

## MEMORANDUM

**TO:** All Litigants/Counsel  
**FROM:** Judge Angela A. Dempsey, Div. 71 Civil Division, Volusia County Court  
**RE:** CourtCall Telephonic Appearances  
**DATE:** October 2019

As a means to increase efficiencies and reduce costs to participants, telephonic appearances may be allowed for parties and counsel on non-evidentiary appearances.

### **Scheduling and Notice**

1. See paragraph 4 of the Court's General Scheduling and Procedures.
2. CourtCall facilitates the telephonic appearance of persons at hearings which have already been scheduled by regular means with the Court. CourtCall does not set or calendar hearings for the Court.
3. Telephonic appearances must be arranged by contacting CourtCall by phone at **(888) 882-6878** or on-line at **www.courtcall.com** no later than 3:00 p.m. (EST) on the third court-day preceding a hearing date. CourtCall will provide participants with a written confirmation of their telephonic appearance and a number to call to make the telephonic appearance.
4. Persons electing to make a telephonic appearance shall notify all parties of the same either contemporaneously with any written notice of motion or via fax or email (or, if the former are unavailable, by telephone) no less than 24 hours prior to the scheduled hearing date.

### **Appearance Procedure**

1. It is the responsibility of the person making a telephone appearance to dial into the call no later than five (5) minutes **prior** to any scheduled hearing(s).
2. Persons appearing telephonically shall state his or her name for the record each time he or she speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance.
3. To ensure the quality of the record, the use of car phones, cellular phones, speakerphones, public telephone booths, or phones in other public places is prohibited.
4. If a person schedules a telephonic appearance and then fails to respond when the matter is called, the court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear. The Court will attempt to reasonably accommodate persons attempting to appear before the Court in multiple courtrooms.

### **Costs**

1. CourtCall is an independent service provider. By using the services of CourtCall, individuals are knowingly entering into a service agreement and are subject to follow any additional terms and conditions imposed by CourtCall and shall be solely responsible for any costs or other expenses incurred for those services provided. Under no circumstance shall the Court bear any costs for any telephonic appearance. CourtCall charges each participant a fee of \$65.00 for each CourtCall Appearance. There are no subscription fees.
2. Unrepresented litigants should seek waiver of the fees from CourtCall directly if they are unable to pay for the costs associated with using CourtCall. If CourtCall will not waive the fee, and the litigant is indigent, the Court may permit a non-CourtCall telephonic appearance.

### **Rejections, Refunds, and Suspension of Privileges**

1. The fact that a telephonic appearance is scheduled with CourtCall shall not be construed as a determination that the telephonic appearance is permitted by the Court. Parties and counsel are solely responsible for compliance with the Court's rules and procedures for telephonic appearances. The court reserves the right, at any time, to reject any telephonic appearance in violation with this rule or as otherwise necessary for the administration of justice. When the court rejects a telephonic appearance, it shall order a refund of the deposited telephonic appearances fees and send notice of the same to CourtCall, LLC.
3. The Court shall also reserve the right to halt any telephonic appearance on any matter and order the attorneys to personally appear at a later date and time, in which case no refund is permitted.
4. The Court reserves the right and sole discretion to suspend any person's ability to appear telephonically using CourtCall's services.

For information about CourtCall please call CourtCall, not the participating Courtroom!!