

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

STANDING ORDER IMPLEMENTING
VIDEOCONFERENCING

U.S. DISTRICT COURT
FILED AT WHEELING, WV

MAY 11 2000

NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

IN RE: Video Technology

Miscellaneous No. 5:00-MC-23

Standing Order No. 8

In order to provide for an appropriate order dealing with the implementation of video telecommunication, the Chief Judge of this district, has consulted and conferred with the active and senior district judges of this district. The intent of this order is to reflect the court's belief that the use of videoconferencing technology in criminal, civil, and bankruptcy proceedings will enhance the litigation process and save money in travel for the judiciary, the bar, and others in the criminal and civil justice system.

Therefore, it is ordered that district judges, the bankruptcy judge, and the magistrate judges may conduct hearings and proceedings utilizing video telecommunications pursuant to the provisions of this order in the following circumstances:

- (1) In criminal proceedings, a court may utilize video telecommunications in conducting:
 - (a) Initial appearances pursuant to Federal Rule of Criminal Procedure 5(a);
 - (b) Hearings to determine whether probable cause exists to revoke pretrial release;
 - (c) Hearings to determine whether probable cause exists to revoke supervised release;

(d) Any post conviction proceedings under § 2254, § 2255 or any prisoner case under § 1983;

(e) The taking of a plea of guilty to a misdemeanor charge;

(f) Detention hearings;

(g) Returns by the grand Jury; and

(h) Any other proceeding to which the parties consent.

(2) Any civil proceeding;

(3) Any bankruptcy proceeding.

Facilities and Equipment. During any hearing or proceeding under this rule, the court shall assure that:

(1) The facility and equipment enable counsel to be present personally with the out of court party and be able to confer privately with such party outside the reach of the camera and audio microphone.

(2) The judge must be able to view fully the out of court party and counsel, though not necessarily at the same time. The out of court party and counsel must be able to view fully the judge and all attorneys present in the courtroom, though not necessarily at the same time.

(3) The facility must have the capacity, through video equipment or through facsimile or E mail, for the contemporaneous transmission of documents and exhibits.

(4) Images shall be in color; monitor screens shall be no smaller than twenty-five(25) inches.

(5) The audio and video transmission shall be of such quality, design and architecture as to allow easy public viewing of all public proceedings. The use of video technology in conducting

hearings and proceedings shall in no way abridge any right that the public may have to access the courtroom.

(6) The official record of any proceeding conducted using video telecommunications shall be made in a manner prescribed by the judicial officer conducting the proceedings.

Entered: May 11, 2000

Frederick P. Stamp

Frederick P. Stamp, Jr
United States District Judge

W. Craig Broadwater

W. Craig Broadwater
United States District Judge

Irene M. Keeley

Irene M. Keeley
United States District Judge

Robert E. Maxwell

Robert E. Maxwell
United States District Judge