

L8. Video/Audio Conferencing in Court Proceedings.

A. Under appropriate circumstances, the court may allow a witness to appear or testify in court by video or audio means. In evaluating a request for a video or audio appearance, the court shall consider all relevant issues, which may include the following:

- (1) The availability of the witness to give live testimony in court;
- (2) the cost of requiring live testimony;
- (3) the length of the matter and, particularly in criminal pre-trial matters, the inconvenience to the sheriff or the defendant involved in traveling long distances for brief court appearances;
- (4) whether all parties have agreed to the proposed video or audio appearance;
- (5) whether the finder of fact will be able to hear and understand the witness, and properly evaluate the credibility of the witness, if credibility is at issue in the matter;
- (6) whether the request for video or audio testimony was made in a timely manner so that necessary video or audio equipment is available for the scheduled court appearance; and,
- (7) the importance of the testimony relative to the issues in the matter.

B. Timing of Request. Whenever video or audio conferencing is sought by the moving party in a pre-trial proceeding, the request should accompany the motion or petition. In the event that the need for conferencing is not known at the time the matter is commenced or if conferencing is required by a responding party, a request for conferencing shall be submitted to the court administrator's office no less than 21 days before the scheduled hearing. Requests for video or audio appearance of a trial witness shall be made by submitting the request for conferencing form contemporaneously with the filing of the pretrial statement.

C. Form of Request. The request for video or audio conferencing shall be made by submitting to the Court Administrator the details of the request, on a form that is available from the Court Administrator. The request shall detail the reasons for the request and provide required technical data necessary to make the video or audio connection. Prior to making the request for conferencing, the requesting party shall determine whether or not all other parties consent to allow the video or audio appearance of the witness, and the consent on non-consent of parties shall be reported in the request form.

D. In all noncriminal cases, the party requesting conferencing shall pay all court or Lycoming County costs associated with the conferencing request.

E. The requesting party shall be responsible for all required scheduling and set-up with respect to the originating transmission of the conference.