

Superior Court of Washington, County of Mason

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 10px;"/> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>	<p>No. _____</p> <p>Pretrial Order and Stipulation for Remote Trial</p>
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vs.

The parties have stipulated to a remote trial via Zoom. Because this will be a remote trial, the following rules will apply:

- 1) **Witness List.** Two weeks prior to trial each party is required to:
 - a. Prepare, file and serve on the other party a list of witnesses that you intend to have testify at trial.
 - b. The witness list must contain email addresses and telephone numbers of witnesses who will testify at trial.

- 2) **Exhibit List and Exhibits.** Two weeks prior to trial, each party is required to:
 - a. Prepare, file and serve on the other party an exhibit list that includes a brief description of each exhibit (such as a document, audio or video recording, or physical object) that you intend to introduce at trial. Note that things like text messages or other electronically generated information and/or documents already filed in the Court file need to be printed so they can be introduced at trial.
 - b. The petitioner/plaintiff is to start his/her exhibit list with exhibit number 1. The respondent/defendant is to start his/her exhibit list with exhibit number 101.
 - c. Gather all of your exhibits and put them in the same order that they are identified in the exhibit list.

- d. Either use numbered tabs, or place a blank piece of paper on top of each exhibit and write the exhibit number on that blank piece of paper.
 - e. Be sure that you redact (black out) all personal identifying information including: social security numbers, driver's license numbers, and financial account numbers (except for the last four digits).
 - f. If an exhibit is more than one page, please number pages within the exhibit. Handwriting page numbers in the bottom right-hand corner is acceptable.
 - g. Make a copy of all your exhibits and mail those documents to the other party. Parties can exchange the documents by email only if there is a written agreement to receive documents in that way (an email agreement to exchange documents via email is acceptable). If the parties agree to exchange documents via email, it will still be necessary for the receiving party to print the documents for their own use at trial and for any witnesses (see paragraph 3 below).
- 3) **Master set of all Exhibits.** Each party is required to take the petitioner/plaintiff's exhibits and respondent/defendant's exhibits to create their own master set of exhibits. You must also make a copy of the master set for each witness you intend to have testify at trial. Each witness must have a hard copy of the master set of exhibits. The master set provided to witnesses must be identical to the master set provided to the Court and may not contain any notes, highlighting, post-its, or any other changes or additions from the master set.
- 4) **Court Copies of Exhibits.** Two complete sets (one original and one bench copy) of your exhibits must be provided to the Court. They should be mailed (or dropped off) to the Clerk's Office to be received no later than 72 hours prior to the trial, excluding weekends and holidays.
- 5) **Zoom Meeting Information.**
- a. Parties shall contact Court Administration 72 hours prior to trial at (360) 427-9670 ext. 356 to get the Zoom Meeting Information for the trial.
 - b. Prior to the day of trial, parties must provide their witnesses with the Zoom Meeting Information so the witnesses can join the meeting and testify at trial.
- 6) **Trial Process and Procedures**
- a. The Court will follow standard trial processes, including swearing in all witnesses and parties who choose to testify. Rules of Evidence do apply.
 - b. All participants must have access to a computer or device which has Zoom capabilities (microphone and speaker).
 - c. In order to make a clear record, witnesses must use their own device in a separate location. Two devices in the same room cause feedback, and sharing one microphone is not permitted.
 - d. The Court discourages the use of telephones for trial, unless video is not otherwise available.
 - e. The parties will refer to and use the exhibits as numbered in each party's exhibit list. Moving for admission of agreed or stipulated exhibits at the beginning of trial is encouraged.

- f. If you want a witness to refer to an exhibit, you must have previously provided them with a hard copy of the master set of exhibits; prior to the court date. The exhibit must be correctly numbered and identical to one you provided to the Court and other party and may not contain any notes, highlighting, post-its, or any other changes or additions from the master set.
- 7) **Exclusion of witnesses.** The Court is invoking Evidence Rule (ER) 615. Witnesses will remain in the Zoom waiting room until they are called to testify. No witness may view the live courtroom feed until after that person has testified. No party may communicate with another witness about any previous testimony in the case until after that witness has testified.
- 8) **Zoom Trial Etiquette**
- a. Either use an appropriate virtual background or be situated in a location with an appropriate background. Please avoid backgrounds/virtual backgrounds that are distracting. Also avoid backlighting, such as being in front of a window.
 - b. If at home, please try to be in a place that is quiet and without distractions.
 - c. Please dress and act in a way that is appropriate for court proceedings; do not eat, smoke, chew gum, or drink anything other than water.
 - d. Try to speak clearly, and at a slightly slower pace than you would normally speak. Consider the use of a headset or earbuds if noise or hearing is a concern;
 - e. If more than one device (computer, phone or tablet) is used in the same room, feedback can be a problem. Frequently this can be fixed by having the microphone and speaker of only one device active at a time. Headsets/earbuds can also solve this problem.
 - f. Please identify yourself in Zoom with your actual name and role, rather than a “virtual” name. Click on “manage participants” and then, in the column on the far right, find you name and click on “more” and “rename.”
 - g. Parties and witnesses with video capability should have the video on, unless you have permission of the Court to proceed without video.
 - h. See also additional information on the Superior Court Website at www.co.mason.wa.us/superior-court.

It is So Ordered.

Date

Judge

Video/telephonic approval:

Petitioner/Plaintiff

Respondent/Defendant

I certify under penalty of perjury under the laws of the State of Washington that I mailed a conformed copy of this document, postage prepaid, on _____, 2020, to the following: [Signed By _____ on _____, 2020, at Shelton, WA]

PETITIONER/PLAINTIFF:

RESPONDENT/DEFENDANT:

SAMPLE