

COMMONWEALTH OF KENTUCKY
BULLITT CIRCUIT COURT
DIVISION TWO (2)
FAMILY COURT

AMENDED GENERAL ORDER re: CONDUCT OF REMOTE COURT PROCEEDINGS

IT IS HEREBY ORDERED AND ADJUDGED as follows:

On October 17, 2022, this Court returned to conducting the majority of its proceedings in person. The Court believes this to be the optimal method for conducting the judicial task and performing its duties relative to the cases before it. Attorneys and litigants should expect in-person proceedings to continue indefinitely. Only upon Order of the Kentucky Supreme Court, Governor of the Commonwealth of Kentucky, or other applicable authority will the Court modify this aspect of how it conducts proceedings.

The only exception to this Rule is that this Court will continue to conduct its Circuit Motion Hour (Mondays at beginning at 8:30 a.m.) remotely. At present, this Court uses Zoom. The following can be used to appear for motion hour.

**BULLITT CIRCUIT, DIVISION TWO, CIRCUIT JUDGE SPAINHOUR
PRIMARY COURT LINK FOR ZOOM:**

<https://kycourts-net.zoom.us/my/judgespainhourdiv2>

Meeting ID: 854 169 9842

Passcode: 302

or, Join by telephone (audio only) at
Call # 1 (312) 626 6799 and use Passcode 302

Beyond the Court's Monday motion hour, all other dockets and hearings will be in person proceedings. In some circumstances, persons may be permitted by the Court to participate in a court proceeding remotely. The following provisions shall apply to such circumstances and shall further apply to all litigants, attorneys, witnesses, and other parties involved in matters before the Court.

1. A litigant or attorney seeking permission to participate remotely, whether for themselves or on behalf of another (e.g., an attorney seeking permission for a witness to participate remotely) shall move the Court for permission regarding same via properly filed motion and notice to all parties or their counsel prior to the date of the relevant proceeding.
 - a. Motions shall set forth the basis for the request.
 - b. Opposing parties may assent to or oppose such requests.
 - c. In the event no party objects to the request, the Court retains the right to review and then grant or deny a request to appear remotely.

- d. The Court reserves the right to continue a matter until such time as the affected party is able to participate in person.
 - e. A grant of permission to participate remotely is for a specific proceeding. No general right to participate remotely is granted nor should same be inferred.
2. The following is a non-exhaustive list of grounds which may permit remote participation.
- a. Illness, injury, or disability that would make travel to and/or being present in a courtroom burdensome or hazardous to health. Same requires verification by health care provider.
 - b. Distance from the Court that makes travel burdensome.
 - c. **Unavoidable** simultaneous litigation in two or more venues. Attorneys choosing to double schedule should not expect accommodation.
 - d. To accommodate or expedite the testimony of professional or expert witnesses.
 - e. To secure the appearance of incarcerated individuals.
 - f. To conduct proceedings in cases arising in other Judicial Circuits for which this Court has been assigned to sit as Special Judge.
 - g. Other substantial hardship or compelling circumstances as determined by the Court.
3. Expected Conduct
- a. The same level of decorum and professionalism that would be expected of a person in a courtroom is expected at all times during a proceeding conducted remotely.
 - b. The Court's inherent contempt power is not lessened during proceedings conducted remotely. A failure to adhere to expected levels of decorum during remotely conducted proceedings may result in findings of contempt against the offending party along with commensurate sanction.
 - c. Additionally, the Court may temporarily or permanently deny an offending individual permission to participate in remotely conducted proceedings.
 - d. In any case deemed confidential under the laws of the Commonwealth of Kentucky, the same protections and expectations placed upon participants are unchanged if the matter is heard remotely.
4. Technical Considerations
- a. Individuals participating remotely must do so with picture and audio. Zoom, like many other videoconferencing programs, has an audio-only option. That is unacceptable for court proceedings. Only under extraordinary circumstances will the Court permit a person to participate by audio only.
 - b. When not speaking, individuals participating remotely will mute the microphone on their device and only unmute at appropriate times (e.g., to give testimony, to raise an objection, etc.).

- c. Prior to a person's remote appearance, the Court shall be furnished with relevant contact information. A person participating remotely shall appear as themselves (i.e., they should appear under their own name on Zoom).
5. Miscellaneous Provisions
- a. Remote court proceedings are as real as proceedings occurring in the courtroom and operate to the same legal effect.
 - b. The substantive law and procedural rules that govern the courts of the Commonwealth of Kentucky are not changed when a case is heard remotely.
 - c. Potential exhibits shall be prefiled with the Court at least five (5) days prior to a proceeding that will be conducted remotely.

Done this the 26th day of October, 2023.

Elise Givhan Spainhour
HON. ELISÉ GIVHAN SPAINHOUR, JUDGE
BULLITT CIRCUIT COURT, DIVISION TWO
FAMILY COURT

