

**From:** [Brian Sullivan](#)  
**To:** [SSC-Public Court Rule Comments](#)  
**Subject:** Comment on proposed rule SCLCR 40  
**Date:** Wednesday, October 19, 2022 11:45:29 AM

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I appreciate the Court's decision to continue to allow some witnesses the ability to access / testify at proceedings via Zoom.

In my experience, however, a potential witness may come down with COVID or other illness less than 21 days before the trial, and yet still be fully able to testify at trial *if* they are allowed to testify by Zoom. My proposed change then would be to add, "unless good cause is shown for a later motion to the Court. Good cause would include a witness who has recently been found to have a communicable disease that would prevent them from safely appearing at the Courthouse." so that the rule would read as follows (with **bold** indicating the suggested additional text):

(1) Manner of Trial. Civil Trials and voir dire are presumed to occur in person unless (a) all parties or counsel stipulate in writing that all or a portion of the trial will be conducted remotely, and such stipulation is approved by the Court or (b) the Court grants a motion requesting that one or more parties, witnesses, or counsel be permitted to appear remotely. Motions to approve a stipulation or grant a motion for remote appearance of counsel or party shall be noted on the Presiding Judge's Motion calendar at least 21 days before the trial date, **unless good cause is shown for filing the motion at a later date. Good cause would include a witness who has recently been found to have a communicable disease that would prevent them from safely appearing at the Courthouse.** Motions for the remote appearance of witnesses may be noted on the Presiding Judge's Motion calendar at least 21 days before the trial date. Parties shall comply with Trial Protocols developed by the Court and published on the Court's website.

Thank you for your consideration.

Very truly,

**Brian M. Sullivan**

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