

Ninth Judicial District Remote and Hybrid Hearings Plan



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Table of Contents

1. Introduction.....3

1.1 Supreme Court Strategic Plan.....3

2. Ninth Judicial District Approach to Remote and Hybrid Hearings.....4

3. Education and Training6

3.1 Judicial Officers.....6

3.2 Court Staff7

3.3 Attorneys.....8

3.4 Self Represented Parties.....8

4. Technology.....8

4.1 Internet Bandwidth8

4.2 Courtroom Upgrades9

4.3 Website.....9

4.4 Remote Meeting Platform(s)10

4.5 Judicial Proceeding Guidelines10

 4.5.1 Remote Hearings using Video11

 4.5.2 Telephonic Hearings11

 4.5.3 In-person Hearings.....11

 4.5.4 Hybrid Hearings11

 4.5.5 Stipulations as to Hearing Type11

5. In Court Public Kiosks11

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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 the **Ninth 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. Ninth Judicial District Approach to Remote and Hybrid Hearings

For two years, the Ninth Judicial District has had all jury and bench trials, competency hearings, plea hearings, preliminary hearings, pre-trial detention hearings, probation revocation proceedings, sentencings, kinship guardianship, order of protection hearings, and termination of parental rights hearings in person.

Going forward the following hearings will continue to be IN-PERSON HEARINGS:

Criminal proceedings (District and Magistrate Courts):

- jury trials including jury selection
- bench trials
- competency hearings
- plea hearings
- preliminary hearings
- pretrial detention hearings
- probation revocation hearings
- sentencing hearings
- docket call
- extradition hearings

- pre-trial conferences
- evidentiary hearings
- domestic violence hearings
- motions (except for conditions of release)
- Traffic citation first appearances with notice to appear by law enforcement.

Civil proceedings (District and Magistrate Courts):

- jury trials including jury selection
- kinship guardianship hearings
- order of protection hearings
- hearings in cases with a PQ case number designation in the Judiciary's case management system
- hearings in cases with a Sequestered case number designation in the Judiciary's case management system
- termination of parental rights hearings
- civil bench trials.

The following hearings will continue to be REMOTE:

Criminal proceedings (District and Magistrate Courts):

- Arraignments
- Motions to review conditions of release
- Status hearings
- Traffic bench trials

Civil proceedings (District and Magistrate Courts):

- Scheduling conferences
- Pre-trial conferences
- Motion hearings
- Status hearings
- Bond forfeiture hearings
- Child support hearings

Any party may request to appear remotely or in person at any of the above proceedings. Such requests will be handled on a case-by-case basis by the assigned judge. Nevertheless, all parties should pay attention to their notice of hearing. Every notice will provide a Google Meet link and a QR code if the hearing is a remote

hearing. Notices without the Google Meet link and QR code are in person proceedings. Additionally, attorneys may request that specific witnesses appear remotely during in-person proceedings, thereby effectively creating a hybrid proceeding. There is a myriad of reasons that an attorney may request that a witness or a party appear remotely, and such requests will be considered by the Court individually. Some attorneys carry dockets across districts, for example attorneys in CYFD cases, and they may request to appear remotely for judicial review and permanency hearings in order to cover multiple dockets. Other hearings may ultimately be converted to hybrid hearings based on transportation issues, for example, a party in custody outside of the Court's jurisdiction. All parties should have a camera on their device to see and be seen by the Court. Certainly, this is not always possible, however, any witness offering testimony where the Court is the trier-of fact must have a camera to provide such testimony.

Finally, the Ninth Judicial District has separate QR codes and Google Meet links for each judge and hearing officer. These are fixed and do not change. All judges and our hearing officer are and have been encouraged to sign on to the Google Meet link for every non-sequestered proceeding, even if the hearing is slated to be an in-person proceeding. We believe it is a matter of transparency and we encourage more participation in the judicial process by opening our hearings to remote viewing by interested parties.

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.

Initially the Ninth Judicial District will have no immediate need for additional training. Each judicial officer and staff currently operate the Google Meet link without issue. As technology advances, our IT staff will provide additional hands-on training as needed.

3.1 Judicial Officers

A judicial officer must be able to control a virtual courtroom with the same efficiency as an in-person courtroom. Presently, every judge in the Ninth Judicial District understands how to admit participants, can mute participants and has staff that is trained on creating breakout rooms and closing breakout rooms. Additionally, our staff has created a pathway for simultaneous interpretation through the use of headsets and secondary phone calls so that our NES litigants are able to participate appropriately.

Each judge is able to mute and/or remove participants for not maintaining appropriate decorum. Additionally, each judge’s TCAA and Court Monitor are also simultaneously monitoring the proceedings as well and can provide further assistance.

No additional training is required for judges as we have been conducting Google Meet proceedings, admitting participants, muting when necessary, etc. for more than two years. Judges and TCAAs have become adept at working with interpreters, when possible, to secure simultaneous interpretation with additional headsets. Each judicial officer has made appropriate adjustments to their pre-trial orders in compliance with Supreme Court Order 23-8500-012.

If the need arises, our Bailiffs can be trained to monitor and admit parties to the Google Meet. In the event that we feel that this type of set up is necessary the Court Monitor or TCAA will create a breakout room that will function as the court session. Then Bailiffs can admit individuals from the main link into the proceedings after they have been provided instructions. We do not anticipate this being utilized except in the event of a high-profile case that will have multiple attendees via Google Meet.

3.2 Court Staff

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

[Describe the training offered by your judicial entity for court staff, by role.]

Role	Responsible
TCAA/Docket clerk	Scheduling hearings

Court monitor	Test FTR, validate all microphones are working
Bailiff	Activate Mondo or other Courtroom display for the Google Meet; Sets up all microphones, headsets, etc. for interpreters.

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. The TCAAs in the Ninth Judicial District update the attorneys weekly with a calendar and also email any changes to the calendar, sometimes on a daily basis. Additionally, the Court Services Manager emails all attorneys with a copy of each judge and hearing officer’s calendar weekly. The calendar specifies what hearings are via Google Meet. Again, each judge has his or her own unique permanent Google Meet Link and QR code for hearings.

3.4 Self Represented Parties

Since each judge and hearing officer has a unique permanent Google Meet link, Bailiffs and Court Staff have copies of the QR code and link for self-represented parties. Additionally, we have a one-page handout that is to be sent to each self-represented party with their notice of hearing. This document is also available at the Court for those who walk in to request a setting. This handout is attached and gives instructions for self-represented litigants to conduct the hearing and to provide exhibits ahead of the hearing.

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. Currently in the Ninth Judicial District we have 60 megabits of bandwidth in every District and Magistrate Court. This amount of bandwidth is insufficient, especially when you consider that most individuals’ home internet is 100 megabits. After consultation with our local IT staff, we are requesting an upgrade to the following:

Curry County District Court – 500 Megabit
Roosevelt County District Court – 100 Megabit
Curry County Magistrate Court – 100 Megabit
Roosevelt County Magistrate Court – 100 Megabit

4.2 Courtroom Upgrades

In the Curry County District Court, we presently have two jury-ready courtrooms and one non-jury ready courtroom. In the Curry County Magistrate Court there are two jury-ready courtrooms and one non-jury ready courtroom. The Roosevelt County District Court and Magistrate Court each have one jury-ready courtroom and one non-jury ready courtroom.

Each jury-ready Courtroom in the District includes a Mondo pad for presentation (size varies from 60 inches to 80 inches). The non-jury courtrooms also include either laptop or desktop computers for the Court to conduct remote hearings. Every Courtroom in the district is capable of holding either remote or hybrid hearings.

There is currently a construction project ongoing designed to co-locate the Curry District and Magistrate Courts as well as a renovation project for the Curry County District Courthouse. After the construction is completed, there will be a total of five jury-ready courtrooms and two non-jury ready courtrooms.

Currently, each Courtroom is also equipped with a Q-System to amplify sound. The Court Monitor logs onto the Q-System and it amplifies sound not only through the Google Meet, but also through the FTR to ensure good, quality, audio recordings. The Roosevelt County District Courtroom recently piloted the use of wireless microphones. These microphones are also connected to the Q-System thereby improving audio quality whether the hearing is remote, hybrid or in person. Wireless microphones are planned for other Courtrooms in the District.

We recently received Special Request funding to assist with the conversion of courtrooms into “smart courtrooms” in FY24. This project will include upgrades to courtroom audio, video and evidence presentation systems. In addition, we will be working with the Judicial Information Division to roll out FTR Real Time Speech to Text in as many courtrooms as possible.

4.3 Website

The Ninth Judicial District Court’s website is contained within the NMCourts.gov site. Our plan is to include the following on the website:

- (1) The QR Code/Google Meet link for each judge, both District and Magistrate
- (2) A copy of the handout for self-represented litigants
- (3) Email links for each Court’s TCAA for requesting hearings
- (4) Email links for each Court’s proposed text for the submission of exhibits
- (5) Court dockets to be updated daily
- (6) Instructions for attorneys new to the Ninth

Additionally, the Ninth is a pilot site for Electronic Docketing Displays and a docket will display outside of every courtroom and hearing room for that day’s docket.

The Ninth Judicial District has not had any major issues with attorney decorum or problems with the Google Meet, as we have consistently used the same Google Meet link for two years.

Description	Role(s) Responsible for Content	Role(s) Responsible for Website Updates
Judicial officer dockets published	IT	IT
Links available for public access to watch or listen	IT	IT
Instructions for attorneys	Judges will Create	IT
Instructions for self-represented parties	Judges	IT

4.4 Remote Meeting Platform(s)

The Ninth Judicial District will use the following platform(s) for remote and hybrid proceedings:

√ Google Meet

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 Ninth Judicial District 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.

- 4.5.1 Remote Hearings using Video – will be conducted using Google Meet. Each judge will sign on to their unique Google Meet link. The Court can view video participants either on their desktop or laptop computer or on the Mondo Pad in each courtroom.
- 4.5.2 Telephonic Hearings – will be used sparingly. We anticipate telephonic hearings will be utilized for limited purposes, for example a status conference or a scheduling conference.
- 4.5.3 In-person Hearings – will be used for the hearings listed above in Section 2 and require no additional planning.
- 4.5.4 Hybrid Hearings – Will be used as necessary and when requested. The Ninth Judicial District is currently adept at adding parties to the Google Meet, calling participants when they need to appear, adding them to break out rooms to sequester them, etc.
- 4.5.5 Stipulations as to Hearing Type – As a general rule, the Court and this policy will dictate the hearing type. However, the Ninth Judicial District realizes that there may be situations, or emergencies where a change will need to be made. Attorneys are currently requesting a change in hearing through contact with the TCAA or Court Manager. We do not anticipate any change in this plan.

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 Ninth Judicial District Court has a self-help desk at each District Court location. Individuals needing to appear remotely for hearings outside of our district can utilize these computers for such hearings. Kiosks have been set up to assist jurors who may not have access to a computer or the internet and we are also currently working to establish a kiosk (Clara) at our local domestic violence shelter to assist victims of domestic violence with their filing needs.