



CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT OF FLORIDA

HONORABLE JAMES H. DANIEL
Circuit Judge

NASSAU COUNTY COURTHOUSE
Robert M. Foster Justice Center

April 13, 2020

TO: The Honorable Mark H. Mahon, Chief Judge, Fourth Judicial Circuit
The Honorable Steven M. Fahlgren, Circuit Court Judge
The Honorable Wesley R. Poole, County Court Judge
The Honorable John A. Crawford, Clerk of Court
Capt. Paula J. DeLuca, Nassau County Jail/Courthouse
Sgt. Ken Davis, Nassau County Courthouse Bailiff
Nassau County Bar Association

FROM: The Honorable James H. Daniel, Administrative Judge

RE: Specific Procedures for Nassau Criminal Divisions

Please find attached Administrative Order No: 2020-14.

IN THE CIRCUIT COURT, FOURTH JUDICIAL
CIRCUIT, IN AND FOR NASSAU COUNTY FLORIDA

ADMINISTRATIVE ORDER NO: 2020-14

**RE: SPECIFIC PROCEDURES FOR NASSAU COUNTY FELONY, MISDEMEANOR,
AND JUVENILE DELINQUENCY DIVISIONS (AMENDED)**

WHEREAS, the COVID-19 virus (coronavirus) pandemic emergency has necessarily altered the administrative procedures traditionally employed to manage felony, misdemeanor, and juvenile delinquency cases in Nassau County;

WHEREAS, the presiding judge in each division has developed temporary emergency procedures to handle their cases as required by Nassau County Administrative Orders No. 2020-7 and 2020-13;

WHEREAS, some of those temporary procedures, by necessity, have been amended since the undersigned last consolidated them in Nassau County Administrative Order No. 2020-9;

WHEREAS, there is a need to consolidate all temporary emergency procedures, with amendments, for all three divisions and provide notice to the residents of the county and members of the Bar;

WHEREAS, it is crucial that all those appearing before the court in these divisions adhere to the temporary emergency procedures;

WHEREAS, the Chief Judge of the Fourth Judicial Circuit has delegated authority to the Administrative Judge for Nassau County to establish temporary procedures;

NOW THEREFORE, by the authority vested in the undersigned, **IT IS ORDERED**:

1. The emergency temporary procedures (amended) for the felony division in Nassau County which are set-forth in the attached Appendix A shall apply to all felony cases until further order of the court;

2. The emergency temporary procedures (amended) for the misdemeanor division in Nassau County which are set-forth in the attached Appendix B shall apply to all misdemeanor cases until further order of the court;

3. The emergency temporary procedures for the juvenile delinquency division in Nassau County which are set-forth in the attached Appendix C shall apply to all juvenile delinquency cases until further order of the court;

4. All parties and attorneys appearing before these divisions shall familiarize themselves and comply with all temporary emergency procedures attached to this administrative order.

DONE AND ORDERED in Chambers at Yulee, Nassau County, Florida, this the 13TH day of April, 2020.



JAMES H. DANIEL



CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT OF FLORIDA

HONORABLE JAMES H. DANIEL,
Circuit Judge

NASSAU COUNTY COURTHOUSE
Robert M. Foster Justice Center

April 13, 2020

TO: The Honorable Mark H. Mahon, Chief Judge, Fourth Judicial Circuit
The Honorable Steven M. Fahlgren, Circuit Court Judge
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Capt. Paula J. DeLuca, Nassau County Jail/Courthouse
Sgt. Ken Davis, Nassau County Courthouse Bailiff
Nassau County Bar Association

FROM: The Honorable James H. Daniel, Administrative Judge

RE: Nassau Felony Court Procedures - Amended

Please see attached procedures.

EFFECTIVE 4/13/2020

**NOTICE REGARDING FELONY CRIMINAL COURT PROCEDURES IN NASSAU
COUNTY, FLORIDA (revised)**

In response to the current emergency brought on by the COVID-19 virus, the following procedures shall remain in place until further notice of this court:

A. Procedures for Incarcerated Defendants

1) Pursuant to Nassau County Administrative Order 2020-07, all hearings involving defendants incarcerated in the Nassau County Jail (NCJ) shall be conducted remotely by Zoom application. No private attorneys will be allowed in the presiding judge's chambers and all must appear remotely. Although all Assistant State Attorneys and Public Defenders are encouraged to appear remotely, a single representative from the State Attorney's Office and a single representative from the Public Defender's Office may be in chambers if they choose. The court will establish a recurring meeting on the Zoom application and keep the same link for remote appearances. Upon request, the link will be provided to counsel. **It is the responsibility of all counsel to obtain the link to participate in any Zoom application session.**

2) Docket for incarcerated defendants shall start each Thursday at 8:30 a.m. and conclude by 10:30 a.m.

3) Prior to any scheduled remote hearings for inmates in the NCJ, the presiding judge's office will contact all defense attorneys with incarcerated clients on the docket to determine if their client's case may be administratively passed to another day. The court will remotely handle only appearances for a) arraignment, b) a negotiated plea, c) a hearing previously scheduled with the judge's office, or d) a substantive matter that needs to be addressed. Attorneys do not need to appear if their client's case is administratively passed.

4) **If a defendant needs to appear remotely before the court, it is ultimately the responsibility of counsel to communicate that information to the presiding judge's assistant no later than 1:00 p.m. on the Wednesday before docket. After that deadline, no cases will be added to the list of defendant's appearing before the court except with express permission from the presiding judge.**

5) Waiver of appearance – For all but arraignments, counsel may waive the appearance of their client by filing a written waiver of appearance with the court. If no written waiver, counsel must communicate this to the presiding judge's assistant by the 1:00 p.m. deadline on the Wednesday before docket.

B. Procedures for Out-of-Custody Defendant

1) Pursuant to Nassau County Administrative Order 2020-07, all hearings involving defendants who are not incarcerated in the NCJ shall be conducted remotely by Zoom application. No private attorneys will be allowed in the presiding judge's chambers and all counsel and their clients must appear remotely. Although all Assistant State Attorneys and Public Defenders are encouraged to appear remotely, a single representative from the State Attorney's Office and a single representative from the Public Defender's Office may be in chambers if they choose. The court will establish a recurring meeting on the Zoom application and keep the same link for remote appearances. **This Zoom link will be different from the link used for appearances by incarcerated defendants.** Upon request, the link will be provided to counsel. **It is the responsibility of all counsel to obtain the link to participate in any Zoom application session.**

2) The court will set-aside time on its calendar each Thursday from 10:45 a.m. until 12:15 p.m. to hear cases for defendants who are not incarcerated.

3) The court will remotely handle only appearances for a) arraignment, b) a negotiated plea, c) a hearing previously scheduled with the judge's office, or d) a substantive matter that needs to be addressed. The court will not hear routine status hearings during this time.

4) The judge's assistant will not contact counsel to see if they would like to schedule a hearing for an out-of-custody defendant. **It is entirely the responsibility of counsel to contact the judge's judicial assistant to put a specific case on the docket for the reasons listed above.** The court will set a specific time for the hearing in the same manner as it would if scheduling a hearing in a civil or family law division case. Counsel need not join the remote court session until it is their time to appear.

5) Any case not specifically scheduled by counsel or the court will automatically be passed to another date.

6) Waiver of Appearance and Plea of Not Guilty – Neither counsel nor a defendant is required to appear for arraignment if the defendant has filed a Waiver of Appearance and written Plea of Not Guilty with the Clerk and counsel has provided a copy by electronic mail to the judge's assistant before the arraignment date. The court will, under such circumstances, administratively pass the case to another date.

C. Pleas

The court will remotely accept pleas in cases involving both in-custody defendants and out-of-custody defendants. This will include, on a limited basis, pleas for a term of incarceration in the Florida State Prison and pleas by out-of-custody defendants for a term of incarceration in the Nassau County Jail. Pleas will be handled in accordance with the following procedures:

- 1) Out-of-custody defendants

a. For all out-of-custody defendants entering a plea, regardless of whether it will include a period of incarceration or not, counsel must contact the judge's assistant to coordinate the time and location for the plea so that the court can 1) ensure if there is space available in the Nassau County Jail or if the Department of Corrections will accept the defendant; 2) make provisions for taking a defendant's fingerprints and DNA; and/or 3) place a defendant in custody if needed.

b. Location – For an out-of-custody defendant who is entering a plea that will result in a period of incarceration in either the county jail or state prison, the defendant is required at the appointed time to appear at the Nassau County Jail to enter such plea. For an out-of-custody defendant who is entering a plea that does not involve any period of incarceration, including a time-served plea, the defendant is required at the appointed time to appear at the Jury Assembly Room in the Yulee Courthouse. **No family or friends will be allowed to accompany a defendant entering a plea.**

2) In-custody defendants

a. In order to schedule a plea hearing for an in-custody defendant who will enter a plea in exchange for a sentence that includes a period of incarceration in the Florida State Prison, counsel must contact the judge's assistant to request permission. In the request, counsel must provide the total amount of time the defendant will remain incarcerated (sentence minus credit for time served). Before allowing the plea to go forward, the court will then determine if the Department of Corrections will accept the defendant so that the defendant can serve the agreed-upon term of incarceration.

b. There is no need for counsel to seek permission from the court for an in-custody defendant to enter a time-served plea, plea resulting in a period of probation or community control, or a plea for a term of incarceration in the Nassau County Jail.

D. Hearings

1) Hearings anticipated to last 20 minutes or less can be handled during the regularly scheduled remote sessions for in-custody defendants and for out-of-custody defendants.

2) Hearings anticipated to last more than 20 minutes, or those involving multiple items of evidence or third-party witness testimony, should be scheduled with the presiding judge's assistant for a time after 1:30 p.m. each Thursday.

3) Except for extraordinary circumstances, each hearing scheduled in the afternoon docket should be handled remotely by Zoom application. The judge's assistant will provide a specific Zoom link for any such hearing. It is the responsibility of counsel to provide the remote link to any third-party witness they intend to call.

4) If counsel believes an in-person hearing is required, counsel must contact the presiding judge's office and request it, in writing with copy to opposing counsel. Permission will not routinely be granted, but for any in-person hearing, all procedures recommended by the CDC will strictly be followed.

5) **Note, counsel can request hearing times on days other than Thursdays, including any request for plea hearings. The court will schedule such hearings if there is space available on the court's calendar.**



CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT OF FLORIDA

HONORABLE STEVEN FAHLGREN
Circuit Judge

NASSAU COUNTY COURTHOUSE
Robert M. Foster Justice Center

March 31, 2020

TO: The Honorable Mark H. Mahon, Chief Judge, Fourth Judicial Circuit
The Honorable James Daniel, Nassau County Administrative Judge
The Honorable Wesley R. Poole, County Court Judge
The Honorable John A. Crawford, Clerk of Court
Major Michael Philpot, Duval Detention Center
Sgt. Ken Davis, Nassau County Courthouse Bailiff
Nassau County Bar Association

FROM: The Honorable Steven Fahlgren, Circuit Judge

RE: Nassau Court Procedures for Juvenile Delinquency Cases

Please see attached procedures.

EFFECTIVE 3/31/2020

**NOTICE REGARDING JUVENILE DELINQUENCY COURT PROCEDURES IN
NASSAU COUNTY, FLORIDA**

In response to the current emergency brought on by the COVID-19 virus, the following procedures shall remain in place until further notice of this court:

A. Procedures for Incarcerated Respondents

1) All hearings involving Respondents detained in the Duval Detention Center (DDC) shall be conducted remotely by Zoom application. Unless there are exceptional circumstances, no private attorneys will be allowed in the Courtroom and all must appear remotely. Although all Assistant State Attorneys and Public Defenders are encouraged to appear remotely, a single representative from the State Attorney's Office and a single representative from the Public Defender's Office may be in Courtroom if they choose. The court will establish a recurring meeting on the Zoom application¹ and keep the same link for remote appearances. Upon request, the link will be provided to counsel. It is the responsibility of all counsel to obtain the link to participate in any Zoom application session. The initial link shall be <https://zoom.us/j/383599807?pwd=MmRDbzFvc0RQenFGQUxFR20vaHpTZz09>

2) Docket for incarcerated Respondents shall start each Wednesday at 1:30 p.m. and conclude by 4:00 p.m. Staffing shall be by the Zoom application at 1:00 p.m. Only court personnel,

¹ For instructions how to sign up for Zoom™, please visit <https://zoom.us/resources> Please note that if you are intending to join by a tablet or smart phone, it is usually easier to download the Zoom Application before clicking on the link. There is no fee to join a meeting hosted by someone else. The Court will be hosting the meetings. Using the Zoom™ application allows for multiple parties to appear remotely and await their case being called. Therefore, it will not be necessary for the parties to coordinate with the judicial assistant or clerk if they are logged into Zoom on or before the start of the hearing.

providers and counsel are permitted to join the staffing meeting. All participants are to use their first and last name in the application to avoid confusion except that parents or guardians should reference that they are Parent of [name of child]. For example, the Guardian of Rod Smith would change the participant name to Guardian Rod Smith.

3) Prior to any scheduled remote hearings for respondents in the DDC, counsel for the Respondents may contact the presiding judge's office if the Respondent is in agreement to administratively passing the Respondent's case to another day. It shall be assumed that Respondents will appear remotely from the DDC on their scheduled hearing date unless counsel has previously requested that the case be passed by contacting the presiding judge's assistant no later than 1:00 p.m. on the Tuesday before docket. When contacting the presiding judge, all parties should be copied on the email. The Court will ensure that DDC and the Clerk are copied on the email passing any cases in which the Respondent is in custody.

4) The court will remotely handle only appearances for a) arraignment, b) a negotiated plea, c) a hearing previously scheduled with the judge's office, d) a determination of the conditions of custody, or e) a substantive matter that needs to be addressed. Attorneys do not need to appear if their client's case is administratively passed.

5) Waiver of appearance – Counsel may waive the appearance of their client if there is a substantive matter to address, but the client's presence is not necessary. Counsel must communicate this to the presiding judge's assistant by the 1:00 p.m. deadline on the Tuesday before docket.

B. Procedures for Out-of-Custody Respondents

1) Pursuant to Nassau County Administrative Order 2020-07, all hearings involving Respondents who are not incarcerated in the Nassau County Jail (NCJ) shall be conducted remotely by Zoom application unless the Notice specifically mandates an in person appearance by

the Respondent. No private attorneys will be allowed in the presiding judge's chambers and all counsel and their clients must appear remotely. Although all Assistant State Attorneys and Public Defenders are encouraged to appear remotely, a single representative from the State Attorney's Office and a single representative from the Public Defender's Office may be in the courtroom if they choose. The court will establish a recurring meeting on the Zoom application and keep the same link for remote appearances. It is the responsibility of all counsel to obtain the link to participate in any Zoom application session.

2) The court will remotely handle only appearances for a) arraignment, b) a negotiated plea, c) a hearing previously scheduled with the judge's office, d) a determination of the conditions of custody, or e) a substantive matter that needs to be addressed. Attorneys do not need to appear if their client's case is administratively passed. The court will not hear routine status hearings during this time.

3) The judge's assistant **will not** contact counsel to see if they would like to schedule a hearing for an out-of-custody defendant. **It is entirely the responsibility of counsel to contact the judge's judicial assistant to put a specific case on the docket for the reasons listed above.** The court will set a specific time for the hearing in the same manner as it would if scheduling a hearing in a civil or family law division case. Any case not specifically scheduled by counsel or the court will automatically be passed to another date.

4) **Waiver of Appearance and Plea of Not Guilty** – Neither counsel nor a Respondent is required to appear for arraignment if the defendant has filed a Waiver of Appearance and written Plea of Not Guilty with the Clerk and counsel has provided a copy by electronic mail to the judge's assistant **before** the arraignment date. The court will, under such circumstances, administratively pass the case to another date.

C. **Hearings**

1) Hearings anticipated to last 20 minutes or less can be handled during the regularly scheduled remote sessions for in-custody Respondents and for out-of-custody Respondents.

2) Hearings anticipated to last more than 20 minutes, or those involving multiple items of evidence or third-party witness testimony, should be scheduled with the presiding judge's assistant for a time after 1:30 p.m. each Wednesday.

3) If counsel believes an in-person hearing is required, counsel must contact the presiding judge's office and request it, in writing with copy to opposing counsel. Permission will not routinely be granted, but for any in-person hearing, all procedures recommended by the CDC will strictly be followed.

4) For hearings involving exhibits, proposed orders, or copies of cases cited, the parties are directed to send these to the Court's judicial assistant, astrickland@nassauclerk.com, via email at least 24 hours in advance of the hearing with copies to all. Of course, counsel submitting proposed orders should also furnish sufficient self-addressed stamped envelopes to the Court via mail for service of any orders when a party is not signed up for the e-portal.



CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT OF FLORIDA

HONORABLE WESLEY R. POOLE
Circuit Judge

HISTORIC COURTHOUSE
416 Centre Street
Fernandina Beach, FL 32034

April 13, 2020

TO: The Honorable Mark H. Mahon, Chief Judge, Fourth Judicial Circuit
The Honorable James Daniel, Nassau County Administrative Judge
The Honorable Steven Fahlgren, Circuit Court Judge
The Honorable John A. Crawford, Clerk of Court
Capt. Paula J. DeLuca, Nassau County Jail/Courthouse
Sgt. Ken Davis, Nassau County Courthouse Bailiff
Nassau County Bar Association

FROM: The Honorable Wesley R. Poole, Circuit Judge

RE: Nassau Court Procedures for Misdemeanor Criminal Cases - Amended

Please see attached procedures.

EFFECTIVE 3/30/2020

(REVISED 4/13/2020)

**NOTICE REGARDING MISDEMEANOR CRIMINAL COURT PROCEDURES IN
NASSAU COUNTY, FLORIDA**

In response to the current emergency brought on by the COVID-19 virus, the following procedures shall remain in place until further notice of this court:

A. Procedures for Incarcerated Defendants

1) Pursuant to Nassau County Administrative Order 2020-07, all hearings involving defendants incarcerated in the Nassau County Jail (NCJ) shall be conducted remotely by Zoom application. No private attorneys will be allowed in the presiding judge's chambers and all must appear remotely. Although all Assistant State Attorneys and Public Defenders are encouraged to appear remotely, a single representative from the State Attorney's Office and a single representative from the Public Defender's Office may be in chambers if they choose. The court will establish a recurring meeting on the Zoom application and keep the same link for remote appearances. Upon request, the link will be provided to counsel. **It is the responsibility of all counsel to obtain the link to participate in any Zoom application session.**

2) Docket for incarcerated defendants shall start each Monday at 1:30 p.m.

3) Prior to any scheduled remote hearings for inmates in the NCJ, the presiding judge's office may contact all defense attorneys with incarcerated clients on the docket to determine if their client's case may be administratively passed to another day. The court will remotely handle only appearances for a) arraignment, b) a negotiated plea, c) a hearing previously scheduled with the judge's office, or d) a substantive matter that needs to be addressed. Attorneys do not need to appear if their client's case is administratively passed.

4) **If an incarcerated defendant needs to appear remotely before the court, it is ultimately the responsibility of counsel to communicate that information to the presiding judge's assistant no later than 1:00 p.m. on the Friday before docket. After that deadline, no cases will be added to the list of defendant's appearing before the court except with express permission from the presiding judge.**

5) Waiver of appearance – Counsel may waive the appearance of their client if there is a substantive matter to address, but the client's presence is not necessary. Counsel must communicate this to the presiding judge's assistant by the 1:00 p.m. deadline on the Friday before docket.

B. Procedures for Out-of-Custody Defendant

1) All *in-person*, out-of-custody arraignments and other appearances for County Court have been temporarily suspended by Order of the Florida Supreme Court and by Nassau County Administrative Order 2020-07. This suspension is effective through May 29, 2020, or until further order from the Court. For all non-represented (*pro se*) defendants, who were required to appear during this suspension period, his/her case will be re-scheduled and he/she will be notified of the new date. Any defendant who is able to attend via teleconferencing may do so with the Zoom application. The link to join the Court's Zoom™ Meeting for all hearings shall be: <https://zoom.us/j/896271091>; if a defendant is not able to participate by video conference, he/she may participate by telephone, by calling the number: 1 + 929 205 6099, and giving the meeting ID number: 896 271 091.

IMPORTANT: If your address has changed, you must provide a current address to the Clerk of the Court. If you have an attorney, you must stay in communication with your attorney to receive notice of the new date to appear.

2) All hearings involving defendants who are not incarcerated in the Nassau County Jail (NCJ) shall be conducted remotely by Zoom application. No private attorneys will be allowed in

the presiding judge's chambers and all counsel and their clients must appear remotely. Although all Assistant State Attorneys and Public Defenders are encouraged to appear remotely, a single representative from the State Attorney's Office and a single representative from the Public Defender's Office may be in chambers if they choose. The court has established a recurring meeting on the Zoom application and will keep the same link (provided above) for remote appearances. **This Zoom link will be different from the link used for appearances by incarcerated defendants. It is the responsibility of all parties and counsel to obtain the appropriate link to participate in any Zoom application session.**

3) The Court will continue to conduct out-of-custody arraignments by Zoom every Monday morning from 9:00 a.m. to 12:00 p.m. Where possible, each defendant will be assigned a specific time to appear, (e.g., 9:00, 9:15, 9:30, etc.). The court will use the above link on the Zoom application and keep the same link for remote appearances. **This Zoom link will be different from the link used for appearances by incarcerated defendants.** Upon request, the link will be provided to counsel. **It is the responsibility of all parties and counsel to obtain the link to participate in any Zoom application session.**

4) The court will set-aside time on its calendar each Wednesday from 9:00 a.m. until 11:30 a.m. to hear motions for defendants who are not incarcerated, and who are not on the regularly scheduled Wednesday afternoon pre-trial docket. The Court will conduct "chambers" on Wednesdays, from 1:30 to 2:30 p.m., and will schedule and hear pre-trial conferences, and matters not requiring more than 15 minutes, from 2:30 p.m. until 5:00 p.m.

5) The court will remotely handle only appearances for a) arraignment, b) a negotiated plea, c) a hearing previously scheduled with the judge's office, or d) a substantive matter that needs to be addressed. The court will not hear routine status hearings during this time.

6) The judge's assistant **will not** contact counsel to see if they would like to schedule a hearing for an out-of-custody defendant. **It is entirely the responsibility of counsel to contact the judge's judicial assistant, at 904-471-7275, to put a specific case on the docket for the reasons listed above.** The court will set a specific time for the hearing in the same manner as existed prior to the Covid-19 pandemic. Counsel should not join the remote court session until it is their time to appear.

7) Any case not specifically scheduled by counsel or the court will automatically be passed to another date.

8) Waiver of Appearance and Plea of Not Guilty – Neither counsel nor a defendant is required to appear for arraignment if the defendant has filed a Waiver of Appearance and written Plea of Not Guilty with the Clerk and counsel has provided a copy by electronic mail to the judge's assistant before the arraignment date. The court will, under such circumstances, administratively pass the case to another date.

C. Pleas

The court will remotely accept pleas in cases involving both in-custody defendants and out-of-custody defendants. This will include, on a limited basis, pleas by out-of-custody defendants for a term of incarceration in the Nassau County Jail. Pleas will be handled in accordance with the following procedures:

1) Out-of-custody defendants

a. For all out-of-custody defendants entering a plea, regardless of whether it will include a period of incarceration or not, counsel **must** contact the judge's assistant to coordinate the time and location for the plea so that the court can 1) ensure if there is space available in the

Nassau County Jail; 2) make provisions for taking a defendant's fingerprints; and/or 3) place a defendant in custody if needed.

b. Location – For an out-of-custody defendant who is entering a plea that will result in a period of incarceration in the county jail, the defendant is required at the appointed time to appear at the Nassau County Jail to enter such plea. For an out-of-custody defendant who is entering a plea that does not involve any period of incarceration, including a time-served plea, the defendant is required at the appointed time to appear at the Jury Assembly Room in the Yulee Courthouse. **No family or friends will be allowed to accompany a defendant entering a plea.**

2) In-custody defendants

a. There is no need for counsel to seek permission from the court for an in-custody defendant to enter a time-served plea, plea resulting in a period of probation or community control, or a plea for a term of incarceration in the Nassau County Jail.

D. Hearings

1) Hearings anticipated to last 15 minutes or less can be handled during the regularly scheduled remote sessions for in-custody defendants and for out-of-custody defendants.

2) Hearings anticipated to last more than 15 minutes, or those involving multiple items of evidence or third-party witness testimony, should be scheduled with the presiding judge's assistant. The judge's assistant will provide a specific Zoom link for any such hearing. It is the responsibility of counsel to provide the remote link to any third-party witness they intend to call.