

Roles and Responsibilities - Virtual Eviction Court Process

Judge

- Give Welcome, Info. re Eviction Diversion Program, and Eviction Prevention Project (EPP) services

Judge/Host/Co-Host

- Judge - Ask each party if they would like legal advice; after legal advice, ask if parties will mediate
- Match up parties, send them to the appropriate break-out rooms as needed
- Manage the Zoom breakout rooms
 - In Salzman's Court 8, Court Reporter is Host and Court Liaison is Co-Host
 - In Stafford's Court 4, Judge is Host and Court Liaison is Co-Host

Lawyer:

- Determine if there is a counterclaim
- Provide legal advice

Mediator:

- If a party fails to arrive in breakout room –SLACK message to Court Liaison who is missing
- Explain mediation to parties
- Collect contact information
- Mediate and document agreement; *Review agreement via SHARE SCREEN with parties before leaving the breakout room to ensure ALL DETAILS are correct.*
- Templates for each case are provided and are correctly named. Review to ensure all information on template is correct – date, cause number, etc.
 - *EXAMPLE:2021-06-02-000599 Gifford v Khoury Eviction Mediated Agreement*
- Send to court per Eviction Court Mediator Checklist.
- Upload Mediated Agreement for appropriate day in SLACK.
- Appear before Judge with Parties to clarify agreement should Judge have questions.

Court Liaison:

- Responsible to complete the tracking sheet with parties' names prior to court session begins
- Responsible to track each party and where they are in Zoom, i.e. what breakout room, in "court room," and what position they are in the queue for the next Project service (Legal, Mediation, Check-out), or for the judge
- Responsible to post Court Liaison Notes to Slack immediately following court.

Eviction Resource – Project Coordinator:

- Confirm what project services were received by the litigant
- Check that litigant understands Court decision and the next steps in their case
- Collect contact information if litigant declined mediation or if information is missing
- Offer access to housing and social service resources. If requested, information will be provided separate to the court proceeding

Contact Information:

Project Coordinator: Tonda Radewan eMail: evictionavoidance@gmail.com

Project Google Voice Telephone Numbers

The Housing and Eviction Resource Project number is 812-340-8189.

The CJAM number for Landlord-Tenant cases is 812-671-8309.

Virtual Eviction Court Process Using Zoom

Well Before the Court Hearings:

- The Court will send the docket to the Project Coordinator and Landlord-Tenant Case Manager by noon the day prior to court, and the Project Coordinator will post it to Slack to ensure Court Liaison has it as soon as possible after receipt to ensure that tracking sheet is prepared prior to court.
- Project Coordinator will email the list of Project volunteers to Court 8 no later than two hours before court session with breakout room assignments. The Landlord-Tenant Case Manager will post mediator schedules for the day in Slack, ILS and PBI will do same for attorneys. Court 4 will assign breakout rooms on the file at the beginning of the court session.

Just Before the Court Hearing

- Zoom Host or Co-Host: 10 minutes prior to court session or as early as is possible, launches Zoom and admits Project volunteers (Mediators, Lawyers and Project Coordinator) to meeting/court room. (This varies by judge.)
 - Host creates breakout rooms for Project and renames each room
 - Breakout Room #1 – Lawyer: Lawyer’s First Name
 - Breakout Room #2 – Lawyer: Lawyer’s First Name
 - Example: Lawyer – Jamie
 - Breakout Room #3 - Mediators: Mediator’s First Name/Mediator’s First Name
 - Breakout Room #4 – Mediators: Mediator’s First Name/Mediator’s First Name
 - Example: Mediators: Julie/Will
 - Breakout Room #5 – EPP Check Out: Eliza

At the Hearing

- Zoom Host/Co-Host - Admit each party to the courtroom; a
- Zoom Host - As you admit each party ensure that each party is named so they are easily identified with regard to the case.
- Judge - Introduce process
 - This will be done as frequently as Judge deems appropriate
- Zoom Host/Co-Host - Invite Project Volunteers to Breakout Rooms; Move
- Judge – Case by case, asks plaintiff/defendant
 - if they would like legal advice; if so, one or both parties are moved to legal breakout rooms
 - **Zoom Host announces** who is being moved where
 - Example #1: John Smith is going to Jamie for legal advice.
 - Example #2: Smith/Jones are going to Pam/Anna for mediation.
 - if they would like to mediate; if so, both parties are moved to a Mediation Breakout Room

Options for Resolution:

1. Parties have reached agreement independently
 - Parties (and any respective attorneys) state agreement on the record, under oath
 - Judge completes the order accordingly
 - Court sends parties to Project Coordinator in Check-Out
 - Parties and their attorneys leave the meeting
 - Project Coordinator texts Court Liaison: **CHECK-OUT OPEN**

2. Party seeks legal advice and determines there are grounds for a counterclaim
 - Lawyer and Party exit breakout room to appear before judge
 - Lawyer returns to **LEGAL Breakout Room**
 - Court gives parties a date for continuance or contested hearing
 - Zoom Host/Co-Host moves parties to Check-out

3. Parties mediate.
 - Parties and their lawyers (if any) mediate
 - Judge swears in Parties
 - Judge reads the agreement
 - Parties attest to the validity of agreement
 - Zoom Host/Co-Host moves parties to Check-out
 - Lead Mediator – returns to **Mediator Breakout Room**

4. Parties do not reach mediated agreement
 - Parties and their lawyers (if any) mediate
 - Lead Mediator exits with the parties
 - Court gives the Parties a contested hearing date
 - Zoom Host/Co-Host sends parties to Check-Out
 - Lead Mediator returns to **Mediator Breakout Room**

5. Dismissal
 - Court generally dismisses the action if the plaintiff doesn't show
 - Zoom Host/Co-Host sends Party to Check-Out

6. Default
 - Court will generally permit a default hearing if the defendant doesn't show
 - Court will allow the plaintiff to put on evidence
 - Court will issue a default order
 - Zoom Host/Co-Host sends Party to Check-Out