IN THE THIRTEENTH JUDICIAL CIRCUIT COURT OF MISSOURI
EN BANC

IN RE: VIDEO PROCEEDING ORDER
22-21

ORDER

IT IS HEREBY ORDERED that Administrative Order 26-20 is repealed effective August 25, 2021.

IT IS HEREBY ORDERED that the 13th Judicial Circuit adopts the following video proceeding rule.

I. This Rule, in conjunction with any other applicable rules, shall govern remote video proceedings and remote video participants in this Circuit. "Remote video proceeding" means any judicial proceeding conducted using teleconferencing or interactive audiovisual conferencing. "Remote video participant" means any person who participates in a remote video proceeding using teleconferencing or interactive audiovisual conferencing.

II. Remote video proceedings shall be conducted in a manner that promotes access to the court by litigants and the public; shall be conducted in a manner that promotes decorum and civility; shall take into consideration the uniqueness of a particular matter and the circumstances of all parties; and shall be conducted in a manner that does not impede Constitutional or statutory rights or rights otherwise conferred by law.

III. This Rule does not confer an absolute right to appear by remote video. However, a judge or commissioner, at his or her discretion without request by a party, and unless otherwise prohibited by statute, rule or state or federal Constitutional provision, may permit or order that any proceeding be conducted by remote video.

IV. Attorneys, parties and the general public shall refer to the 13th Circuit website for the specific types of judicial proceedings that each division requires to be heard in person. Any attorney, party or witness may request to appear in a judicial proceeding by remote video, but whether such request will be granted is at the discretion of the judge or commissioner to whom such request is made.

V. Absent an order from the judge presiding over the matter permitting a defendant to appear by remote video, no defendant who has an outstanding warrant in that division may appear by remote video.

Specific Rules of Conduct

VI. By appearing by remote video, a remote video participant is agreeing to abide by this Rule and the code of conduct governing all court proceedings in this Circuit. All remote

video proceedings are court proceedings. Therefore, proper decorum is required at all times.

VII. In addition, the following provisions specifically apply to remote video proceedings and remote video participants:

a. Failure to attend the remote video proceeding with proper decorum, attire, behavior, speech, or appearing in an inappropriate or unsafe circumstance, will subject a remote video participant to being immediately removed from the proceeding.

b. Attorneys and parties must identify themselves by their name on the video conferencing platform.

c. When not speaking or when their case is not being heard, all remote video participants must mute their microphone.

d. If ordered by the court, remote video participants shall be required to turn off their video display so that they are not visible until their case is called.

e. At all times, a remote video participant shall not engage in behavior that is distracting to the court and the parties, such as excessive movement while being displayed on video. Similarly, all remote video participants shall avoid the display or depiction of anything in the background that could be distracting or inappropriate.

f. No remote video proceeding shall be recorded or shared on social media, unless media have requested and were approved by the court to do so pursuant to Supreme Court Operating Rule 16.

g. During witness testimony, the video and audio of the remote video participant testifying shall remain "on" at all times and the witness testifying shall be visible at all times. Similarly, during such testimony all counsel shall have their video and audio "on" and shall be visible at all times. The purpose of this provision is to avoid the appearance, even inadvertent, that a witness or party is being "coached" by an unseen or unheard third party or attorney during the testimony.

h. The manner in which exhibits are discussed, offered for admission and admitted in a remote video proceeding is up to the discretion of the judge.

i. All remote video participants who are attorneys shall have a minimum level of proficiency in the use of remote video technology. Similarly, all non-attorney remote video participants are strongly encouraged to have a minimum level of proficiency with the use of remote video technology. The 13th Circuit website contains instructions for how to connect with and use video technology for judicial proceedings in this Circuit.

j. Any judge or commissioner presiding over a remote video proceeding shall have the discretion to depart from or add to the specific requirements of this Rule, unless they determine that a conflicting statute, rule or Constitutional provision or other right conferred by law conflicts with the departure or addition.

k. Any person requesting an exception to any provision of this Rule must get prior approval from the judge or commissioner presiding over the matter.

Done this 25th day of August, 2021.

J. Hasbrouck Jacobs
Presiding Judge