared to show the entirety of their physical location by "panning" or otherwise moving the video camera attached to their device to demonstrate that all persons present are identified. If other persons are present in the same residence or location in a different room, the door separating those rooms shall be kept closed during the conference or hearing.

3.

Attire

For all hearings in which a record is being made, persons should be mindful that all matters are being both audio and video recorded. Attire should be consistent with courtroom attire, and no tank tops, ball caps, or similar clothing will be permitted.

4.

Backgrounds/artificial imaging

Only the court and court staff are permitted to use virtual backgrounds or other image-altering technology during video hearings unless leave of court is granted on an individual basis. Conferences that are not formal proceedings shall be subject to general guidelines on professionalism.

5.

Recording

No party other than the court or court staff may record the proceedings or conferences. For hearings that would otherwise be open to the public, the court will make audio recordings available on request of any party or person and will consider further action upon further guidance from the Louisiana Supreme Court in the interests of preserving public access to the courts. Streaming of the proceedings will not be permitted by parties or witnesses.

6.

Exhibits

All exhibits will either be submitted via email or mail to the Hearing Officer before the hearing or handled by stipulation and agreement between the parties. Individual arrangements for parties may be made by communication with the court for special circumstances.

7.

Reservation of discretion

The court reserves the right to notify the parties if, in the court's opinion, the video hearing is preventing the court from fairly assessing the evidence and testimony being presented. In such cases, the court reserves the right to limit testimony, evidence, and argument, and to issue interim orders based on that limited basis while resetting the matter for full live hearing at a later date. The court does not wish this procedure to deprive any party of the right to be heard fully but also does not want to deprive parties of the right to be heard in a timely manner.

8.

Guiding principles

This order shall be applied by the court in a manner informed by the principles of the Louisiana Code of Evidence, Code of Civil Procedure, and the Code of Judicial Conduct.

9.

Duration and Scope, Interpretation with other provisions

This standing order shall remain in effect for all Hearing Officer Conference video hearings until further order is issued or this order is rescinded by this court or a higher court. If the 5th Judicial District Court en banc adopts a local rule, this order shall remain in effect to the full extent it does not contradict any such local rule.

IT IS SO ORDERED, this 30th day of April, 2020.



J. Dhu Thompson
Hearing Officer