

Remote and Hybrid Hearings Plan

EIGHTH JUDICIAL DISTRICT



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1. Introduction

The COVID-19 pandemic prompted courts to rapidly adopt technology to permit remote appearances for all types of court hearings and proceedings. The New Mexico judiciary promptly adopted policies allowing parties, attorneys, and witnesses to appear in court proceedings by various video and telephonic platforms. This rapid adoption of remote technology increased access to justice, and conserved time and resources.

In response, the New Mexico Supreme Court established a Remote v. In-Person ad hoc Committee (Committee) to develop recommendations for all trial courts regarding what proceedings lend themselves to being held remotely, in-person, or in a hybrid setting.

In support of making the courts more accessible and predictable for the court users, including attorneys, parties, and witnesses, the Committee recommended that each judicial district adopt a plan for remote hearings based on the Committee's guidance contained in its January 4, 2023 Committee Report, and that the district-wide plans be submitted to the Supreme Court for review. **This document represents the plan for Eighth Judicial District.**

This plan will help ensure that judiciary will continue to incorporate remote proceedings and appearances for some witnesses and parties, as well as certain requirements for traffic cases, press and public access to hearings, exhibits, criminal defendant identification, and other factors considered when conducting in-person, remote, or hybrid hearings.

1.1 Supreme Court Strategic Plan

In addition to the conclusions of the Remote v. In-Person Committee, the 2022-2026 New Mexico Judiciary Strategic Campaign, a strategic effort that provides a road map for long-term change, includes the following goal to expand remote hearings:

Theme 2: Enhance Public Access to New Mexico Courts Using Technology and Expanding Self-Represented Litigant (SRL) Services.

Objective 2.1: Establish a committee to review the benefits and challenges of the expanded use of remote hearings and make recommendations to the Supreme Court on what innovations in this area should be retained and how they should be administered statewide.

This plan supports the strategic directives of the Supreme Court and outlines the essential elements required for successful remote and hybrid hearings.

1.2 Definitions

“Remote” refers to judicial proceedings wherein all parties and counsel appear through video or telephone.

“Hybrid” refers to judicial proceedings wherein at least one party or counsel appear remotely and at least one party or counsel appear in person. There are a significant number of proceedings wherein one or more witnesses appear remotely, but all litigants and counsel are in-person. If such proceedings were considered hybrid, that would over-represent the number of judicial proceedings that are not occurring primarily in person.

“In-Person” refers to all parties and counsel appearing in person at the Court. Witnesses may appear remotely during an in-person proceeding.

2. Eighth Judicial District Approach to Remote and Hybrid Hearings

In alignment with the Supreme Court Order, the Eighth Judicial District will endeavor to create a remote and hybrid hearing policy that will balance the need and benefit of a remote platform with the limitations of access to technology in our rural community. The expectation is to provide readily available remote platform opportunities for attorneys and litigants while maintaining and preserving the ability for hybrid or in-person hearings as needed.

3. Education and Training

Education and training are essential components of the successful implementation of remote and hybrid hearings. All parties involved in a proceeding should understand their role and expectations. Initial training includes both a technology focus (what is available and how does it function) and a process focus (who does what). Periodic training is necessary both as a refresher and to address new technology functions and how that may impact roles and responsibilities.

The Eighth Judicial District will provide a multi-tiered approach to providing training for attorneys, staff, law enforcement, and self-represented litigants regarding remote and hybrid hearings.

- (1) The first tier will include providing on the Eighth Judicial District’s webpage the most current online trainings for use of the platform Google Meets. This tier will be monitored and updated by the district’s IT department.
- (2) The second tier will include sending out a survey regarding the interests and need for training on the use of Google Meets. From the survey, a result specific training will be created and presented within three months of the overall plan’s approval. The training will include presentation and discussion of the district’s overall plan, expectations of the judges, demonstrations, and a question and answer session. The training will be advertised in the district by email to ensure not only attorney participation, but also law enforcement. The training will be recorded and available for review on the Eighth Judicial District’s webpage for self-represented litigants.

A. The demonstrations will include training on troubleshooting audio/visual issues, muting/unmuting, presenting exhibits, use of chat and other features, and the judges' expectations for proper decorum regarding remote and hybrid hearings.

(3) The third tier will provide for twice yearly surveys and collection of courthouse suggestions from litigants and other related stakeholders. Based on the surveys, the district will determine the need for continued annual trainings.

3.1 Judicial Officers

A judicial officer must be able to control a virtual courtroom with the same efficiency as an in-person courtroom.

The Eighth Judicial District will create a training program in collaboration with state-wide educational directives to ensure that the judicial officers are applying best practices in conducting remote and hybrid hearings. The district will continue to conduct monthly judicial officer meetings that will address the needs for adjustments to the district's standing pre-trial orders and other technology related issues. Additionally, the district will make available continued basic training relating to the general functions of Google Meets to include:

1. creating a Google Meets with appropriate permissions and limitations;
2. understanding host controls;
3. ensuring proper notice of the goggle address and phone number;
4. adding, admitting participants, and removing participants;
5. muting participants;
6. creating and closing breakout rooms;
7. recording and requesting transcripts of the Google Meet;
8. utilizing closed caption;
9. troubleshooting speaker and microphone issues;
10. addressing layout;
11. utilizing chat;
12. utilizing the queue feature in addressing questions;
13. best practices for facilitating interpreter services;

3.2 Court Staff

Court staff will need training to ensure they are familiar with scheduling and managing remote and hybrid hearings.

The staff in the Eighth Judicial District have been using the Google Meets platform for more than three (3) years. There currently is a high level of proficiency in using the platform

by the district’s monitors, bailiffs, court service specialists, program coordinators, trial court administrative assistants, and other administrative staff. The district will continue to provide similar training for the staff that the judicial officers receive. Additionally, the court will look for opportunities to educate and further the proficiency of the district by sending appropriate staff to state-wide trainings or other online trainings relating to the Google Meets platform.

Role	Responsible
Judicial Officer	Control and advise the participants as needed
TCAA/Docket clerk	Scheduling hearings/create Google Meet
Court monitor	Test FTR, validate all microphones are working
Court service specialists/ bailiffs	Monitor platform/ connect courtroom/ assist with facilitating hybrid proceedings /

3.3 Attorneys

Attorneys must have access to the judiciary’s standard instruction guide to help set expectations for both attorneys and their clients for remote and hybrid procedures. Instructions and expectations for utilizing and accessing the Eighth Judicial District’s remote platform will be maintained on the district’s webpage. The information will be regularly updated by the information and technology department for the district.

3.4 Self Represented Parties

Self-represented parties will have access to the standard instructions for the Eighth Judicial District webpage, which will be regularly updated by the district’s information and technology department. In addition, the district will continue to provide basic instructions for access on all notices of hearing. Self-represented parties will also be advised that they may contact before a hearing either the TCAA’s or docketing clerks with any questions or concerns.

4. Technology

4.1 Internet Bandwidth

Robust internet service that can support the increasing demands of multiple, simultaneous video hearings is essential to the success of remote and hybrid hearings.

COLFAX

1. Raton District Court and Magistrate Court are serviced by Century Link/Lumen with a capacity of 60 Mbs.
2. Springer Magistrate Court is serviced by Plateau with a capacity of 5 Mbs in the old courthouse and 100 Mbs in the soon to open new courthouse.

TAOS

1. Taos District Court and Magistrate Court are serviced by Century Link/Lumen with a capacity of 60 Mbs.

UNION

1. Clayton District Court and Magistrate Court is serviced by Plateau with a capacity of 10 Mbs. (JID is currently working on upgrading the capacity).

The Clayton co-location has the slowest speeds, but connectivity issues have not substantially impacted remote proceedings.

4.2 Courtroom Upgrades

Colfax County (Raton District Court, Raton Magistrate Court, and Springer Magistrate Court);

1. Raton District Court

- A. Courtroom – capacity of 96 people (45' x 35')
- B. Hearing room – capacity of 24 people (17' x 36')

2. Raton Magistrate Court;

- A. Courtroom - capacity of 24 people (17' x 36')

3. Springer Magistrate Court;

- A. Courtroom – capacity of 47 people (approximately 2000 sq. ft.);

Taos County (Taos District Court and Taos Magistrate Court)

1. Taos District Court

- A. Courtroom A – capacity of 121 people
- B. Courtroom B – capacity of 73 people
- C. Hearing room A – capacity of 23 people
- D. Hearing room B – capacity of 23 people

2. Taos Magistrate Court

- A. Courtroom A – capacity of 54 people
- B. Courtroom B – capacity of 54 people

Union County

1. Clayton District Court

A. Courtroom – capacity of approximately 100 people

2. Clayton Magistrate Court

A. Courtroom shared with district court.

All court locations could use additional cameras to help facilitate hybrid hearings. Currently, the district courtrooms and hearing rooms have one camera a piece to bridge Google Meet with Polycom and magistrate courtrooms require a camera to be brought to the courtroom. Additional cameras would allow Google Meets participants to more readily observe what is happening in the courtroom. Also, there is currently not a mechanism to present exhibits in the courtroom that can also be viewed on Google Meets. Generally, all exhibits in a hybrid hearing must be displayed through Google Meets and cannot be transmitted through the courtroom’s other technology. Improving the bridging options between Google Meets and Polycom will increase efficiency of the hearing

4.3 Website

Court websites should include specific information to accommodate remote and hybrid hearings, and for participants to request to appear remotely.

Description	Role(s) Responsible for Content	Role(s) Responsible for Website Updates
Judicial officer dockets published (court calendar)	Court Services Specialists/TCAA’s/docket clerks	IT
Links available for public access to watch or listen	Court Service Specialists	IT
Instructions for attorneys	Chief Judge	IT
Instructions for self-represented parties	Chief Judge	IT
Forms	Paralegals	IT
Language Access Plan	Court Services Specialists	IT
Jury Information	Jury Clerk	IT
Services and Programs/ IPRA	Paralegals / Court Services Specialists / Program Managers	IT
ADA Accommodations	HR	IT
CJCC	Program Manager/ Presiding Judge	IT
Fees and Filing	Court Manager III	IT
Contact Information	Court Manager III and TCAA’s	IT

HOME – standing orders and filing emails / announcements	Court Service Specialists	IT
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4.4 Remote Meeting Platform(s)

Eighth Judicial District will use the following platform for remote and hybrid proceedings:

Google Meets

4.5 Judicial Proceeding Guidelines

The length and complexity of the hearing is the guidepost for whether it should be held remotely, hybrid, or in-person. The judicial officers should also take into consideration the agreement by the parties, if any, to the manner of appearance. That said, the Eighth Judicial District Court is in the best position to ascertain what works best for the community we serve, as well as our unique facilities and technology. The following sections describe our approach to each hearing type.

All notices of hearing will indicate whether the hearing is remote, hybrid, or in person.

GENERAL RULES OF PROCEDURE

1. Attorneys will be required to appear by video for all remote proceedings; telephonic appearances are not authorized absent extraordinary circumstances.
2. Self-represented litigants will be advised that video is preferable to telephone for remote proceedings; no self-represented litigant will be turned away from a hearing for appearing in-person when a remote hearing is scheduled.
3. Any attorney or party may file a timely motion at least two (2) business days before a scheduled hearing requesting to appear by video for an in-person hearing.
4. All remote or hybrid hearings will require the attorneys or parties appearing remotely to provide any exhibits that they intend to proffer to the court at least two business (2) days prior to the scheduled hearing.
5. With judicial approval, parties may stipulate to appearing remotely or in-person. The judicial officer still maintains discretion to approve the request.

4.5.1 Hearings (default type)

1. **Civil** - Bench Trials (Simple)(Remote); Bench Trials (Complex)(Discretionary)
Jury Trials (In-person)

TYPES of CIVIL CASES

- A. Abuse and Neglect (remote)
 - Adjudicatory (in-person)
 - Termination of parental rights (in-person)
 - Respondents unable to appear by video will appear in-person or be provided a tablet from the court for remote appearances; failure of respondent counsel to communicate with respondents may result in all future hearings being conducted in-person.
- B. Administrative appeals (remote)
 - Complex evidentiary hearing (discretionary)
- C. Adoptions (in-person/hybrid)
- D. Appeals de novo (remote)
- E. Civil restraining orders / Preliminary injunctions (remote/hybrid)
- F. Contempt/Orders to cause (in-person/hybrid)
- G. General civil litigation – *not otherwise specified*
 - Pretrial hearings (remote)
 - Standard motions hearings (remote)
 - Complex evidentiary hearing (discretionary)
- H. Domestic relations (discretionary)
 - Kinship guardianship adjudication (in-person)
- I. Domestic violence protection orders (in-person)
 - Safety concerns may provide for hybrid or remote in the discretion of the judicial officer
- J. Guardianship and or conservatorship (Hybrid/In-person)

- Review hearings (remote)

**2. Criminal – Non-traffic Bench Trials (in-person); Jury Trials (in-person)
Appearances the same for district court and magistrate court.**

- A. First appearance (remote)
- B. Arraignment (remote) (in-custody discretionary with remote preferred)
- C. Preliminary hearings (in-person)
- D. Pre-trial detention hearings (in-person)
- E. Motion to revoke conditions of release (not in custody) (discretionary)
- F. Motion to revoke conditions of release (custody) (remote)
- G. Motions without a timely request for evidentiary hearing (remote)
- H. Motions with a timely request for evidentiary hearing (discretionary)
- I. Pretrial conferences (remote)
- J. Docket calls (remote)
- K. Plea conferences (in-person)(attorney hybrid authorized)
- L. Grand jury (in-person)(selection remote)
- M. Sentencing (in-person)
- N. Probation revocation
 - First appearance (remote)
 - Adjudication (in-person)
- O. Habeas Corpus (quasi-criminal) (discretionary)
- P. Petitions for post-conviction relief (remote)
- Q. Fugitive Complaint (remote)
 - Commitment hearing (in-person)
- R. Other miscellaneous criminal hearings (remote)

3. Probate

- A. Formal proceedings (in-person/hybrid)
- B. All other proceedings (remote/hybrid)

4.5.2 Telephonic Hearings

- A. As a general policy no telephonic hearings will be scheduled in the Eighth Judicial District. ***Video is preferred for all remote proceedings.***
- B. Self-represented litigants may appear for a video hearing by telephone.
- C. Litigants represented by counsel may appear by telephone.

4.5.3 In-person Hearings

All required in-person hearings are indicated above. All notices in the Eighth Judicial District will indicate in-person, remote, or hybrid. Failure to appear for an in-person hearing that

leave has not been previously granted by the court may result in contempt of court. In criminal cases a warrant may be issued for a defendant that fails to appear as required.

4.5.4 Hybrid Hearings

Hybrid hearings will be determined on an individual case by case basis. A motion to appear either remotely or in-person depending on the type of hearing will generally determine whether the hearing will be a hybrid hearing. Hybrid hearings will require both parties to provide the court their intended exhibits more than two (2) business days prior to the hearing.

4.5.5 Stipulations as to Hearing Type

Parties may request by stipulation orally or by written motion to a hearing type. Judicial approval is required and a written order from the requesting party must be provided to the court prior to the scheduled hearing. The judicial officer still maintains discretion to approve or deny the request for hearing type.

5.0 In Court Public Kiosks

In alignment with the New Mexico Judiciary Strategic Campaign's Objective 2.4, the Judiciary will develop robust self-help "Justice Stations" throughout the state that utilize innovative technology and house other self-help services to assist litigants navigating their court interactions.

The Eighth Judicial District already provides tablets and or laptops to individuals to appear virtually, confer with counsel, complete assessments, and visitations. The laptops and tablets are often set up in private rooms. The court maintains a robust help-desk that is readily staffed and available to answer litigants' potential questions. These services are most readily available in the Taos District Court, Colfax District Court, Taos Magistrate Court, and Raton Magistrate Court.