

CIVIL HEARING PROTOCOL DURING COVID-19 PANDEMIC
NEW CASTLE COUNTY SUPERIOR COURT
(EXTENDED SEPTEMBER 24, 2020)

In light of the ongoing concerns regarding the COVID-19 pandemic, the importance of minimizing unnecessary person-to-person contact, and the limitations on courthouse staffing during the Delaware Judiciary's Phased Reopening Plan, the Superior Court in New Castle County has decided to extend its civil hearing protocol and will hold civil hearings remotely whenever possible until further notice. The exceptions to the remote civil hearings rule will be:

1. Hearings involving a self-represented litigant: If one or more parties in the civil action is self-represented, and any party files a motion that cannot be decided on the basis of the written submissions, the Court will schedule the motion for an in-person hearing. If the motion is a routine motion, the motion will be assigned to a weekly routine motion calendar and heard by the judge assigned to the calendar that day. During Phases 2 and 3 of the Delaware Judiciary's Phased Reopening Plan, the judge assigned to the routine motion calendar may not be the judge assigned to the civil action.
2. Evidentiary hearings: Motions that require an evidentiary hearing will be scheduled for an in-person hearing, unless counsel and the Court agree that the evidentiary hearing is one that can be held remotely.
3. Other hearings for good cause shown: If counsel strongly believes that the particular circumstances of the requested relief require an in-person hearing, counsel may request an in-person hearing by filing a letter with the Court explaining those circumstances with specificity. Any such letter shall be filed at least one week before the scheduled hearing date. The judge assigned to the civil action will determine whether there is good cause to hold an in-person hearing.

Other than the exceptions described above, Counsel is responsible for scheduling the videoconference through CourtScribes. CourtScribes is a videoconferencing platform specially formatted for remote court appearances. Consistent with the instructions below, counsel is responsible for scheduling the hearing through CourtScribes. There is a cost of \$15 per participant, which counsel shall pay directly to CourtScribes. Superior Court court reporters will continue to transcribe these hearings as they do for all Court proceedings.

INSTRUCTIONS FOR ATTORNEYS SCHEDULING REMOTE HEARINGS THROUGH COURTSIBES

Hearings shall continue to be scheduled with chambers in accordance with each judge's judicial preferences. After confirming the hearing date and time with the assigned judge's chambers, the moving party shall contact CourtScribes *at least three business days before the hearing* by one of the following means:

- Emailing scheduling@courtscribes.com; or
- Calling (833) SCRIBES (727-4237)

The following information will be required:

- Party being represented
- Name of all counsel appearing remotely on behalf of that party
- Contact information (email and phone)
- Court location
- Judge and Court
- Appearance date and time
- Case name and case number
- Nature of proceeding

Once counsel for the moving party has contacted CourtScribes, that party then shall (1) send an email to the assigned judge's judicial assistant confirming that CourtScribes has been contacted, and (2) contact counsel for all other parties with instructions regarding how to contact CourtScribes to arrange that counsel's participation. To be clear, counsel for each party is responsible for arranging their own appearance.

INSTRUCTIONS FOR ATTORNEYS PARTICIPATING IN REMOTE HEARINGS THROUGH COURTSIBES

Counsel shall dial into the remote hearing at least 15 minutes before the hearing is scheduled to begin. Once the CourtScribes operator confirms counsel's participation, counsel will be admitted to the virtual courtroom. As with any court appearance, the Superior Court court reporter will be present and will ask all counsel to provide their name and contact information. CourtScribes personnel will be available to assist with any technological issues. The judge will join the call when all counsel and the court reporter are present.