

**MONTGOMERY COUNTY COURT OF COMMON PLEAS
CRIMINAL DIVISION GENERAL PROTOCOL**

A. GENERAL RULES

1. All Criminal Court Proceedings conducted before the Montgomery County of Common Pleas shall be scheduled by the Court and shall be conducted in the courtroom to provide for public access. Many hearings will be conducted using a Level III protocol, partially remote, while some hearings may use a Level IV protocol, fully in-person (pursuant to the 38th Judicial District – Montgomery County Safety Protocol.)
2. Incarcerated defendants shall participate via the video platform available at the institution at which they are incarcerated.
3. Attorneys are directed to minimize live witnesses in the courtroom whenever possible by submission of written statements or prerecorded video statements for any witness not subject to cross examination. Otherwise, unless the witness is permitted in advance by the presiding judge to appear in the courtroom, all witnesses shall appear using the Zoom video meeting platform for video and audio.
4. Anyone entering the courthouse for a proceeding shall comply with all safety rules in effect and go directly to the assigned courtroom. Failure to do so will result in the person not being permitted to enter the courthouse or being ejected from the courthouse, as well as any other sanctions imposed by the presiding judge.
5. The Court will issue a bench warrant for any defendant who fails to appear for a court proceeding.
6. The Court will issue a Scheduling Order setting the date and specific time for the proceeding. The Court shall provide notice of the hearing date and time, including both the Court Order, the Protocol for Virtual Court Hearings and the Zoom invitation, to all counsel of record and self-represented parties by delivery to their email addresses. This email will include both a link to connect to the Virtual Courtroom by video/audio and a telephone number that will permit a participant to connect to audio only. Only participants who do not have access to video will be permitted to telephone in with audio only.
7. Counsel or self-represented parties are responsible for providing the Scheduling Order and the Zoom connection information to all witnesses to enable them to

connect to the scheduled proceeding. Anyone participating by video or telephone shall comply with the Court's Protocol for Virtual Court Hearings.

8. All participants shall comply with all Rules of Court, Court Orders, and this Protocol. Violations of any such rule may be subject to sanctions imposed by the presiding judge.

B. IN ADVANCE OF HEARING

1. **Zoom:** Create a Zoom account at zoom.com. No participant in a Criminal Court Proceeding is required to have a paid license for Zoom. The Court holds licenses and will be the host for these proceedings.
2. **Name Displayed:** Each witness must use their real name in setting up a Zoom account.
3. **Interpreters:** Attorneys must notify the Court no less than 72 hours in advance of the need for an interpreter.

C. WITNESSES

1. **Advance Submission of Witness List:** No later than 72 hours before the scheduled proceeding, each attorney shall provide the email address of the attorney who will appear at the proceeding and a list of the names and email addresses of all witnesses participating by Zoom to the court at the Virtual Courtroom email address (JudgeNameVirtualCourtroom@montcopa.org, for example JudgeBrancaVirtualCourtroom@montcopa.org), with email copies to all other counsel.
2. **Notice to Witnesses:** Attorneys are responsible for notifying all parties and witnesses of the scheduling and rules of participation. They should forward the Court Order and assure that the electronic invitation to attend was received by all witnesses they intend to call via Zoom and confirm their ability to attend the proceeding. Any notice and/or an e-mail invitation sent by court staff to a party or witness does not replace the responsibility of counsel to notify their own witnesses.

D. EXHIBITS

1. **Advance Submission of Exhibits:** All proposed exhibits to be introduced or referred to at the proceeding must be submitted to the Court at least 5 business

days prior to the scheduled proceeding. Exhibits shall be submitted to the Court, with copies shared by email with opposing counsel by email addressed to JudgeNameVirtualCourtroom@montcopa.org, for example JudgeBrancaVirtualCourtroom@montcopa.org).

2. **Use Appropriate Virtual Courtroom Email Address:** Please do not email exhibits to a Judge's individual email address. Any exhibits sent to a Judge's individual email address will not be available to the Court Clerk for the Virtual Court Hearing.
3. **Format of Exhibits:** The Court will only accept exhibits formatted as:
 - a. PDF for documents;
 - b. JPG for photographs/images;
 - c. MP4 for videos;
 - d. The Court will NOT accept executables or Word documents (DOC).
4. **Redacting Exhibits:** All proposed exhibits shall be redacted of all personal Identifying information (e.g. Social Security Number) and all information required to be redacted pursuant to the Public Access Policy of the Unified Judicial System of Pennsylvania.
5. **Marking Exhibits:** All exhibits should be pre-marked as C-1 or D-1 (etc.) and labeled in the following format: Beginning with the case docket number and a short description: "2020-12345, C-1, (statement of -----)."
6. **Exhibit List:** In addition to the individual exhibits, counsel shall submit with the exhibits an Exhibit List, identifying each numbered exhibit and a brief description.
7. **Manner of Transmission to Court:** All proposed exhibits of each party that are in PDF format should be combined into one PDF document, with each separate exhibit "bookmarked" so that the Court Clerk can readily display the document.

E. ACCESSING HEARING

1. **Video and Audio:** All Zoom participants should connect by both video and audio. The Zoom platform works on all smart phones, tablets and computers, however, connection by computer is recommended. For participants who are unable to join with video, they will be able to join the proceeding by a telephone number that will be provided in the electronic invitation.
2. **Time to Join Hearing:** All witnesses participating in the scheduled proceeding by Zoom shall connect to the Virtual Courtroom **at least 15 minutes before the scheduled start time**. Be aware that the Court will be conducting multiple hearings each day in different Virtual Courtrooms. Please make sure you use the

correct connection information to join the correct Virtual Courtroom for your hearing.

3. **Virtual Waiting Room:** When each participant (witness or court staff) joins a Virtual Court Hearing, they will initially appear in a Virtual Waiting Room. Witnesses will remain in the waiting room until permitted into the Virtual Courtroom for their testimony.

F. DURING HEARING

1. **Decorum:** All participants shall observe all rules of decorum, civility and ethics during the proceeding. Everyone involved shall display respect for the dignity of the court by their conduct, language and attire, and are subject to sanctions for failure to do so.
2. **Microphone and Video:** When each participant is admitted to the proceeding, the participant's video will be on and audio will be muted until the hearing begins. The Court will retain the authority to limit video images to the witness testifying. The Court will retain the right to mute any microphone at any time during the hearing. The Court will control all screen sharing of any documents to be viewed during the hearing.
3. **Witnesses During Hearing:** While testifying, witnesses shall not use notes, (except those submitted as an exhibit and permitted to be used in accordance with the Rules of evidence), cell phones or other devices. Aside from the questioning of witnesses in the proceeding, attorneys may not communicate with witnesses during their testimony.

G. RECORDING AND TRANSCRIPTS

1. All proceedings shall be of record. Court reporters shall participate during all proceedings, whether in person or remotely, and shall prepare transcripts of the proceedings. Transcripts shall be available, as before, upon request from Court Services.
2. No participant shall be permitted to record or save any part of the proceedings. Recording is strictly prohibited under Pennsylvania law. Participants shall NOT record, save or photograph any audio, video or image of any part of the proceeding, including conferences or sidebars. This prohibition applies to using Zoom or any other means of recording or saving content.
3. Any party, attorney, or other participant who creates an unauthorized recording of any portion of a proceeding may be held in Contempt of Court, for which the Court may impose sanctions following a hearing, and may be subject to other penalties.