



# Virtual Trials

## Bench & Jury

### A Handbook for Attorneys

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## Introduction

The Western District of Washington developed this handbook to guide attorneys through the use of the ZoomGov platform for conducting virtual trials. The entire trial will take place using the ZoomGov platform. The parties, counsel, witnesses, and jurors (if applicable) will not be physically present in the courtroom.

The ZoomGov platform is a secure system that is separate from the commercial or free version of Zoom and is not prone to some of the security issues these platforms have experienced.

This handbook is a work in progress. As such, your feedback is greatly appreciated by the Court. If you have suggestions, you can email them to Jon Frank - [Jon\\_Frank@wawd.uscourts.gov](mailto:Jon_Frank@wawd.uscourts.gov).

## Professionalism and Conduct

All participants shall treat video and telephonic hearings as though they were in a courtroom. Remember the basics – one speaker at a time, stopping for objections - the court reporter is creating the court record and needs to hear parties clearly.

All participants are expected to adhere to the Western District of Washington's [Local Civil Rule](#) 83.3 - Standards of Professional Conduct; Continuing Eligibility To Practice; Attorney Discipline.

Counsel shall inform all witnesses about testimony expectations. Witnesses, counsel, and parties should be in locations that are suitable for trial.

- quiet
- alone and with some level of privacy
- free from distractions
  - sitting at an empty desk or table and face clearly visible in the video
  - consider backgrounds carefully as they can be a major distraction
  - avoid backlighting
- use a PC, laptop or large tablet for the video portion of the hearing
- consider use of dual monitors and a good quality web camera
- consider audio quality (connect audio by phone vs computer speakers/microphone, with or without a headset)
- close all other programs to avoid popups
- cell phones on silent and be used only as backup to the Zoom connection

Further, witnesses shall be instructed:

- they may not use any other devices during their testimony
- with respect to any hardcopy set of exhibits provided to the witnesses, they are not to use the exhibits unless directed to do so.

Counsel should confer regarding the following issues and advise the Court of any agreements or issues to be resolved:

- The equities for witness and counsel participation in the Zoom trial, including whether:
  - the part(ies) may be in the same physical space as their counsel;
  - witnesses may be in the same physical space as counsel for one of the parties;
  - counsel and the witness are not to communicate while the witness is testifying; and
  - does the witness need to be accommodated by coming into the courthouse in order to testify
- Time zone considerations
- Interpretation/translation considerations

## Technological requirements

You will need a computer (highly recommended) or tablet (not recommended) with speaker or headphones, a microphone, and a camera. If using a computer, you may be prompted to download and run Zoom (highly recommended). If using a tablet you should download the free Zoom app in advance of connecting to the Zoom meeting.

You will have the opportunity to check your audio upon joining a meeting. Using headphones with a microphone is preferred to reduce other noise and feedback. Also consider using a web camera for better video quality.

You will receive notice for a video conference from the court. The notification will include a link to “Join Zoom Meeting” as well as a Meeting ID and Passcode (usually).

Internet Connectivity Speeds – minimum upload speed is 800kbps and minimum download speed is 1.0Mbps. For gallery view and/or 720p HD video you need 1.5Mbps upload and 1.5Mbps download.

[www.speedtest.net](http://www.speedtest.net) is a free internet connectivity speed test. It is critical to test connectivity in real world conditions such as internet use by multiple users and higher traffic during business hours.

You can find the technical support details at: <https://support.zoom.us/hc/en-us/articles/201362023-Systemrequirements-for-Windows-macOS-and-Linux>.

## Technology Check

The model order will require the attorneys to participate in a technology check with court staff. During that session it is strongly encouraged that you practice the following skills:

- Calling and examining a witness
- Examining a witness about an exhibit as to which admissibility is stipulated the exhibit will be shared with the jurors from Box.com or another program being used by the attorneys in connection with the screen share function in ZoomGov.com
- Laying foundation for an exhibit as to which admissibility is disputed (the exhibit will be available to the witness, counsel, and Judge outside the ZoomGov.com platform (e.g., in hard copy form, on another electronic device, or in another screen on the same computer being used to participate in the ZoomGov.com session); if admitted, the exhibit can be published to the jurors using the screen share function in ZoomGov.com
- Using the ZoomGov.com annotation tools, enlarging and highlighting an exhibit while examining a witness about it
- Using the ZoomGov.com whiteboard feature, asking a witness to draw a diagram and offering the drawing as a demonstrative exhibit
- Sharing a video recording
- Impeaching a witness with prior deposition testimony
- Posing objections

## Training Videos

The Western District of Washington has added several training videos to its YouTube channel. These videos cover skills and knowledge which all participating attorneys must have:

### [Zoom Videos](#)

- Excerpt Conducting Remote Bench Trials in King County Superior Court CLE
- Joining & Configuring Audio & Video (In Zoom)
- (Zoom) Virtual Backgrounds
- (Zoom) Meeting Controls
- (Zoom) Sharing Your Screen
- (Zoom) Video Breakout Rooms

### [Box.com Videos](#)

- An Introduction to Box
- Getting Started with Box
- Five skills to get started fast with Box
- Demo: Using Box every day

## Troubleshooting Zoom Issues

### **What to do when things go wrong**

- Resist the urge to panic. We all know things won't be perfect. We are in this together.
- Preparation is key. Review Zoom's FAQ and troubleshooting pages. Discuss in advance with counsel and witnesses how to address issues during the hearing.
- Audio issues? Be ready to pause until the source of the issue is identified.
- Video issues? Be prepared to shift to a telephone appearance (if appropriate) or prepare to recess for in-person appearance in accordance with public health requirements (e.g., masks).
- Be patient with yourself, the participants, and the court.

The Zoom platform has several pages available with troubleshooting tips.

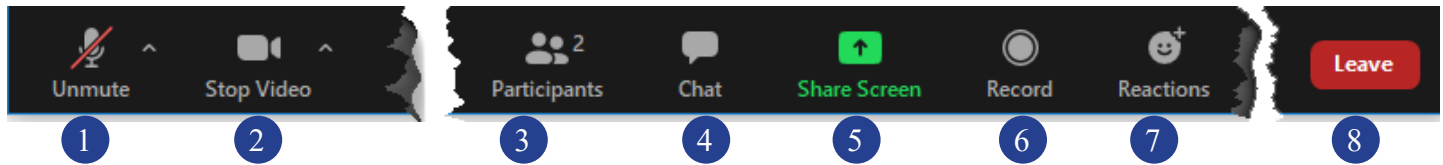
General FAQ for using Zoom can be found at: <https://support.zoom.us/hc/en-us/articles/206175806-Top-Questions>

Video/Camera issues: Varies depending on OS and device: <https://support.zoom.us/hc/en-us/articles/202952568-My-Video-Camera-Isn-t-Working>

Audio issues: Only use one audio source per location. Echoes can be caused by a participant connecting to audio on multiple devices or multiple participants in one room or area using multiple audio devices: <https://support.zoom.us/hc/en-us/articles/202050538-Audio-Echo-In-AMeeting>

## Basic Zoom Controls

On a computer, a menu bar containing participant tools may appear and disappear as you mouse over the Zoom meeting, typically at the bottom of the screen. Mobile app interfaces will appear differently but contain most of the same functionality.



1. Mute/Unmute your microphone – Click the up arrow next to the microphone icon to open audio settings. Here you change your speaker and microphone settings.
2. Start/Stop your video feed (Turn on/off camera) – Click the up arrow next to the camera icon to open video settings. Here you can change your camera settings.
3. Participants – Click to open a pop-out screen that shows a list of participants in the meeting. From this panel, the host can mute/unmute all participants and more. Includes a “Raise Hand” button that you may use to raise a virtual hand.
4. Chat – Click to open the Chat panel where you can start or respond to a chat.\*
5. Share your screen – Click to start sharing your desktop display or any window/application on your computer with others in the meeting. Click the up arrow to reveal sharing options. This option may be disabled for participants. If not, it should ONLY be used at the direction of the court.
6. Record – not available
7. Reactions. These are disabled. To make an objection, counsel should instead raise their physical hand to be recognized.
8. Leave Meeting – Leaving the meeting will disconnect you.

Somewhere on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” shows the active speaker. “Gallery view” tiles all of the meeting participants.

*\*Note: The Court has configured Chat so that participants can ONLY send a chat message to the Host or Co-host(s).*

## Zoom Settings

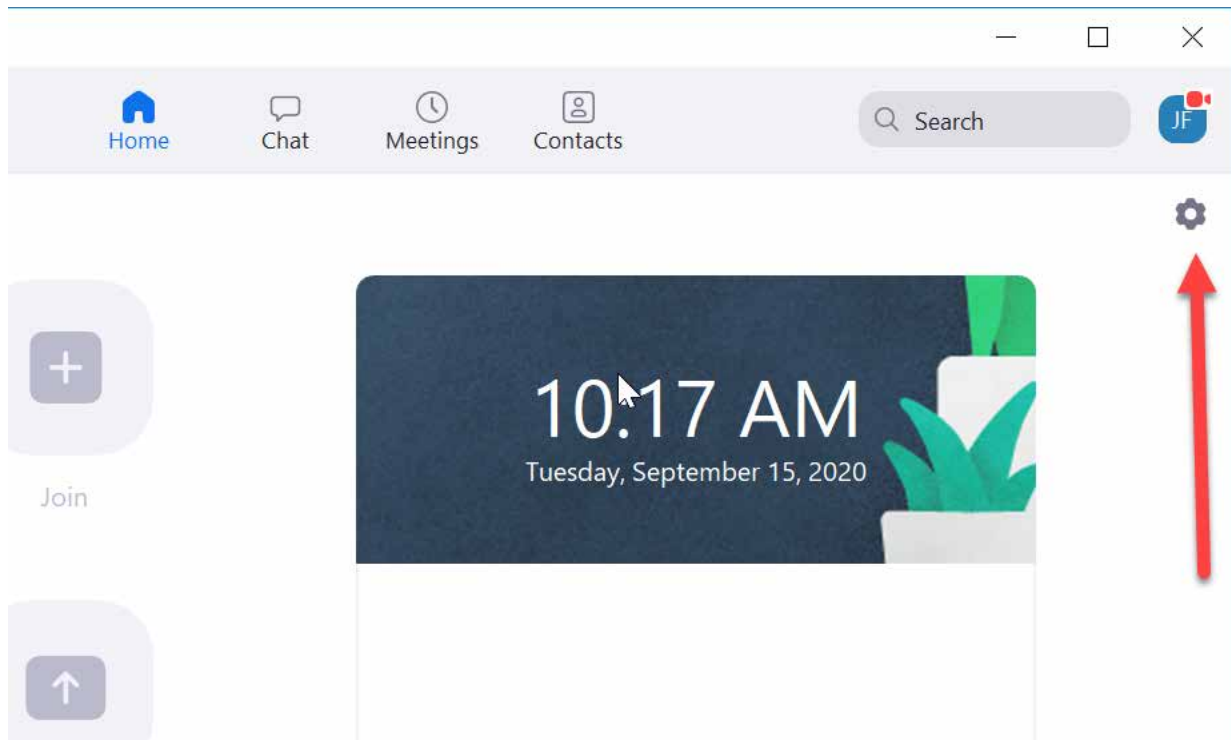
There are some basic Zoom settings that you may want to adjust prior to your trial.

### Turn off non-video participants

Zoom can only display a certain amount of video participants at a time. If you are using an iPad, this number is smaller than what is available on a computer. It is important for you to be able to see and observe all the key participants during the trial. Participants who have video turned off consume space on your Zoom screen even though you cannot see them. Zoom only shows you a box with the name of participants only using audio. To maximize the number of video participants you can view, you can have Zoom only display participants who are using video. You can do this for ALL Zoom meetings or for just a specific Zoom trial.

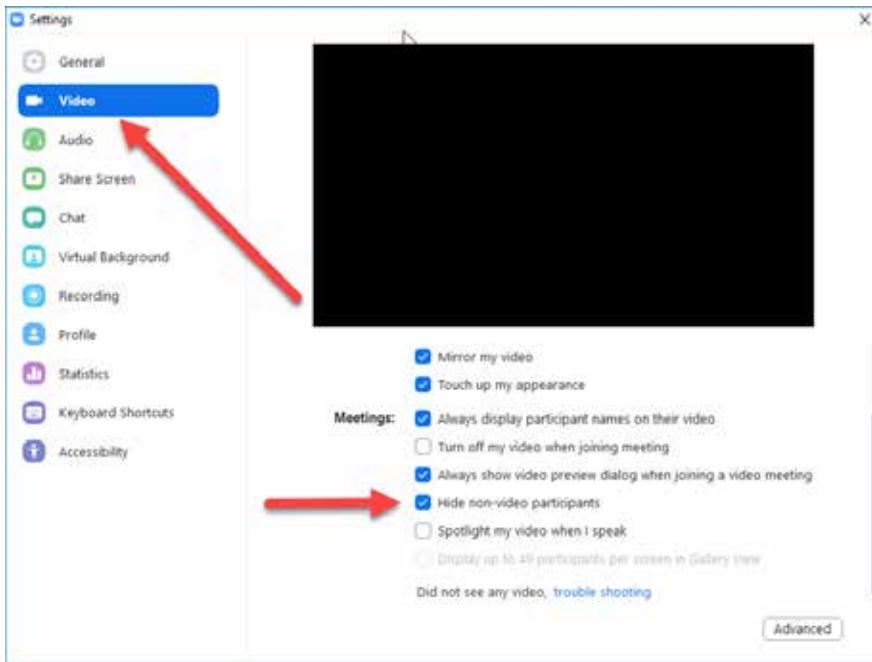
#### Turn off non-video participants for all Zoom meetings:

Launch the Zoom app on your computer and click on the sprocket to access Zoom settings.




In the Zoom settings, click on Video and you'll see a checkbox for Hide non-video participants.

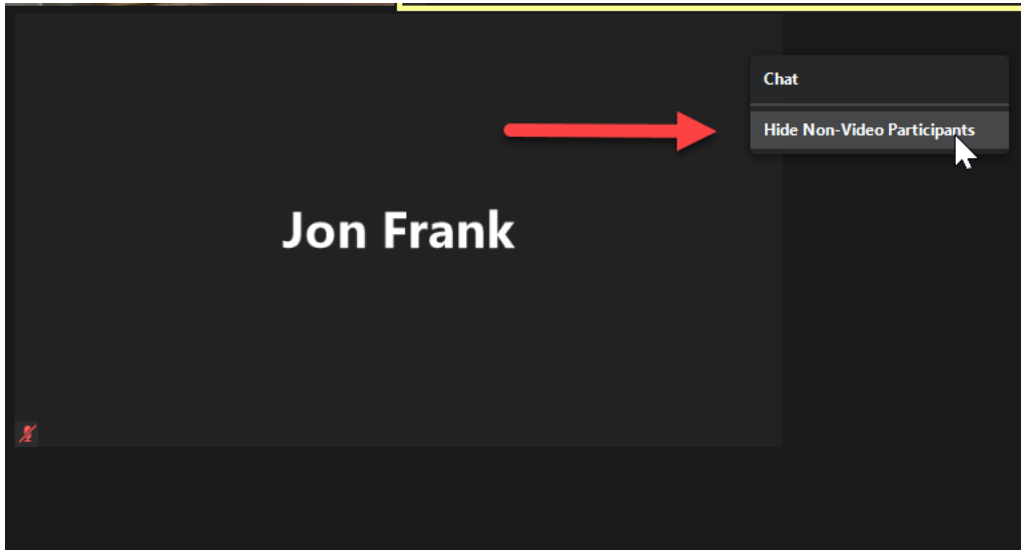




### Turn off non-video participants for a specific Zoom trial:

Once you have joined your trial you will see all of the participants who have also joined. If there are participants who have joined with their video off, you will see a box with just their name. Hover your mouse over this box and you will see an ellipses button .

Click this button and you can select Hide Non-Video Participants.



\*This option is not available on an iPad.

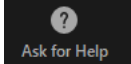
## Waiting Room & Breakout Rooms

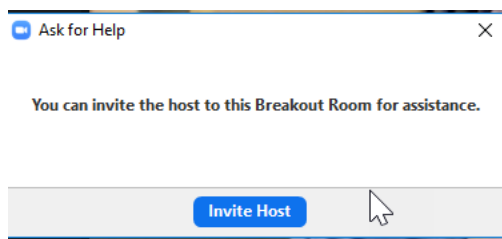
The court has enabled a virtual waiting room in the Zoom platform. This means that when you join the Zoom meeting you are automatically placed in a virtual waiting room until court staff admit you into the trial. This allows for witnesses, for example, to log into the trial but not join the virtual courtroom until it is time for them to testify.

The Zoom platform allows for virtual (breakout) rooms.

Breakout rooms can also be used if counsel wish to confer with their client privately. If you need to confer with your client and have so indicated to court staff, court staff will change your designation in Zoom to co-host. This will allow you to leave the breakout room at anytime and return to the virtual courtroom. After you return, your co-host designation will be revoked.

A breakout room can only be setup and assigned by the court staff who is serving as the host.

When you are in a breakout room the chat feature will only allow you to chat with other people in the breakout room. If you need help, are done, or have a question, use the  button. This will give you the option to invite the Host of the trial to the breakout room.

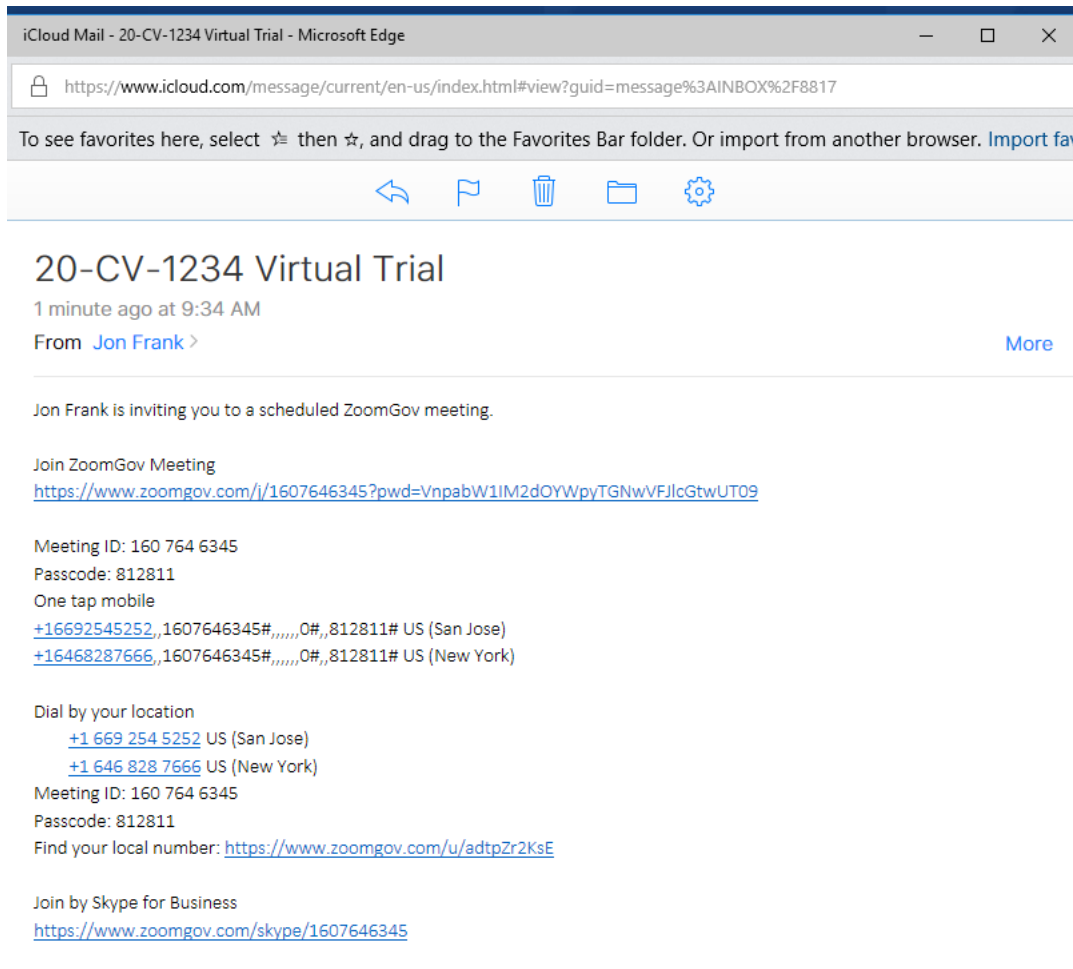


Court staff will then join your breakout room, where you can get help or indicate that you have finished and can now rejoin the trial.

## Trial Invitation

The courtroom deputy for your trial judge will send a Zoom meeting request for your trial date. This request will include instructions and a link to join the Zoom meeting at the appropriate time. Once you've clicked the link to join you will then have the opportunity to test your audio by clicking on "test Computer Audio". Once you are satisfied that your audio is working correctly, click on "Join audio by computer".

Below is an example of what a trial invitation email could look like.



## Trial Exhibits

The court utilizes a secure file sharing service, Box.com, for electronic exhibits. Each party will have their own folder on the system for their exhibits. However, the Judge for your trial may provide alternative instructions on exhibits.

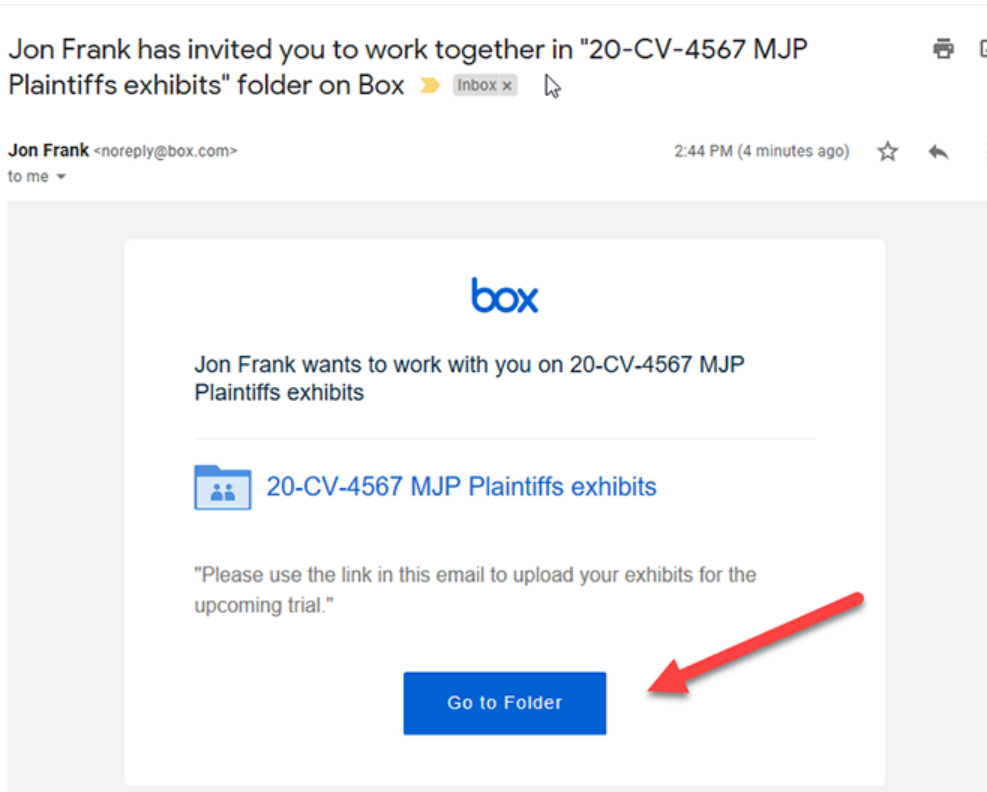
***Currently the United States Attorney does not accept invitations for using the court's Box.com account. If you are an AUSA, alternative options will need to be arranged.***

Counsel should confer regarding:

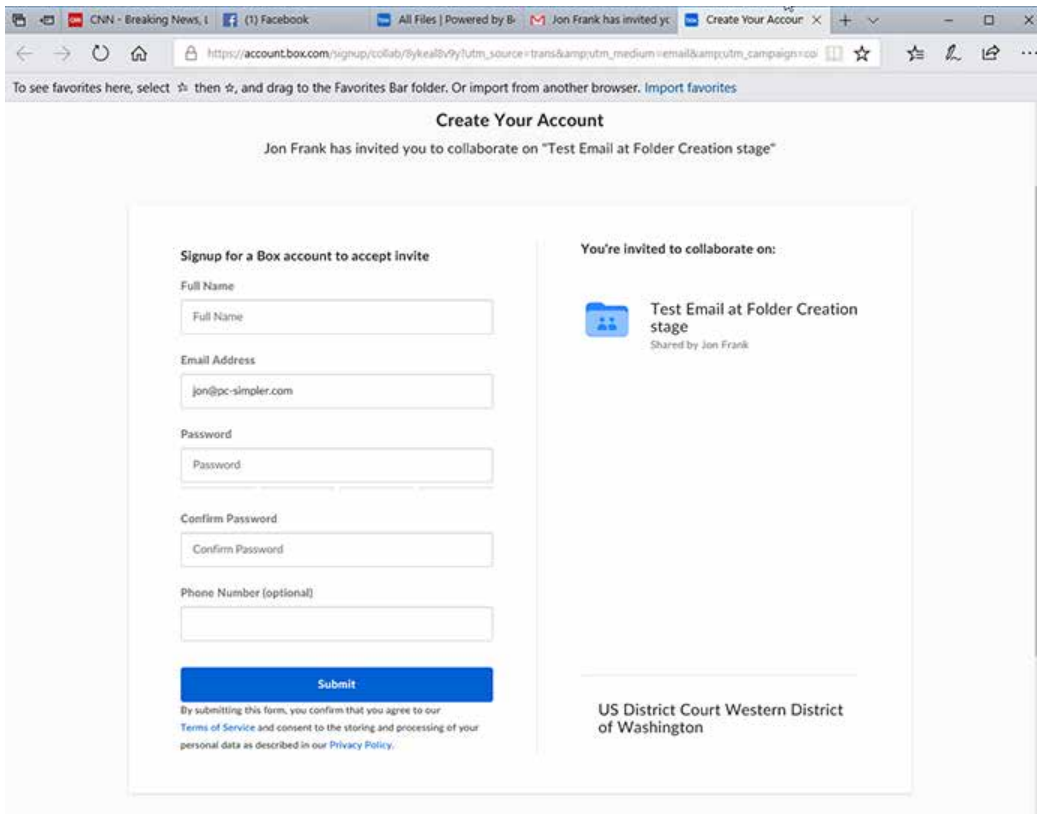
- process of providing exhibits to witnesses for their testimony, including whether by hard copy in sealed envelope/container, or via download from Box.com immediately prior to their testimony with agreement not to access the exhibits until requested by examining counsel;
- use of demonstrative exhibits;
- use of physical exhibits; and
- process for witness annotation of exhibits during testimony.

Prior to the start of your trial, the courtroom deputy for the Judge assigned to your case will email you a link to the Box.com folder assigned to you for exhibits. The first time you access Box.com the system will require you to create an account.

Below is an example email that you would receive.

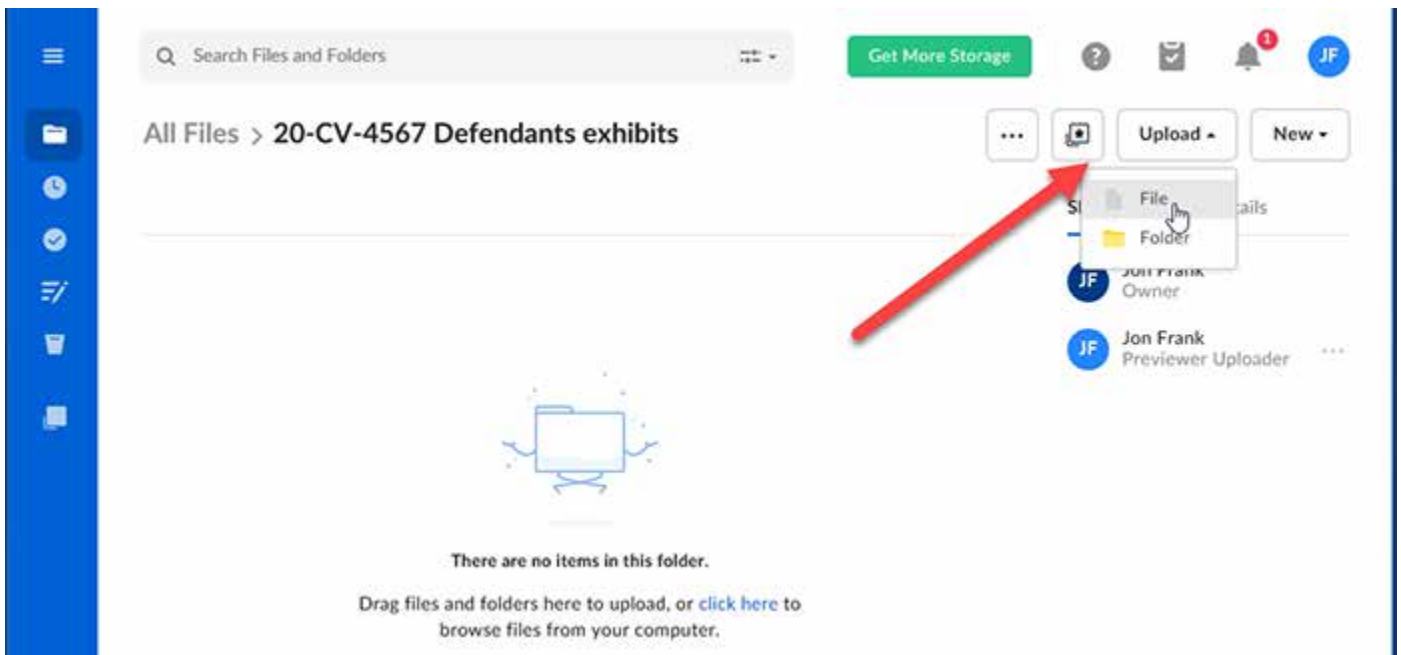


Clicking on the Go to Folder button link will take you to Box.com. You will be prompted to create an account the first time you access Box.com.



After that you will be prompted to log in.

Once you are logged in, you will have the option to upload PDF documents to your trial folder.



Navigate to where the files are stored on your computer or network and upload them. The courtroom deputy will automatically be notified by Box.com that you have added files to your folder.

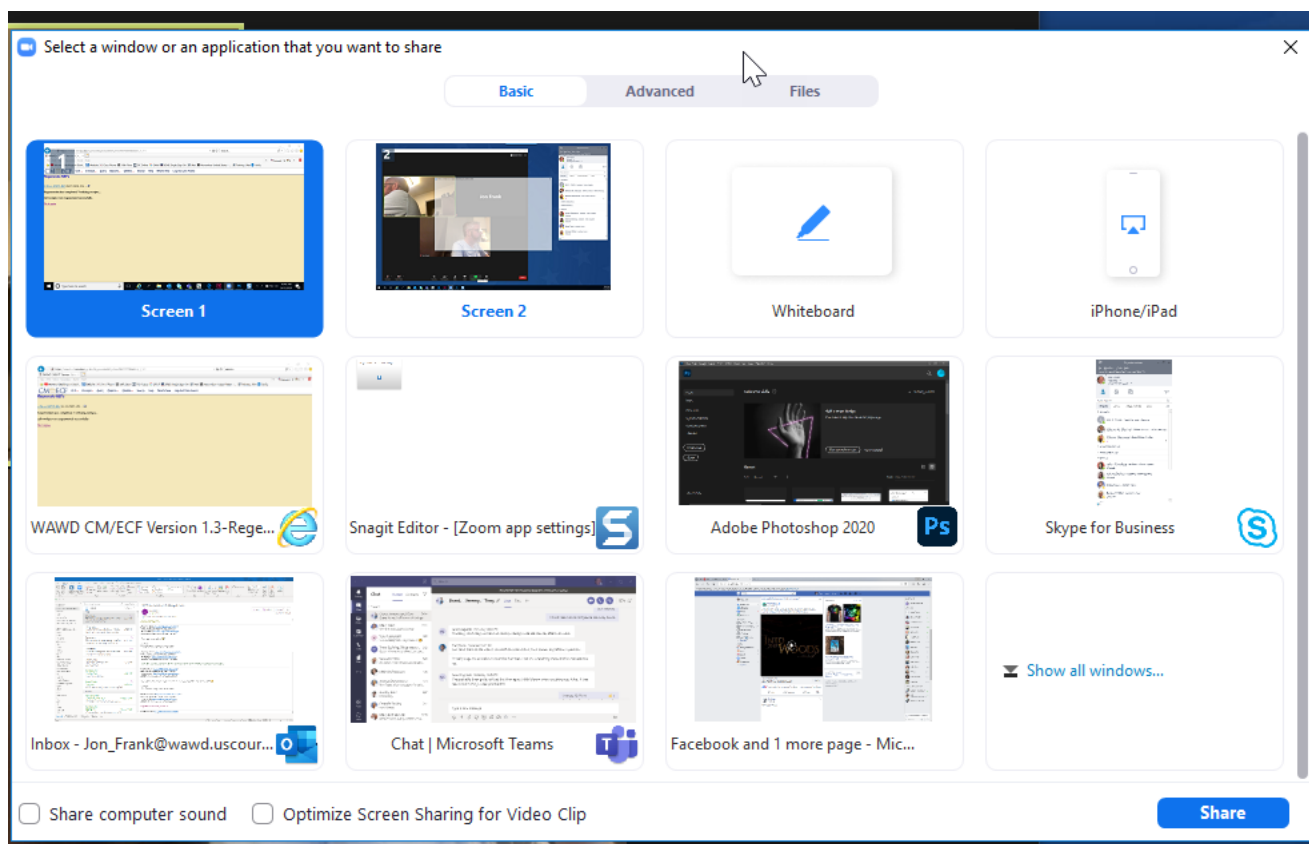
## Displaying Exhibits During Trial

Exhibits can be displayed either through the Box.com system or, if you have them loaded on your computer, through your computer. If the exhibits are displayed via your computer the court expects that those exhibits are identical to what was submitted to the court via Box.com. The Judge may require you to certify this prior to the trial.

If you use a display system that allows annotation, and wish that to be an official exhibit, that system must allow you to save the annotation in a format that can then be loaded into the Box.com platform. If it is for demonstrative purposes, then this does not matter.

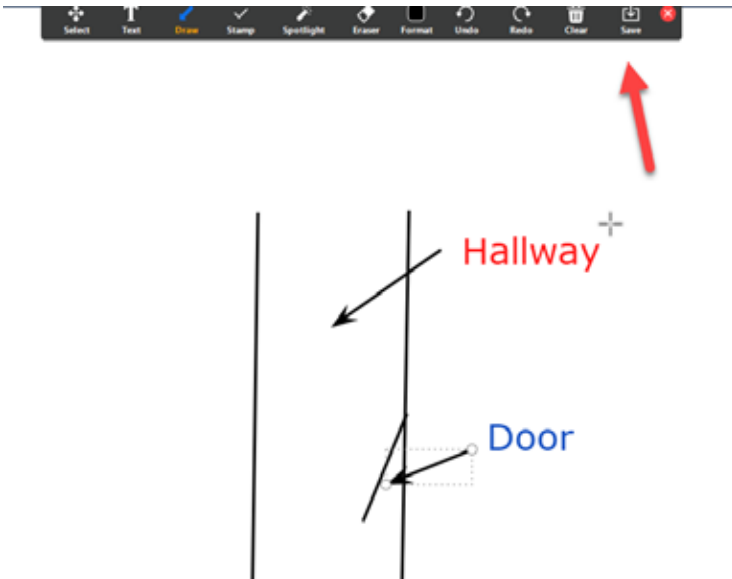
To display exhibits during trial you will open the exhibit, either through Box or on your computer, and then use Zoom to share your “desktop”. You will need to make sure you have your system set to display the exhibits in one window to prevent needless delays.

Click Share Screen on Zoom controls.



Zoom will give you the option of screen(s), application, or whiteboard to share. If you are displaying video, you would want to check the boxes for Share computer sound and Optimize Screen Sharing for Video Clip.

If you use the Whiteboard option, and want it to be admitted as an exhibit, you will need to save it when you have finished. Clicking the Save button in the annotation control bar will save the file to your computer. This will be in your Documents folder > Zoom > date/time/zoom meeting name.



If the other party is displaying their screen, you will want to make sure your view settings are set so that you can still see all participants.

At the top of your Zoom window, you will see a menu bar indicating screen sharing. Click on the dropdown for View and make sure it is set to Side by Side, this will maximize your view of participants by displaying them to the side of the screen share.

