



State of South Carolina
The Family Court of the Eighth Judicial Circuit

Mindy W. Zimmerman
Judge

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MEMORANDUM

To: Attorney Practicing in the Eighth Circuit Family Court
From: Mindy W. Zimmerman
Subject: WebEx Remote Hearings
Date: March 28, 2020

As you all know, the COVID-19 epidemic has shaken how we operate. Over the past two weeks, we have been constantly working to shift our practice. It is our goal to ensure everyone continues to have access to the justice system, and towards that end, I have now been authorized to start conducting remote hearings via WebEx software. In addition, Judge Turner will be set up with the software later today. Very soon, this will be available statewide; however, it will take time for this to happen, as our IT department must install software, setup individual accounts, and train each judge. We will keep you informed as the other judges in our Circuit start the practice.

Please understand that this is a new process, and things will change as we put this into practice; however, the protocol outlined in this memo will be followed throughout the Eighth Circuit initially. As the practice develops, if the protocol changes, you will all be informed of such.

Please note that this process takes longer, which means we have less available time slots. If you can submit consent orders without a hearing, as outlined in Judge Turner's memorandum, please continue to do so. We need to conserve our WebEx time for those cases that absolutely require a hearing.

Requesting WebEx Hearings:

As we begin this process, we are only scheduling hearings where all parties and attorneys agree to participate in the hearing via WebEx. This practice may change as things develop. This means that you should not send any request for a hearing to be scheduled via WebEx until you have discussed it with all attorneys of record and all pro se parties AND RECEIVED THEIR CONSENT TO REQUEST THE HEARING.

In Newberry, Greenwood, or Abbeville:

If you wish to request a hearing via WebEx, you need to email the request to the Clerk of Court for the County, my AA (mzimmermansc@sccourts.org), and me (mzimmermanj@sccourts.org). On that email, you must copy all attorneys of record and all pro se parties.

The contacts for the Clerk's Offices are as follows:

Newberry County should be sent to both Janice Allen (jallen@newberrycounty.net) and Carol Lively (clively@newberrycounty.net).

Greenwood County should be sent to both Wanda Walker (wwalker@greenwoodsc.gov) and Amanda Malone (amalone@greenwoodsc.gov).

Abbeville should be sent to Carolyn Powell (cpowell@abbevillecountysc.com).

In Laurens:

If you wish to request a hearing via WebEx, you need to email the request to Kristi Boyce (kboyce@co.laurens.sc.us) with the Clerk of Court for Laurens, Judge Turner's AA (mturnersc@sccourts.org), and Judge Turner (mturnerj@sccourts.org). On that email, you must copy all attorneys of record and all pro se parties.

The request absolutely must include the names and email addresses of all participants. This means that if your client or your witness will be at a separate location from you, then their name and email address must be included in the request. The Court will generate the evite to the hearing, and can only include those people that were listed on your request. This will require you to communicate with opposing counsel or the opposing pro se party **prior** to sending the request to ensure everyone is correctly listed.

If the hearing is to approve an agreement, then you must attach a copy of the agreement to the hearing request.

Necessary Hearing Time:

It is absolutely imperative that you request enough time for your hearings. This process will take longer than our hearings normally take in Court. Thus, I am requesting that you ask for double the time you would normally take. No hearing request should be for less than thirty minutes.

Please understand that we will have to hold you to the time you request, because there is no deputy to tell the next hearing that the Court is running behind. This process means we must

be much more stringent about time, so you need to consider that when requesting your hearing, and request enough time.

In addition, you must be on time to the remote hearings. We understand that people often start negotiating at the Courthouse. Usually, we strongly encourage the practice, and try to adjust our dockets around that, but given the difficulties of doing that remotely, we need everyone to appear online as scheduled. If we all get on the remote access and you want time to negotiate, we can discuss options for moving your hearing to a later time slot in the day, but the Court needs to be including in that discussion.

Finally, if an attorney is consistently late without communicating with the Court, please note that we may stop scheduling remote hearings that involve that particular attorney, as it is unfair to the other attorneys and litigants who want access to remote hearings. Because this process moves slower, we cannot afford to waste our limited time.

Scheduling Hearings:

The Judges are going to have to control their own scheduling. Below, I have outlined the hierarchy we intend to following in scheduling cases. If you are requesting a hearing that gets priority under this hierarchy, I would encourage you to include that information in your request. The more information you give us, the more quickly we can get you added to the docket.

In addition to the hierarchy outlined below, please note that if you submit a proposed order via email in Word format with your hearing request, your hearing will automatically get priority scheduling. Since judges will now have to individually schedule hearings, send the evites, and conduct the hearings, we are going to have less down time on our hands. We spend a great deal of our time reading orders and comparing them to our notes sheets. If we can sign the orders at the hearings, this gives us more free time to actually conduct hearings.

Hierarchy:

1. Matters that were already docketed between March 17 and May 1, but were continued due to the Chief Justice's Order closing the Courts in response to the COVID-19 epidemic. If this is the case, please include the original hearing date in your request.
2. Matters that are already docketed for a contested trial, but have now settled. If this is the case, please include the trial date in your request and attach a copy of the agreement.
3. Settled matters with agreements attached to the request.
4. Contested matters that involve only legal argument, without witness testimony. This may include both private cases and DSS matters.
5. DJJ pleas where all recommendations are consistent and no one is recommending the child leave their current placement in the community. This may include probation violations if the child is conceding the violation.
6. All other matters as deemed appropriate by the Court.

In addition, on a case by case basis, we will consider scheduling emergency or expedited hearings via WebEx, particularly if the matter involves a high risk attorney or party. These hearings are NOT automatically set as WebEx hearings, and keep in mind that all parties must

agree before you can submit the request to schedule via WebEx. Our current emergency docket days will remain in place as schedule; however, if you have an emergency or expedited hearing, you can submit a request, following the protocol outlined in this memo and request that it be conducted remotely, provided everyone agrees. As outlined, you must include all parties in that request. If the matter has already been scheduled on an Emergency Docket, you must also include that information in your request.

Conduct at Hearing:

These hearings will still include a Court Reporter, and as usual, it is important you not speak out of turn or over top of one another, as the Court Reporter will be unable to catch everything. It is also important that you explain this to your clients in advance of the hearing. They need to respect the process just as if they were in the Courtroom. Disturbances cannot be tolerated.

You will need to have your files handy. In many cases, the clerks will be scanning and emailing files to us. This means that it will take us much longer to locate documents in the file. If you can help it will keep things moving.

If there are any documents you will need to submit during the hearing, you can do so, but, when possible, you need to scan those documents into your computer prior to the hearing. This will mean that they are available and ready to forward.

All temporary hearing packages must be scanned in advance of the hearing. In addition, I would encourage to discuss with opposing counsel the possibility of agreeing to submit those packages in advance of the hearing. This should only be done if both sides agree and everything is submitted together, but doing so will allow the Court to review the documents prior to conducting the hearing, as opposed to spending WebEx time watching us read.

If you have not previously filed a financial declaration make sure you scan a completed financial declaration into your computer before the hearing. Even if your client has not been able to sign it, please have one completed, because we can always question them about it on the record.

In closing, please remember that there will be bugs. We are all in this together, and we will work diligently to adapt our process where necessary to ensure you and your clients have appropriate access to the Court.