

# Remote and Hybrid Hearings Plan

Sixth Judicial District



Date: July 31, 2023; Revised November 29, 2023; Revised April 6, 2024

Prepared By: Hon. Jarod K. Hofacket, Chief Judge

## Table of Contents

<b>1. Introduction</b> .....	3
<b>1.1 Supreme Court Strategic Plan</b> .....	3
<b>2. Sixth Judicial District Approach to Remote and Hybrid Hearings</b> .....	4
<b>3. Education and Training</b> .....	7
<b>3.1 Judicial Officers</b> .....	7
<b>3.2 Court Staff</b> .....	7
<b>3.3 Attorneys</b> .....	8
<b>3.4 Self Represented Parties</b> .....	8
<b>4. Technology</b> .....	9
<b>4.1 Internet Bandwidth</b> .....	9
<b>4.2 Courtroom Upgrades</b> .....	9
<b>4.3 Website</b> .....	13
<b>4.4 Remote Meeting Platform(s)</b> .....	13
<b>4.5 Judicial Proceeding Guidelines</b> .....	14
4.5.1 Remote Hearings using Video .....	14
4.5.2 Telephonic Hearings.....	14
4.5.3 In-person Hearings.....	14
4.5.4 Hybrid Hearings.....	14
4.5.5 Stipulations as to Hearing Type .....	14
<b>5. In Court Public Kiosks</b> .....	15

## Document Revision History

Version	Author	Description of Changes	Date

# 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 Sixth 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. Sixth Judicial District Approach to Remote and Hybrid Hearings

The approach below has been developed over the last several years in consultation with the local bar. There are presumptions for most case types, and judges should readily allow exceptions. Certain hearings, such as jury trials, require the parties to be in person and must be continued rather than be conducted remotely or hybrid if in person appearance is not possible. For most other hearings, the judges have demonstrated flexibility and accommodation to attorneys, parties and witnesses that has worked well.

For all hearing types, telephonic appearance is a disfavored exception. Counsel, parties and witnesses if permitted to appear remotely, shall appear by video. Telephonic appearance may be permitted for technology reasons or for other good cause.

### **DISTRICT COURTS:**

The following hearings are presumptively in person hearings:

Criminal (including juvenile delinquency, competency and pretrial detention hearings).

All criminal hearings will be conducted by the Court with the judge in person, in the courtroom. Participation by the attorneys and parties in person or remote are addressed as follows: Defendants should appear in person for evidentiary hearings, sentencing or changes of plea, as well as non-compliance hearings addressing the conditions of release. Communication between counsel and the court is open and accommodation for remote appearance will be made when possible (such as sentencing hearings where the sentence is fixed as a sentence of probation). Attorneys may appear remotely at non-evidentiary hearings at their discretion. Defense counsel should appear in person for change of plea hearings unless arrangements have been made with the court and the plea agreement is signed in advance. Judges will have Google Meets or Zoom available for all criminal hearings to accommodate remote appearances and the remote participation of attorney staff. Judges shall continue the practice of having a consistent Google Meets link or Zoom link for all hearings to aid participants in locating the proper virtual hearing room. Exceptions can be made for special hearings, including sequestered hearings. Court staff shall continue to keep the public informed of the Google Meet and Zoom link information. The Defense bar has requested that criminal hearings be presumptively in person to assist in meeting and conferring with their clients and being permitted to use court appointed interpreters. Judges will freely allow arrangements for out-of-town counsel and parties to appear remotely for any non-evidentiary hearings upon request of the individual. Defendants and Defense counsel must appear in person for change of plea hearings and sentencing hearings unless the judge makes a specific exception. Evidentiary hearings, including jury trials will be in person. Witnesses may appear remotely upon motion and order.

Abuse and Neglect.

All hearings will be presumptively in person. Remote participation by parties, counsel and witnesses will be freely permitted for status type hearings and emergency hearings calendared on days that are not

regularly reserved for the abuse and neglect docket. The Court is mindful that the contract attorneys covering these dockets are part time contractors and have full caseloads in other areas. Several contractors reside out of the judicial district. While in person hearings are beneficial and allow counsel and their clients the opportunity to speak before and after the hearings, occasional remote appearances by counsel is a necessity. The Court had several meetings with the Children's Court bar, and they have participated in, and agreed with the development of the plan for abuse and neglect hearings. The in-person hearings are a particular request of the bar to allow for additional communication between clients and counsel, the parties and CYFD, and between parents and children in care. The bar believes that the in person hearings are a net benefit to the resolution of cases. Notwithstanding this presumption, remote appearance by counsel, parties and witnesses will be regularly granted upon request.

Contested adjudicatory and termination of parental rights hearings will be in person. Clients and counsel must appear in person, unless a motion and order has been entered otherwise (such as for clients that are incarcerated out of state or in federal custody.)

#### Adult Guardianship

The final hearing in adult guardianship cases shall be held in person. The attorneys and other professional witnesses in these cases are very often not local to the district and may benefit from remote appearance. Counsel, parties and witnesses may appear remotely upon motion and order. In many cases, the protected person and the protected person's living environment may be observed via video in ways that are not available for in-person proceedings. Judges shall have discretion to allow the video appearance of the person to be protected if the health, safety or well-being of the person to be protected warrants a video appearance.

#### Domestic Violence.

All domestic violence hearings will comply with Supreme Court Order S-1-AO-2024-00002, issued January 12, 2024 or any updates to that order. For hearings that must be conducted in person as an exception the general rule in that order, the court will continue its longstanding practice of having the parties leave the facility separately with a waiting period for the second party to leave. Court security will allow the alleged victim to leave the courthouse and the courthouse parking lot while requiring the alleged assailant to wait in the courthouse.

#### All Evidentiary Hearings.

All evidentiary hearings, regardless of case type, are presumptively in-person. Notwithstanding this presumption, certain case types have traditionally been remote or hybrid, and will remain that way. Examples include drivers' license restoration hearings, foreclosure hearings, and many debt collection hearings.

#### Status and Scheduling Conferences.

These hearings are presumptively remote, except for the case types indicated above.

### Stipulation of Counsel and/or Parties.

Judges shall give deference to the stipulation of counsel and/or parties for any hearing and shall conduct the hearing either remotely or in person according to the stipulation. As always, the Court may overrule the stipulation, but must have good cause to do so, and shall indicate the good cause on the record.

### General Civil Hearings.

Unless addressed separately above in the more specific categories, hearings in civil matters are presumptively remote. Many practitioners in civil litigation reside out of district, and it increases judicial economy and costs to litigants for these practitioners to appear remotely. Given the rural nature of the Sixth Judicial District, remote hearings are common practice, and they will remain common practice. With the exception of the trial or complex motion hearings requiring exhibits and/or testimony all hearings in a civil case will be conducted remotely.

### **MAGISTRATE COURT:**

The following general policies apply to all magistrate courts. Certain Courts have different needs and are addressed separately at the end.

Because of the limited number of defense attorneys, all magistrate courts have designated days and times for their primary docket. For these dockets, the local attorneys appear in person. Allowances are regularly made for attorneys to appear via Google Meets if a scheduling conflict arises or if they are not one of the usual attorneys. Hearings that are not conducted on the regular docket day and time are most often conducted remotely to accommodate attorney schedules.

Limited In-person Hearings: Magistrate Courts will have limited in-person hearings. Some in-person hearings may be Preliminary Hearings, Jury Trials, Sentencing Hearings, Civil Bench Trials, certain Arraignments, certain Probation Violation hearings, and FTA Summons and FTP Summons. Only jury trials and FTA Summons will be presumed in person. The other hearing types will be primarily remote or hybrid, with accommodations as necessitated by the parties. All presumed in-person hearings will allow for remote appearances by parties and witnesses if requested and necessary. Judges will exercise discretion to allow the greatest flexibility and access to justice, while prioritizing the needs of the parties and attorneys. Additionally, walk-ins will be conducted in person. The typical walk in is a Defendant who has a warrant appears in person at the Court. The Judge will conduct the hearing on the warrant in person. However, exceptions can be made and the Judges may arrange to schedule hearings noted above, through Google Meets or Zoom, to accommodate remote appearances, when requested.

Traffic. All traffic hearings are conducted through Google Meets. When requested by the party and a demonstrated necessity exists, the party may appear in person and a hybrid hearing will be conducted. The typical case is an individual who appears at the court in person for a hearing that should be remote. The Court will accommodate that person rather than have them leave the Courthouse. The Magistrate Court facilities do not have the space for a kiosk or other online access to a remote hearing. The Court will not require in-person appearance for traffic hearings.

Stipulations as to Hearing Type: Attorneys will request in open court or file motion to request a Google Meet be set or any other request that must be addressed.

### General Civil Hearings.

Unless addressed separately above in the more specific categories, hearings in civil matters are presumptively remote. With the exception of the trial or complex motion hearings requiring exhibits and/or testimony all hearings in a civil case will be conducted remotely.

### **Bayard Magistrate Court**

Because the Bayard Magistrate Court is located 15 miles (and 25 minutes) from the Grant County Detention Center, the Bayard Magistrate Court has adopted the following policy for inmates. Inmates will be transported for jury trials, which will be conducted in person. Inmates for all other proceedings will not be transported and will appear through Google Meets for either a fully remote or a hybrid hearing.

The Bayard Magistrate Judge is assigned 33% of the cases filed in the Silver City Magistrate Court. The Judge will appear remotely for these hearings, except for contested Preliminary Hearings, Jury Trials and Bench Trials.

## **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.

### **3.1 Judicial Officers**

A judicial officer must be able to control a virtual courtroom with the same efficiency as an in-person courtroom. Judicial Officers controlling the Google Meet or Zoom hearing room were provided with a virtual training in creating and closing breakout rooms. If additional training is required, the Sixth's IT Technician will provide one-on-one training.

All judges have adequate experience in managing the virtual courtroom, and navigating Zoom and Google Meets. Judges will be encouraged to participate in any training offered by AOC, JID or our partners for these platforms on an as needed basis.

TCAAs in our district include the Google Meets or Zoom information on notices of hearing on a regular basis, and frequently provide telephonic assistance to participants in connecting to the remote platform.

### **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. All current staff are well trained in scheduling remote and hybrid hearings. New clerks and judges' staff will have to be trained as part of their onboarding.

TCAAs in our District Courts include the Google Meets or Zoom information on notices of hearing on a regular basis, and frequently assist participants in connecting to the remote platform. The Docket Clerks at the Magistrate Courts include the Google Meets or Zoom information on notices of hearing.

Court Staff were provided with a virtual training in creating and closing breakout rooms to assist the judges. If additional training is required, the Sixth’s IT Technician will provide one-on-one training.

The District Court does not have any expertise to train these employees in making sure the audio is clear for the record beyond the expertise learned by our court monitors through trial and error. As training is offered by AOC, JID and our partners, Court Monitors, Court Clerks and TCAAs will be expected to attend relevant training.

<b>Role</b>	<b>Responsible</b>
TCAA/Docket Clerk	Scheduling hearings, providing notice of the hearing type and Remote Hearing access information.
Court monitor/ Court Manager or Court Clerk	Test FTR, validate all microphones are working
TCAA and Clerk Staff	Communicate with the public regarding remote hearing access and assist with trouble shooting.

### 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.

Our bar is small and consistent. All regular attorneys have adequate experience in participating in Zoom and Google Meets hearings. Court staff including Clerks and TCAAs who regularly take phone calls from litigants advise these attorneys and new attorneys how to access specific Google Meets or Zoom hearings.

The benefit of continuing to use Zoom and Google Meets is that the bar in New Mexico is already intimately familiar with these platforms.

Guidelines for hearing and meeting decorum will be provided to the Judiciary, which sets expectations for all participants, including how to mute/unmute, share documents, and monitoring the clock, which will be made available on the Court’s website along with this Plan.

### 3.4 Self Represented Parties

Access instructions are included on all notices of hearing. Self-Represented Parties can and often do call our clerks offices and our TCAAs for assistance in connecting to Zoom or Google Meets. As access instructions improve and evolve, they will be shared with self-represented litigants as part of the notices and forms in new cases.

Guidelines for hearing and meeting decorum will be provided to the Judiciary, which sets expectations for all participants, including how to mute/unmute, share documents, and monitoring the clock, which will be made available on the Court's website along with this Plan.

It is likely that a one-time comprehensive training will not be fruitful. Most self-represented parties are first time court users. Court staff will continue to direct self-represented parties to online resources provided by the judiciary and by Google and Zoom and to help them troubleshoot with connection issues.

Self-Represented Litigants will face ongoing challenges sharing exhibits in remote hearings. Most self-represented litigants appear via a cell phone equipped with a camera, and in our area these phones are often "burner" phones, or phones that have monthly contracts. The devices are not robust and do not have large data storage or data plans to allow for introduction of exhibits during the hearing itself. Loading exhibits onto a cell phone and sharing with the Google Meet or Zoom is not feasible except for the most advanced users. Litigants are advised to deliver proposed exhibits to the Court and opposing parties in advance. This advice is included in the notice of hearing and court staff instruct litigants about the procedure when called. Continuances may be necessary to allow a self-represented litigant to submit evidence.

## 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.

The internet is adequate at all court locations. It is not robust by any means. Additional drains on the bandwidth will quickly demonstrate that most court locations are near the maximum bandwidth already. However, the District has invested in bandwidth as often as possible.

The internet was disconnected for multiple weeks at the Bayard Magistrate Court and court staff and judges had to rely on hot spots.

### 4.2 Courtroom Upgrades

These needs have been identified as best as possible by court staff and Chief Judge Hofacket. All court managers and judges believe that qualified IT staff familiar with courtroom audio and FTR software and products should conduct an evaluation.

#### Luna County District Court.

Four courtrooms.

*Courtroom 1.* (Large Jury Courtroom) This courtroom will be used for in person, remote and hybrid hearings. The audio in this Courtroom was recently upgraded. The audio in the courtroom and on the record is improved and the audio from the remote platforms now feeds directly into the FTR. However, to effectively use the FTR talk to text, lapel microphones that can be assigned to individuals should be purchased. It is unknown if the audio system has the wireless capacity for these types of microphones.

Consideration should be given to laptops with cameras being placed at the witness stand and attorney tables to allow for better hybrid hearing participation.

*Courtroom II.* (Small Hearing Courtroom) This Courtroom needs some audio upgrades to allow the remote platform audio to feed directly into the FTR. The FTR machine and audio equipment are out of date and need investment. This courtroom is small and may be ideal for fully remote hearings or fully in person hearings. There would need to be an investment in monitors and courtroom speakers to make this an effective hybrid hearing courtroom. It is a low priority to make that investment.

*Courtroom III.* (Medium Jury Courtroom) This courtroom will be used for in person, remote and hybrid hearings. The audio in this Courtroom was upgraded in June 2023. The audio in the courtroom and on the record is improved and the audio from the remote platforms now feeds directly into the FTR. However, to effectively use the FTR talk to text, lapel microphones that can be assigned to individuals should be purchased. It is unknown if the audio system has the wireless capacity for these types of microphones. Consideration should be given to laptops with cameras being placed at the witness stand and attorney tables to allow for better hybrid hearing participation.

*Courtroom IV* (Large Hearing Courtroom) This courtroom will be used for in person, remote and hybrid hearings. The audio in this Courtroom was upgraded in June 2023. The FTR machine and audio equipment are out of date and need investment. This courtroom should be upgraded to be an effective courtroom for hybrid hearings, including purchasing monitors and laptops for the witness stand and attorney tables. The bench computer will need to be upgraded. This courtroom is ideal for the FTR talk to text upgrade and investment in wireless lapel microphone equipment should be made.

Laptops should be purchased and placed on the witness stand and attorney tables for hybrid hearings. The camera on the laptop would allow remote participant to view the in court participant, and the laptop monitor would allow the in court participant to view the remote participants. The audio would not be used on these devices to prevent feedback. Additionally, a laptop could be placed at the front of the bench to allow the judge to view the remote participants and in person participants in the same field of view.

#### Grant County District Court

*Courtroom I.* (Large Jury Courtroom) This courtroom will be used for in person, remote and hybrid hearings. The audio in this Courtroom was recently upgraded. The audio in the courtroom and on the record is improved and the audio from the remote platforms now feeds directly into the FTR. This Courtroom is the only one in the district with wireless microphones. This Courtroom would be ideal for our court to pilot the FTR Talk to Text. Consideration should be given to laptops with cameras being placed at the witness stand and attorney tables to allow for better hybrid hearing participation. Additionally, a laptop or chrome book could be placed at the front of the bench to allow the judge to view the remote participants and in person participants in the same field of view.

*Courtroom II* (Small Hearing Courtroom) This courtroom will be used for in person, remote and hybrid hearings. The audio in the courtroom needs to be upgraded. There are no speakers in the courtroom and for hybrid hearings the computer speakers are turned up for participants in the courtroom to hear or a conference telephone is used and the speaker feeds the audio from remote participants into the FTR with the judge's microphone. This courtroom should be upgraded to be an effective courtroom for hybrid

hearings, including purchasing monitors and laptops for the witness stand and attorney tables. The bench computer will need to be upgraded. This courtroom is ideal for the FTR talk to text upgrade and investment in wireless lapel microphone equipment should be made. Additionally, a laptop or chrome book could be placed at the front of the bench to allow the judge to view the remote participants and in person participants in the same field of view.

*Courtroom III* (Medium Hearing Courtroom) This courtroom will be used for in person, remote and hybrid hearings. The audio in the courtroom needs to be upgraded. There are no speakers in the courtroom and for hybrid hearings the computer speakers are turned up for participants in the courtroom to hear the remote participants or a conference telephone is used and the audio from remote participants is fed into the FTR with the judge's microphone by the speaker. This courtroom should be upgraded to be an effective courtroom for hybrid hearings, including purchasing monitors and laptops for the witness stand and attorney tables. The bench computer will need to be upgraded. This courtroom is ideal for the FTR talk to text upgrade and investment in wireless lapel microphone equipment should be made. Additionally, a laptop or chrome book could be placed at the front of the bench to allow the judge to view the remote participants and in person participants in the same field of view.

#### Hidalgo County District Court.

One jury courtroom.

This courtroom will be used for in person, remote and hybrid hearings. The courtroom is in need of significant upgrades. Hybrid hearings are extremely challenging. Audio for hybrid hearings is arranged by using a conference telephone with two "spider" microphones that must be moved around the courtroom depending on who is speaking. This audio is picked up by the FTR by having the judge hold the bench microphone near the speaker on the conference phone. If the judge speaks, the judge must balance the judge's voice between the conference phone and the FTR connected microphone. It is currently not possible for a remote participant to see the judge, the witness and the questioning attorney in the courtroom at the same time. There are wires running all across the well of the courtroom to accommodate telephone and microphones.

The furniture is limiting and should be upgraded. The courtroom itself is fairly large, but the well of the courtroom houses too many tables, the witness stand, the jury box, the court monitor station and space for court security to stand. The bench is small, so the computer monitors are stored on a bookshelf on the left of the judge. The judge cannot observe remote participants and in court participants at the same time. A laptop or chrome book could be placed at the front of the bench to allow the judge to view the remote participants and in person participants in the same field of view.

The audio is in dire need of an upgrade. Conferences at the bench cannot be made part of the record – there is no microphone on the bench that can feed into the FTR without playing to the whole courtroom. The audio mixer does not appear to have that capability even if there was a microphone.

The current set up would not allow for the audio from the remote platform to go directly into the FTR.

#### Hidalgo County Magistrate Court

One courtroom. The Courtroom will need audio upgrades to effectively conduct hybrid hearings. A conference phone was recently purchased that can be used to dial into the Google Meet or Zoom

hearing. The participants in the courtroom can speak into the “spider” microphones and hear on the conference speaker. In this way, the remote participants can hear the in-court participants. However, this is a stopgap measure. Audio upgrades will allow hybrid hearings to be more effective.

Laptops should be purchased and placed on the witness stand and attorney tables for hybrid hearings. The camera on the laptop would allow remote participant to view the in court participant, and the laptop monitor would allow the in court participant to view the remote participants. The audio would not be used on these devices to prevent feedback. Additionally, a laptop could be placed at the front of the bench to allow the judge to view the remote participants and in person participants in the same field of view.

#### Luna County Magistrate Court.

One courtroom. This courtroom will need audio upgrades to effectively conduct hybrid hearings. A conference phone was recently purchased that can be used to dial into the Google Meet or Zoom hearing. The participants in the courtroom can speak into the “spider” microphones and hear on the conference speaker. In this way, the remote participants can hear the in-court participants. However, this is a stopgap measure. Audio upgrades will allow hybrid hearings to be more effective.

Laptops should be purchased and placed on the witness stand and attorney tables for hybrid hearings. The camera on the laptop would allow remote participant to view the in court participant, and the laptop monitor would allow the in court participant to view the remote participants. The audio would not be used on these devices to prevent feedback. Additionally, a laptop could be placed at the front of the bench to allow the judge to view the remote participants and in person participants in the same field of view.

#### Grant County Magistrate (Bayard).

One courtroom. Space is limited in this courthouse and courtroom. There are significant challenges to upgrading this facility. However, a fifteen-year lease was signed just a few years ago.

This courtroom will need audio upgrades to effectively conduct hybrid hearings. A conference phone was recently purchased that can be used to dial into the Google Meet or Zoom hearing. The participants in the courtroom can speak into the “spider” microphones and hear on the conference speaker. In this way, the remote participants can hear the in-court participants. However, this is a stopgap measure. Audio upgrades will allow hybrid hearings to be more effective.

Laptops should be purchased and placed on the witness stand and attorney tables for hybrid hearings. The camera on the laptop would allow remote participant to view the in court participant, and the laptop monitor would allow the in court participant to view the remote participants. The audio would not be used on these devices to prevent feedback. Additionally, a laptop could be placed at the front of the bench to allow the judge to view the remote participants and in person participants in the same field of view.

#### Grant County Magistrate Court (Silver City)

One courtroom. This courthouse is brand new. The audio in the courtroom is brand new and effective. However, a single boom mic picks up all the audio in the courtroom and may present challenges for confidential conversations.

Laptops should be purchased and placed on the witness stand and attorney tables for hybrid hearings. The camera on the laptop would allow remote participant to view the in court participant, and the laptop monitor would allow the in court participant to view the remote participants. The audio would not be used on these devices to prevent feedback. Additionally, a laptop could be placed at the front of the bench to allow the judge to view the remote participants and in person participants in the same field of view.

### 4.3 Website

Court websites should include specific information to accommodate remote and hybrid hearings, and for participants to request to appear remotely.

Description	Role(s) Responsible for Content	Role(s) Responsible for Website Updates
Judicial officer dockets published	Not currently published *	New IT Staff
Links available for public access to watch or listen	Not currently published *	New IT Staff
Instructions for attorneys	Not currently published *	New IT Staff
Instructions for self-represented parties	No currently published *	New IT Staff

Ultimately, the users in our district do not access our website. The address for individual court websites is hard to locate, and the navigation tree on the NM Courts website is cumbersome. All court users who need assistance call our courts. Our staff is patient and provide helpful and consistent information to help court users.

We do not object to upgrading our website and including information. We simply suspect it will be of limited usefulness. Most court users do not access websites any longer. Cell phones are prolific and the NM Courts website is not mobile friendly. Attorneys who can access our website frequently simply just call our courts.

\*District Court and Magistrate Courts: All TCAAS prepare a final court calendar for their assigned District Court Judge, Court Managers prepare a final calendar for their assigned court, and email the calendars to justice partners, at least 5 days in advance. The calendars are detailed and provide Google Meet or Zoom links, clearly identify if hearings will be held in-person or remotely. Notices of hearings also provide and detail how self-represented litigants and attorneys can access hearing links if held through Google Meets or Zoom links or they can contact the TCAAs, District Courts or Magistrate Courts for assistance.

Guidelines for hearing and meeting decorum will be provided to the Judiciary, which sets expectations for all participants, including how to mute/unmute, share documents, and monitoring the clock, which will be made available on the Court’s website along with this Plan.

The Sixth Judicial District Court does not currently publish its dockets on the court’s website. If a member of the public requests to watch or listen to proceedings, they are welcome to contact the TCAAs, District Courts or Magistrate Courts for assistance.

### 4.4 Remote Meeting Platform(s)

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

Google Meet

Zoom

Both

The presiding judge shall select between Google Meets and Zoom and shall be consistent in the platform they choose. Our Zoom license is maintained by our financial department. At this time all Magistrate Judges and 3 of 4 District Court Judges primarily use Google Meets. One Judge uses Zoom for the increased sound quality during long hearings.

Certain Magistrate Courts still use the Polycom system to conduct hearings with the local detention centers. The Magistrate Courts would like to continue to do so as long as this platform is supported. The Polycom platform is only used for inmates in detention and in almost all instances, there are no other parties involved (such as for initial appearances). Attorneys in the courtroom can participate in the Polycom hearings.

#### 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 Sixth Judicial District Courts and Magistrate Courts are 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. All hearings that are conducted as a remote hearing will be conducted via video on the Google Meet or Zoom platform.
- 4.5.2 Telephonic Hearings None of our courts use telephonic hearings as a default option for any hearings. Telephonic appearance is reserved for instances where video appearance is challenging or impossible for technology reasons.
- 4.5.3 In-person Hearings. The case types that are presumptively in person are described above in Section 2. However, the primary guidepost is whether the hearing is an evidentiary hearing. Evidentiary hearings will be conducted in person in most instances. Additionally change of plea hearings and sentencing hearings will also be conducted in person.
- 4.5.4 Hybrid Hearings. No hearing will be a presumptively “hybrid” hearing. The presiding judge will have discretion to allow parties, counsel and witnesses to appear remotely for hearings that are scheduled in person. Additionally, the presiding judge will have discretion to allow parties, counsel and witnesses to appear in person for hearings that are scheduled remotely.
- 4.5.5 Stipulations as to Hearing Type. Judges shall give deference to the stipulation of counsel and/or parties for any hearing and shall conduct the hearing either remotely or in person according to the stipulation. As always, the Court may overrule the stipulation, but must have good cause to do so, and shall indicate the good cause on the record or on the order.

## 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.

- All of our District Court locations have space and power for a kiosk. Internet accessibility will be a challenge in all court locations. No court location has a separate internet, therefore the kiosk would be on the court network. In most courts, the kiosk location would not provide privacy. Only in the Grant County District Court and the Luna County District Court could a kiosk or justice station be placed that would allow privacy. A participant could appear remotely from the kiosk. That is not a possibility in Hidalgo County District Court or in any of the Magistrate Courts. It would be desirable to find a partner in Hidalgo County that would host a justice station.
- The Bayard Magistrate Court does not have sufficient space in their lobby for any type kiosk. Any space taken up would cause traffic flow problems. There would be no possibility of privacy.