



UNITED STATES DISTRICT COURT
Southern District of Mississippi
Office of the Clerk

Fourth Revised Video-Conferencing Plan

TO: U. S. District and Magistrate Judges
Courtroom Deputy Clerks (CRDs)
Law Clerks
Probation Officers
Criminal Counsel in the Southern District

FROM: Arthur Johnston, Clerk

DATE: July 31, 2020

SUBJECT: Fourth Revised Video-Conference Plan in Response to the Coronavirus

In close consultation with the United States Marshal Service (USMS) and their local contract holding facilities, we have developed the following Video-Conferencing Plan. To coordinate scheduling, to give advance notice to the local facilities, and to ensure video-conferencing resource availability at the national bridge, all attorneys, probation officers, judges, and chambers staff are asked to adhere to it as much as possible.

- (1) The USMS' contract holding facilities have agreed to dedicate video-conferencing rooms and equipment for **exclusive federal court use** (to include attorney consultation and probation interviews) on the following schedule:

| <u>Facility</u> | <u>Monday</u> | <u>Tuesday</u> | <u>Wednesday</u> | <u>Thursday</u> | <u>Friday</u> |
|---------------------------|--------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| | | | | | |
| Madison County | 8:00 a -- 11:00 a 1:00 p – 5:00 p | 8:00 a --11:00 a 1:00 p – 5:00 p | 8:00 a --11:00 a 1:00 p – 5:00 p | 8:00 a --11:00 a 1:00 p – 5:00 p | 8:00 a --11:00 a 1:00 p – 5:00 p |
| | | | | | |
| Stone County | 8:00 a – 11:00 a 1:00 p – 3:00 p | 8:00 a – 11:00 a 1:00 p – 3:00 p | 8:00 a – 11:00 a 1:00 p – 3:00 p | 8:00 a – 11:00 a 1:00 p – 3:00 p | 8:00 a – 11:00 a |
| | | | | | |
| Harrison County | 9:00 a – 5:00 p | N/A | 9:00 a – 5:00 p | N/A | N/A |
| | | | | | |
| Pearl River County | N/A | 8:00 a – 3:00 p | N/A | 8:00 a – 3:00 p | N/A |

- (2) Apart from the procedures described herein, the Madison County Detention Center has agreed that the following options are also available to defense counsel and probation officers on any weekday from 8:00 am to 5:00 pm:
- (a) Private, non-recorded consultation **by video conference** with any inmate using the facility's existing Securas kiosk in the already existing C-2 location. This is a separate kiosk which will not be used by state and local courts. To utilize this option, defense counsel and probation officers should simply log in to www.videovisitanywhere.com and follow the sign-in and reservation steps.
 - (b) Private, non-recorded consultation **by telephone** with any inmate using the facility's existing phone line in the C-2 location. The 7-minute limit has been extended to 20 minutes and multiple 20-minute calls can be made upon request of the inmate. To utilize this option, defense counsel and probation officers should contact Officer Diane Gilmore directly at 601-855-0760 or diane.gilmore@madison-co.com.
 - (c) Private, non-recorded consultation **in person** behind Plexiglass in the facility's consultation room which is fully sanitized after every use. Neither counsel nor probation officers will have any personal contact with anyone else in the facility. To utilize this option, defense counsel and probation officers may simply appear at the jail and request the consultation with Officer Lana Watkins in the waiting area.
- (3) To allow attorney consultations and probation visits to take place during these allotted federal court blocks of time, court proceedings will be scheduled on a one-week-off and one-week-on basis, districtwide. In other words, "consultation" weeks will be utilized ahead of "court" weeks.
- (4) During "consultation" weeks, using the procedure set forth in paragraphs (5)-(9) below:
- (a) defense counsel's use is limited to attorney-client visits to prepare for the upcoming "court" week session;
 - (b) probation officers will be expected (absent emergency situations related to recent arrests) to conduct their business during consultation weeks without regard to the upcoming "court" week session; and
 - (c) time will be allotted on a first come, first served basis.

(5) The following weekly schedule will be in effect from and after July 31, 2020:

- (a) August 3 – 7, 2020 Court Week
- (b) August 10 – 14, 2020 Consultation Week
- (c) August 17 – 21, 2020 Court Week
- (d) August 24 – 28, 2020 Consultation Week
- (e) August 31 – Sept. 4, 2020 Court Week
- (f) Sept. 7 – 11, 2020 Consultation Week
- (g) Sept. 14 – 18, 2020 Court Week
- (h) Sept. 21 – 25, 2020 Consultation Week
- (i) Sept. 28 – Oct. 2, 2020 Court Week

(6) All video-conference requests, whether by probation officers, FPD or CJA counsel, or CRDs must be made by sending an email to the following group email address: video_hearings@mssd.uscourts.gov. The email should list the following information:

- (a) the name of the prisoner;
- (b) the facility where the prisoner is housed;
- (c) the requesting judge, attorney, or probation officer;
- (d) the type of proceeding or consultation to be scheduled;
- (e) the attorneys and probation officers involved;
- (f) the estimated duration of the video conference; and
- (g) the preferred date and time.

Alternate dates and times must also be included.

(A shared calendar will be made available for court users, so that chambers staff may see what is scheduled and when.)

(7) **Patrick Watson** with the Jackson IT Department will be the court's single point of contact for matters to be scheduled through the Madison County Detention Center and any other facilities in the Northern Division, and **Michael Rigdon** in Hattiesburg will fill that role for matters to be scheduled through the Harrison County Jail, the Stone County Correctional Facility, and when needed, the Pearl River County Jail.

Keithfer Robinson will (a) serve as the district's overall video-conferencing project manager, (b) provide daily in-courtroom assistance during "court" weeks, (c) ensure emails from the shared inbox are routing properly, (d) provide leadership and support to Watson and Rigdon, and (e) trouble-shoot the entire process throughout.

- (8) Watson and Rigdon will monitor emails throughout the day, and when a request is made, will immediately:
- (a) notify either DUSM Ivy Jenkins (ivy.jenkins@usms.doj.gov) for Stone, Harrison, and Pearl River counties or DUSM Singleton Moore (singleton.moore@usdoj.gov) for the Madison County Detention Center. Jenkins and Moore will, in turn, notify the appropriate contacts at the respective facility and tend to all logistics as between the facility and the inmate;
 - (b) “book” the date and time requested (or an alternate date and time) through the AO’s network video-conferencing bridge; and
 - (c) confirm the conference bridge arrangements with the appropriate CRD.

Those wishing to schedule video conferences should refrain from contacting Robinson, Watson or Rigdon directly unless no confirmation has been received after 24 hours of submission to the group email address.

- (9) **Advance notice is critical**, and several weeks’ advance notice is preferred for video conferencing for sentencings and plea hearings, if any, so please use best efforts to schedule court proceedings and attorney and probation consultations as much ahead of time as possible -- and stick to them as much as possible.
- (10) Until further notice, and due to nationwide bridge-connectivity resource limitations, the IT staff will restrict bridge video-conference connections to a maximum of three per each video conference, as follows:
- (a) Court Proceedings – (1) courtroom, (2) jail; (3) defense counsel;
 - (b) Probation Visits – (1) probation officer; (2) jail; (3) defense counsel;
 - (c) Attorney Consultations – (1) defense counsel; (2) jail.

This means that the judge, the court reporter and probation officer when necessary, and the prosecution will have to appear in the courtroom.

When needed, an interpreter will participate by telephone connection to the video-conferencing bridge.

- (11) Separate attorney/client consultations during the midst of court proceedings will take place by muting the incoming sound at the courtroom control panel

such that only the inmate, defense counsel, and interpreter can be heard. IT staff will be present to facilitate. Additional steps are underway to make separate, offline communication avenues available at the contract facilities (which Madison and Stone counties already have), as well as “separate rooms” for federal proceedings.

- (12) As much as possible, initial appearances, arraignments and detention hearings should be fit into the schedule set forth above, with the caveat that some attorney consultations and probation visits may be pre-empted when arrests are made at times not conducive to the schedule. Jails will be asked to make special accommodation for these matters outside the schedule whenever possible.
- (13) The Federal Public Defender and the U. S. Attorney’s Office have developed and agreed upon certain “Consent to Proceed by Videoconference” forms specific to the various proceedings that may take place by video. It is preferable that the judges use the forms.

(a) For proceedings before District Judges, the forms will be made available to the prisoner at the facilities during attorney consultations and signed at that time by the prisoner if agreeable. On Friday afternoons of the consultation weeks, the USMS will collect all signed forms and return them to the assigned District Judge’s CRD for other signatures and docketing.

(b) For proceedings before Magistrate Judges, the CRD will email the forms needed for that particular proceeding, including the applicable “Consent to Proceed by Videoconference” form, to the contacts at the contract holding facility who will print them. The forms will be presented to the defendant for signature during the video-conference hearing, and the signed forms will be scanned and returned by email to the CRD. The originals will be collected each week by the USMS as noted in subparagraph 12 (a), above.