



Court Process Workgroup: Victim Access Subgroup
Tuesday, February 28, 2023
8:00 AM- 9:00 AM
Zoom

Members Present: Hon. Susan Stoney (Chair), Nora Mahoney, (co-chair), Hon. Jonathan Frieden, Ayaan Ali, Bolivia Bustamante, Renee Carroll-Grate, Fazia Deen, Sandra Guerrero Perez, Kacey Kirkland, Susan Madsen, Mabel Prine, Pam Sejas, Tina Spurlock, Brittany Vera, Angela Yeboah

Members Absent (without designee): Toni Zollicoffer, Marcus Medina, Kristi Smith

I. Welcome and Electronic Script

Judge Stoney read the script required for electronic meetings. Judge Stoney moved to ensure the voices of all members were audible to the other group members and Nora Mahoney seconded the motion and it passed without objection. Nora Mahoney moved to verify that the state of emergency makes it unsafe to meet in person and that video conferencing technology should be utilized to conduct the meeting. Mabel Prine seconded the motion and it passed without objection. Nora Mahoney made a third motion that all matters discussed in the meeting are necessary to continue operations and the discharge of the Committee's lawful purposes, duties, and responsibilities. Mabel Prine seconded the motion and it passed unanimously.

II. Virtual Meeting and Remote participation policies

a. All virtual meeting policy

Judge Stoney explained the need to adopt remote participation policies. These policies were emailed to workgroup members in advance of the meeting.

Brittany Vera explained that on March 1, the local state of emergency is ending. So if we want to do any remote meetings in the future, we have to adopt these two policies in order to do that. Otherwise, everything has to be in-person.

For the policy related to all virtual public meetings, virtual meetings are limited to 25% of the total meetings in the year. For monthly meetings, that means three meetings a year that can be held virtually. The virtual meetings cannot be back-to-back and virtual meetings must continue to be open to the public.

Judge Stoney, Nora, and Brittany will determine when to hold the virtual meetings, likely August, December, and perhaps April for Spring Break.

The meetings will be held in the courthouse. The next meeting will be held in Room 201.1 on the second floor of the courthouse.

b. Remote Participation policy

The second policy governs remote participation for members and establishes the ability to attend meetings virtually, even if they are in person. The policy allows for anyone who meets the following conditions to attend 100% of meetings virtually:

- i. The member has a disability, physical illness, or medical condition, or caring for a family member with the same, OR
- ii. The member's primary residence is more than 60 miles from the meeting location.
- iii. Members who do not meet these requirements can request to attend 50% of the meetings virtually due to a personal emergency

Requests for remote participation must be made to Judge Stoney and Nora Mahoney as the workgroup chair and co-chair, and Brittany Vera as the staffer at least 24 hours in advance and receive written approval of the request. For those members who qualify for 100% virtual participation, the request does not need to be made prior to every meeting. Virtual participation of members will be recorded in the meeting minutes, and members' voices must be clear and audible to other members of the group participating in-person or remotely.

If member's request for remote participation is not approved, or their audio is not working, the member can listen to the meeting but will not be able to vote on matters or comment until the time reserved for public comment.

A quorum is still needed to hold in-person meetings, which is 6 people for the purposes of this workgroup.

Nora Mahoney pointed out that when two or more workgroup members meet separately to develop or work on a project, the meeting becomes a public meeting subject to FOIA.

Brittany shared that Stacy Ziebell is going to obtain clarification from the County Attorney on this issue. In the meantime, Brittany proposed that she would meet separately with group members to develop content if it could not be done through email.

Judge Stoney asked for a motion to approve the all-virtual public meeting policy. Nora Mahoney made the motion, which was seconded by Mabel Prine. The motion was approved unanimously.

Judge Stoney asked for a motion to approve the policy for remote participation. Nora Mahoney made the motion, which was seconded by Mabel Prine. The motion was passed unanimously.

III. PO Process: Protective Order Hearing

Nora explained the content developed related to part of the protective order process as it relates to the day of the protective order hearing. Some material related to the logistics of the day of court was already included in another section of about the preparation for court.

Judge Stoney suggested that people should be directed to the screens that list the cases and courtrooms, so people go to the correct place. Nora stated she thought this had been put in a previous section that was discussed at the last meeting. Nora summarized the information in the previous section pertaining to finding the correct courtroom.

Nora acknowledged that it might be helpful to break sections down further to be more specific.

Fazia Deen suggested that diagrams might be created to explain information about the courtroom.

Judge Frieden voiced his concern for having a diagram of a courtroom online due to the possibility of a security concern. The group agreed it might be helpful to find a previously created YouTube video about what it looks like to go to court in Fairfax.

Tina Spurlock suggested that the information Domestic Relations intake officers give to parties for the preliminary hearing about the basic rules of the courtroom. Judge Frieden agreed with this since there are some security issues related to courtroom behavior and the court wants to ensure they are being trauma informed.

Brittany noted that as she re-read the document, it made more sense to have this information placed in the previous section about preparing for court. Nora agreed with the observation.

Judge Frieden gave additional feedback about how to identify which tables the petitioner in the protective order should utilize.

Tina asked about including information about bringing children to court, Nora explained it was in a previous section of the material.

Brittany suggested that the section about interpreters be linked to the section on Language Access. Ayaan Ali acknowledged there are some petitioners who have had bad experiences with interpreters and do not want to use one again. Ayaan asked if there are circumstances where a judge might decide that a party might need to use an interpreter even if they don't think they need one. Judge Stoney confirmed that she has asked for an interpreter to be present before if a party doesn't think they need it but Judge Stoney is having a difficult time communicating with the person. She tries to accommodate the wishes of the person but recognizes the need for the court to be able to communicate with the parties. Judge Frieden echoed that he handles issues related to interpreters in a similar manner.

Fazia explained that there are some words in some languages that do not translate easily, and some people are too embarrassed to say they do not understand everything that is

being said in court. This is not something English language learners are willing to say and of which the court should be aware.

Nora explained the section about what happens during the court hearing. She questioned if the content included had too much detail. Judge Stoney suggested that explaining the different pieces of the process was important to ensure understanding.

Brittany asked whether someone might be upset if things do not go as the website specified because of the high level of detail. Tina shared that she thought it was important and relevant information that they share with Petitioners prior to the PPO hearing. Kacey Kirkland suggested having a disclaimer in the content that court proceedings may not go exactly as outlined in this document. Ayaan shared that she will often tell her clients that each judge runs their courtroom differently and if they have questions to ask the judge, which could be included in the disclaimer.

Nora shared she has had several circumstances recently where petitioners need to file to amend the petition in the two weeks between the hearing for the PPO and the final hearing. She was not sure if this was something that needed to be addressed by the group but wanted to flag it.

IV. Public Comment

There were no comments from the public during the meeting.

V. Adjourn

Judge Stoney reminded the group the next meeting would be in person at 8am in the Courthouse in Room 201.1 on the second floor of the Courthouse. Judge Stoney adjourned the meeting since there was no further business.

Next meeting: March 21, 2023, at 8am, *in person*
Address: Fairfax County Courthouse
Room 201.1 (next to Court Services Administration)
4110 Chain Bridge Rd.
Fairfax, VA 22030