

FILED
MAY 08 2020

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF OGLE, STATE OF ILLINOIS

Kimberly A. Beall
CLERK OF THE CIRCUIT COURT
OGLE COUNTY

ADMINISTRATIVE ORDER NO. 2020 - 15

COPY

PROCEDURES FOR REMOTE HEARINGS IN MATTERS PENDING IN OGLE COUNTY

WHEREAS the Supreme Court of Illinois has issued Order M.R. 30370 dated March 17, 2020, and the Governor of the State of Illinois has issued a disaster proclamation in response to the COVID-19 pandemic.

WHEREAS the aforementioned Order of the Illinois Supreme Court directed circuit courts to continue hearing essential matters and proceedings and allowed circuit courts to conduct those hearings remotely by telephone or video or other electronic means, if feasible and subject to constitutional limitations. In addition, the Illinois Supreme Court also allowed circuit courts to hear non-essential matters and proceedings remotely.

WHEREAS pursuant to Administrative Orders entered in the 15th Judicial Circuit, the Ogle County Circuit Court is hearing only essential and emergency matters through May 30, 2020. During this time, Ogle County's judges and court staff have familiarized themselves with various software and platform that enable remote hearings. Therefore, Ogle County Circuit Court is prepared to hear matters remotely, in accordance with the following procedures.

IT IS HEREBY ORDERED as follows:

I. Procedures

A. Platform. The Court expects to use Zoom for remote hearings. All parties participating in a remote hearing must create an account for that platform.

B. Eligibility for Remote Hearings

1. Presumed Eligibility in civil matters. The following civil matters are presumed eligible for remote hearings:

- a. Progress calls, status conferences, and case management conferences;
- b. motion hearings other than motions for default;
- c. non-evidentiary hearings;

- d. divorce prove-ups and entries of agreed Judgments of Dissolution and Parenting Allocation Judgments; and
 - e. hearings regarding emergency orders of protection and stalking no contact orders.
2. **Presumed Ineligibility.** The following civil matters are presumed ineligible for remote hearings:
- a. First appearances;
 - b. shelter care, adjudicatory, and dispositional hearings in juvenile matters;
 - c. hearings regarding plenary orders of protection;
 - d. hearings in which a party is seeking a sanction for contempt of court;
 - e. hearings in which a party is seeking a finding of default or entry of a default judgment;
 - f. evidentiary hearings;
 - g. final pre-trial conferences; and
 - h. criminal matters.
3. **Remote Hearings by Agreement.** If all parties and the judge to whom the case is assigned agree, a matter presumed to be ineligible for remote hearing, as well as any other type of hearing agreed to by the parties and the Court, may be heard remotely. Criminal matters should be limited and must comply with the Illinois Rules of Criminal Procedure and applicable Supreme Court Rules. Telephonic hearings may also take place with the consent of all parties and the presiding judges. These hearings would be recorded with an official record.

C. **Scheduling a Remote Hearing**

1. **Matters Presumed to be Eligible for Remote Hearing.** If a matter is presumed to be eligible for remote hearing or the parties have agreed to

a remote hearing, the party scheduling the matter shall obtain a time and date for the hearing from the Court staff member assigned to the judge to whom the case is assigned. Although the Court staff assigned to a particular judge may change, the assignments and contact information for each staff member is currently, as follows:

Judge Hanson (Courtroom 204)	Angie Miller (815)732-1161 amiller@oglecounty.org
Judge Roe (Courtroom 302)	Monica Pope (815)732-1162 mpope@oglecounty.org
Judge Redington (Courtroom 202)	Tonya Aurand (815)732-1164 taurand@oglecounty.org
Judge Lindsey (Courtroom 304)	Bunny Miller (815)732-1163 bmiller@oglecounty.org

If the party scheduling the matter desires a platform other than Zoom, the party shall inform the Court staff member and determine whether the alternative platform is acceptable to the Court. After the time, date, and platform have been determined, the party shall provide notice of the hearing to all other parties. In the notice, in addition to the time, date, and subject matter of the hearing, the party shall specify the following information:

- a. that the hearing is to be conducted remotely; and
- b. the e-mail address or telephone number at which each party may be reached for the hearing.

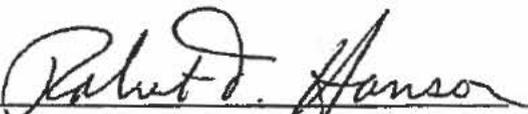
If an opposing party has not appeared and/or the party providing notice does not have an opposing party's e-mail address or telephone number, the notice also shall inform the party that the party may participate in the hearing personally at the designated time and place and that, if the party prefers to participate in the hearing remotely, the party should at least one full business day before the hearing inform the Clerk of the Court of the party's desire to participate remotely and provide the Clerk the party's e-mail address or, if none, telephone number.

2. **Objections.** If any party objects to conducting the noticed hearing remotely or to the platform designated, that party, as soon as practicable, shall file the party's objection in writing and notice the objection for hearing before the noticed remote hearing. If feasible, the Court may resolve the objection by allowing the objecting party to attend the noticed hearing in person.
 3. **Remote Hearings by Agreement.** If a matter is presumed to be ineligible for remote hearing but all parties have agreed to a remote hearing, one of the parties shall contact the Court staff member for the judge to whom the case is assigned to determine whether the Court will hear the matter remotely. If the Court agrees to hear the matter remotely, notice of the remote hearing shall be provided as set forth in subparagraph C1 above.
- D. **Conduct of Remote Hearing.** Unless otherwise ordered by the Court, remote hearings shall be conducted as follows:
1. The Court will host the hearing, send all invitations for the hearing, and otherwise control entry into the hearing;
 2. If requested by a party and if technologically feasible, the Court will allow breakout meetings, private chats, or other private communication between attorneys and clients during the hearing; provided, however, that during the testimony of any person, that person may not communicate by private chat with any other person;
 3. The Court will make an official record of the remote hearing, and no party may record any part of the hearing through the platform or any other means;
 4. Any person testifying must appear remotely by both video and audio;
 5. When a participant is not speaking, the participant shall mute his or her microphone;
 6. All participants must be in an environment free of video and/or audio distractions;
 7. No exhibit may be used during a remote hearing unless a copy of the pre-marked exhibit was provided to all other parties and the Court at least one full business day before the hearing; and

8. The Court shall be entitled to terminate or suspend the remote hearing for technological or other reasons at any time.
9. Except as otherwise provided for in the Order, hearings conducted pursuant to this Order shall be conducted as if all parties are present in person and in accordance with the Illinois Rules of Civil Procedure, Illinois Rules of Criminal Procedure, Illinois Rules of Evidence, Illinois Supreme Court Rules, and the Rules of the Circuit Court of the Fifteenth Judicial Circuit.
10. The precise method in which a remote hearing will be conducted remains within the discretion of the judge assigned to the individual case, within the bounds of applicable law, rules, and practice procedures.
11. At least three days prior to a hearing, the parties shall file a list containing names and e-mail addresses of the attorneys, parties, and witnesses (if any) who will attend the hearing. All persons must use their real names (not aliases) while online to ensure they will not be prevented from entering the hearing.
12. If a party or a party's witness requires the use of an interpreter, that party shall be responsible for coordinating with Court Administration how the interpreter will be obtained and involved in the hearing.
13. If a party intends to call a non-party witness during a remote hearing, that party shall be responsible for providing the invitation to the remote hearing to the witness. The witness will be sworn or affirmed by the judge or Clerk prior to commencement of the testimony. In addition, the Court and the parties are to take all reasonable precautions to assure the following:
 - a. The witness is alone in a secure room with the doors closed.
 - b. Witnesses and parties should wear appropriate attire and present themselves as they would if they were appearing in a physical courtroom.
 - c. The witness is to ensure that there will be no interruptions or distractions for the duration of his or her appearance at the remote hearing.

- d. The witness should have recently read all affidavits, statements, and documents before the remote hearing and have a copy of those documents with them and identified in the same manner as the documents are filed with the Clerk. This provision is not mandatory for materials to be used in cross-examination or in the examination of an adverse witness.
14. The Court, parties, and attorneys shall be cognizant that Illinois courts are generally open to the public and it remains highly desirable that the operations of the civil courts are as transparent as practicable. In this regard, parties should be aware that although hearing participants may appear remotely, the judge assigned to the case will most likely be in the courtroom and that the courtroom will remain open to the public. Moreover, the Court and parties must consider how the media and public can have access to the remote hearing. The daily court schedule shall reflect that a hearing is remote and the date and time of such hearings. Members of the public and/or media who desire to observe a hearing should contact Court Administration for directions on how to attend. Observers are prohibited from speaking to witnesses or potential witnesses concerning any testimony or evidence until after the evidence has closed.

Dated: May 8, 2020


Presiding Judge, Robert T. Hanson