**[CASE STYLE]**

**JOINT STIPULATION FOR VIRTUAL INTERNET-BASED CIVIL JURY TRIAL**

COMES NOW the Plaintiff, **[INSERT**], and Defendant, **[INSERT],** by and through their undersigned Counsel, and stipulate as follows:

WHEREAS the Seventh Amendment to the United States Constitution provides that the right to a civil jury trial is a preserved right.

WHEREAS Article I, Section 22 of the Florida Constitution expressly states the right of a trial by jury shall be secure to all and remain inviolate.

WHEREAS Article I, Section 21 of the Florida Constitution provides all Courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial, and delay.

WHEREAS Rule 1.430 (a) of the Florida Rules of Civil Procedure states the right of a trial by jury as declared by the Constitution or by statute shall be preserved to the parties inviolate.

WHEREAS the COVID-19 Pandemic has required Florida Courts to suspend jury trials for indefinite periods due to a public health emergency as medical understanding of the virus continues to evolve and that the best way to prevent illness is to avoid exposures to the virus.

WHEREAS it is uncertain when jury trials can safely resume in-person in the Seventeenth Judicial Circuit given the on-set of what has been described as the “Third Wave” of the COVID-19 pandemic in the State of Florida and across the United States.

WHEREAS the parties understand the Broward County Judicial Complex may not be available for traditional in-person jury trials for several months due to social distancing measures recommended by the Centers for Disease Control (CDC) and the Florida Department of Health.

WHEREAS future Administrative Orders are anticipated regarding the commencement of in-person jury trials from the Florida Supreme Court and the Chief Judge of the 17th Judicial Circuit as the COVID-19 pandemic continues to impact Court operations.

WHEREAS the parties have been informed by their Counsel about the opportunities to resolve this case using technology and procedures developed to adapt video tools to meet the demands of the continuation of the judicial process.

WHEREAS protection of the constitutional rights of the parties, along with safeguards for their health and safety of the litigants are of paramount importance.

WHEREAS, Rule 4-3.2 of the Florida Rules of Professional Conduct states, “A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.”

WHEREAS the parties hereto seek to preserve their constitutional, common law and statutory rights to resolve their case and controversy without indefinite, uncertain and prolonged delay while taking all possible measures to avoid illness for themselves and Court personnel.

WHEREAS web-based video conferencing has been proven to facilitate a remote jury selection and trial process, including all aspects of Voir Dire and;

WHEREAS the parties hereto have had full and fair opportunities to select and confer with their respective counsel in contemplation of entering into this Stipulation,

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. This cause is at issue pursuant to Fla. R. Civ. P. 1.440 (a).

2. The parties agree to request the Court permit a jury trial of this matter by using the Zoom web-based video conferencing platform.

3. Counsel for each party certifies, by signing this Stipulation, that their Clients have fully and voluntarily consented, in writing, to the use of a virtual jury trial and that the consent form will be filed with the Court.

4. The parties shall comply with requirements of Administrative Order 2020-42-Gen, (“Administrative Order”) as issued by the Chief Judge of the Seventeenth Judicial Circuit in and for Broward County, Florida on May 26, 2020. <http://www.17th.flcourts.org/wp-content/uploads/2020/05/2020-42-Gen.pdf>.

5. The parties additionally agree to:

a. Review the "Best Practices Management of Evidence in Remote Hearings in Civil and Family Cases (May 20, 2020) developed by the Florida Supreme Court COVID-19 Workgroup. <https://www.flcourts.org/content/download/635272/file/management-of-evidence-remote-hearings.pdf>.

b. Become familiar with "Setting Up and Conducting a Remote Proceeding Checklist” located at <https://mjieducation.mi.gov/documents/administrative-qrms/1213-conducting-remote-proceedings-checklist/file>.

c. Review the Division Requirements issued by the Presiding Judge in this matter.

d. Review the Administrative Order’s requirements regarding Witnesses and Deponents.

e. Review Section II of the Administrative Order with regard to procedures for the admission of evidence.

f. Review Section III of the Administrative Order as they pertain to Depositions.

6. The parties seek a Case Management Conference, pursuant to Fla. R. Civ. P. 1. 200 (a). To facilitate the Case Management Conference, the parties agree to jointly discuss and submit a written and signed report to the Presiding Judge five (5) calendar days in advance of that hearing regarding the following items:

a. The anticipated length of the virtual jury trial.

b. The number of estimated potential jurors for Voir Dire.

c. The number of proposed alternate jurors required for the trial.

d. The simplification of issues for determination at trial.

e. Anticipated technical considerations that must be considered for presentation of an orderly and efficient virtual jury trial.

f. An agreed procedure for providing exhibits which are admitted into evidence to Jurors for deliberations.

g. Whether the parties will be assisted by technical experts in the presentation of witnesses and evidence, and if so, the names, addresses and specific role of each such individual.

h. How the parties envision public access to the proceedings can be facilitated virtually.

i. Whether an interpreter will be required for any portion of the proceedings.

j. Whether any part of the virtual jury trial will be pre-recorded for presentation to the jurors and the Court, and details regarding the length of each such recording.

k. The anticipated number of private virtual breakout rooms that will be

needed during the trial.

l. Which party will be responsible for hiring a Court Reporter.

m. An agreement not to electronically record by audio and video the trial proceedings without the permission of the Court.

n. An agreement that the parties will not use the Chat function available on Zoom and that any Chat messages are reserved solely for the Judge and Court personnel.

o. An agreement by the attorneys who participate in trial to provide an “after-action” report to the Court suggesting process improvements to the virtual jury proceeding.

6. Counsel of record agree this Stipulation is made pursuant to Fla. R. Jud. Admin. 2.505 (d).

7. Other Stipulations:

Dated this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_,

**[ATTORNEY SIGNATURE BLOCKS]**

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