



Court in the Time of Zoom:

**A Guide to Courtroom and
Conference Zoom Etiquette
- as told by a technophobic
trial attorney**


In this Lesson:

- Who?
- What?
- Why?
- Be Aware
- Be Deliberate
- Use the Technology
- Judge Feedback



**LADIES AND GENTLEMEN OF THE
JURY, I'M JUST A CAVE MAN.**

Who am I,
and How is
That Helpful?

A close-up photograph of a wooden gavel with a yellow band, resting on a silver laptop keyboard. The gavel is positioned diagonally across the frame, with its head resting on the keys. The background is slightly blurred, showing the rest of the keyboard and the laptop's surface.

What is Zoom
and Can it
Happen to Me?

Why Does it
Matter?

All court is trial

Impress your clients

Make friends and influence
people

At least get us all through the
darn hearing!



All Court is Trial



Impress Your
Clients



Make Friends and
Influence People



At Least Get
Us All Through
the Darn
Hearing!



This is a
Noble
Profession



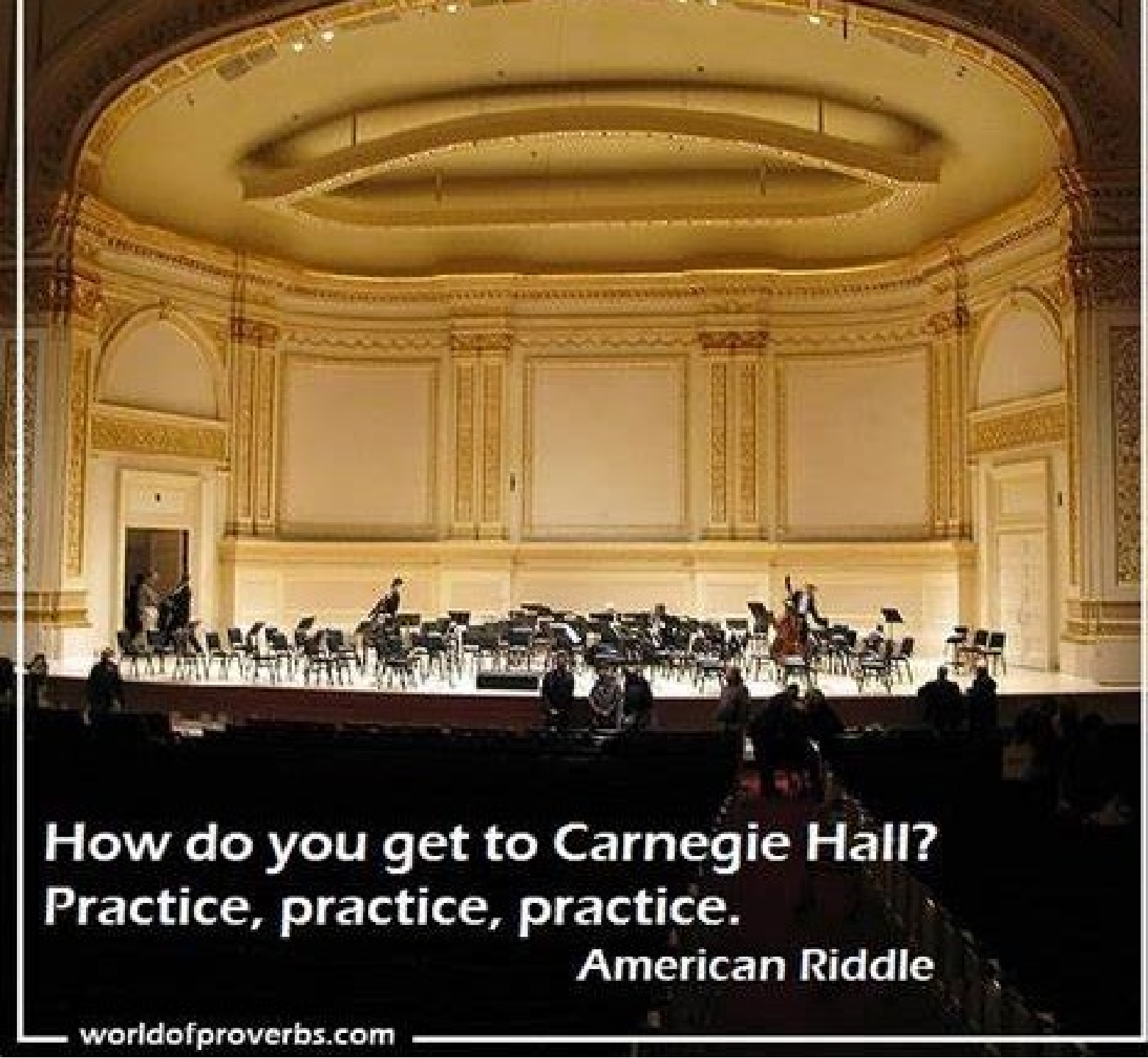
Number #1 Rule: You
Are In Court, Act like It!



AWAWARENESS

Level

Be Aware



Awareness:
-Understand the
Ground Rules

-Know the
Technology

-Practice

**How do you get to Carnegie Hall?
Practice, practice, practice.**

American Riddle



The Rules

- Motions in Limine, or as a “Housekeeping” matter
- The Zoom Invite or Introduction Screen
- Court Correspondence

Understand the Technology



The Basics

- Video
 - Can you see?
 - Can you be seen?
- Sound
 - Can you hear?
 - Can you be heard?
- Mute
 - Can you be quiet?



Advanced (for me)

- Share Screen
- Chat



Be Deliberate

- deliberate
- [deliberate]
- ADJECTIVE
- done consciously and intentionally.

Areas of Focus

- Background Scene
- Background Noise
- Camera Angle
- Point of Focus
- Gestures
- Attire

PROD.	ROLL	SCENE	TAKE
B	1F	3	
DIRECTOR:			
CAMERA:			
DATE:			
07.12.2010	Day	Nite	Int Ext Mos
	Filter		Sync





Avoid

- Eating
- Drinking
- Face Touching
- Uncontrolled Reactions
- Becoming Too Comfortable

**"OUR ACTIONS MAY BE IMPEDED,
BUT THERE CAN BE NO IMPEDING
OUR INTENTIONS OR DISPOSITIONS.
BECAUSE WE CAN ACCOMMODATE
AND ADAPT. THE MIND ADAPTS AND
CONVERTS TO ITS OWN PURPOSES
THE OBSTACLE TO OUR ACTING."**



Use the
Technology

Marcus Aurelius, Roman Emperor



The Obstacle Is
the Way

The Advantages of Using Zoom

Control

Screen Share

Witness Convenience

Client Convenience

No Awkward Small Talk

Out of the Mouths of Judges

- Individuals should act and conduct themselves as if they were in court or attending live in person.
- Account for zoom's design and function, which assumes that individuals will be seated stationary in front of a camera and in close proximity to their microphone but otherwise treat it like you are in court.
- Avoid participating in hearings from vehicle(s). Stay seated or at least stationary throughout the proceeding. Make sure the area one selects for participating in zoom hearings is free from loud noises or other distractions. Individuals should stay focused on the hearing and not interact with others or conduct unrelated activities (unless it's with their attorney and such interaction is appropriate). For attorneys, please dress appropriately.
- Test your audio and other equipment prior to hearing to ensure proper setup and functioning.
- It's crucial that attorneys/parties test their technology before choosing to use zoom.





So Sayeth the Court

- No coaching witnesses during zoom hearings or depositions either on or off camera.
- Lawyers should be extra mindful of their professional ethics due to the circumstances of the pandemic and the necessity to utilize the zoom platform.
- Please make sure the witnesses have both sets of exhibits EVEN if you don't expect to ask about any of those exhibits in case witness need to look at the others parties exhibits (my note: digital and physical exhibits notebooks are very helpful).
- If you will be adding exhibits throughout trial – make sure witness has access to email to get it ASAP – otherwise you will have to break and figure out how to get them to your witness.



Judge Not Lest Ye Be Judged (does not apply here)

- Even if not physically in the courtroom – PJ's or a bathing suit is not appropriate for court EVER.
- Eating and drinking (I don't mean water) alcohol (even light beer) is definitely NOT appropriate during court.
- Avoid moving around during the hearing – even if you are not talking or testifying – going to the bathroom or to the kitchen to look in the fridge is not acceptable.
- Attorneys should ensure their witnesses have a good connection as well.
- One observation that I would share is that counsel should be mindful of the limitations of the platform being used, in addition to taking ownership of knowing how to use all of the relevant technology.

Here There Be Judges

- Counsel should be mindful of the limitations of the platform being used, in addition to taking ownership of knowing how to use all of the relevant technology.
- It is easy to assume that the Court will permit remote witnesses or hearing attendance. But, they need to remember that “Zoom” may require hosting credentials to permit “screen sharing” and that might be a necessity for their client or witness.
- As in every other hearing, the Court and staff must maintain neutrality and should not be asked or expected to do the work of counsel for either side of the dispute/lawsuit.
- It’s never been easier to utilize power point and incorporate them into your legal presentations (share screen).



Insert Clever Judge Reference Here

- Judges have also found that being the Judicial Officer overseeing the hearing, it becomes generally more directorial (the Judge needs to indicate who should speak next and may need to use hand signals in an attempt to share input with the remote participant). Both clients and counsel should be aware in order to avoid feeling slighted by the “director.” If and when possible, the remote participant ought to be given as much detail about the procedural script as possible ahead of time so the procedure is as smooth as possible and everyone can focus on the merits of the issue involved.



**POWERPOINT
PRESENTATION?**

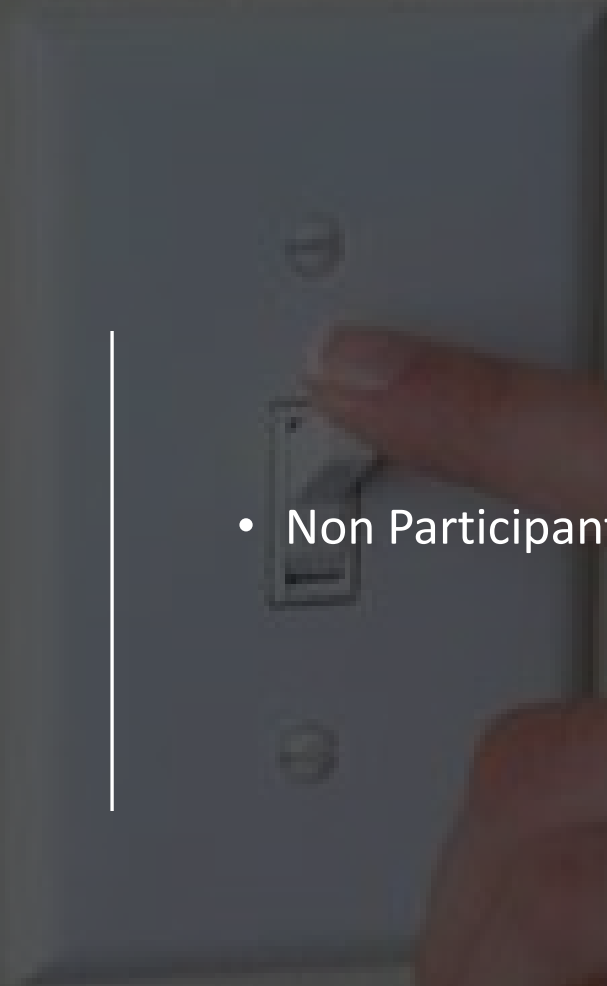
NAPTIME

Quick Tips

Utilizing Power Point

Quick Tips

- Non Participants (off or on?)





Quick Tips

- Be Ready to Adapt



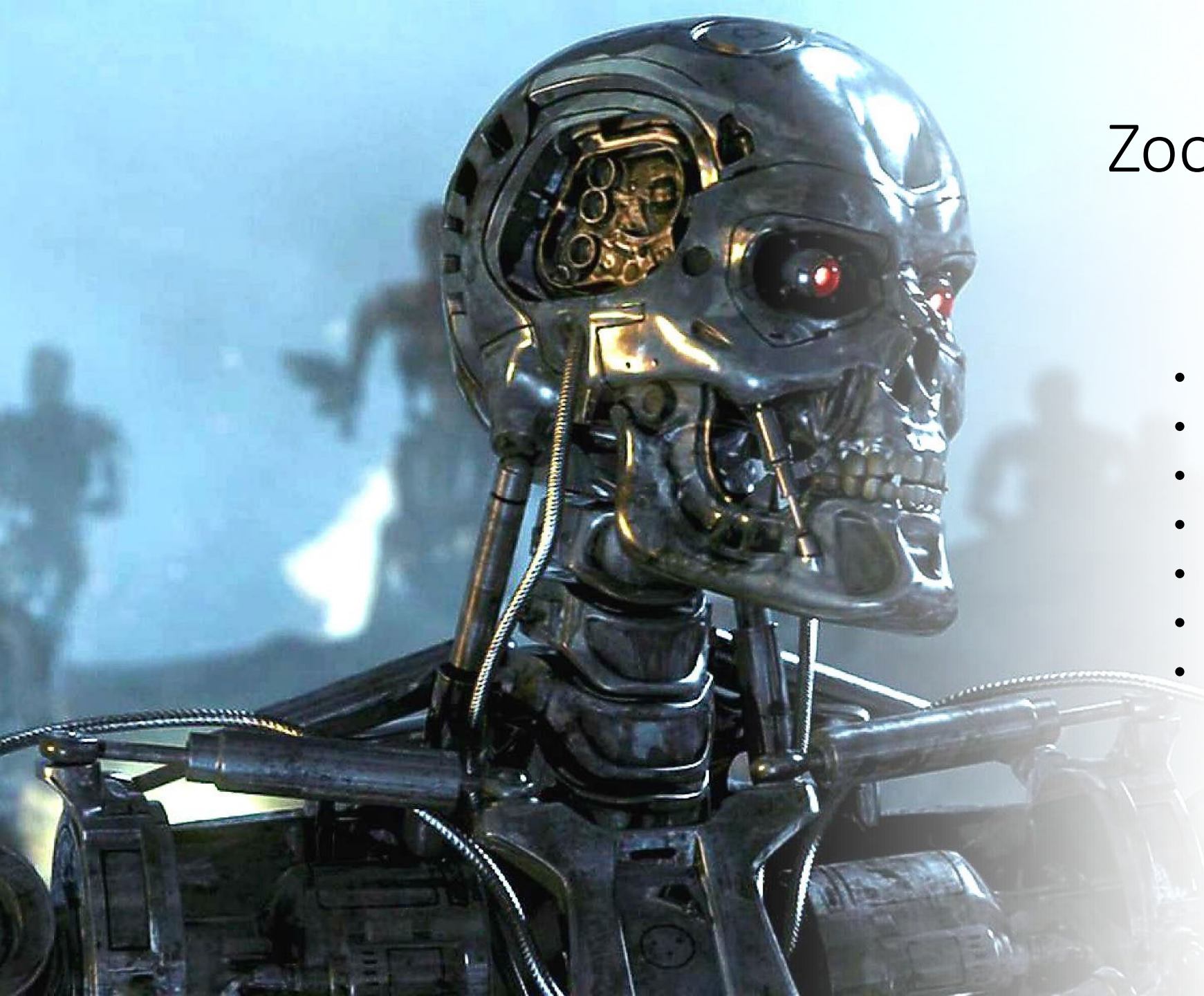
Quick Tips

- Co-Counsel
 - Exhibit Help
 - Witness Coordination
 - Tech Support

Quick Tips

Same Room? (co-counsel, witnesses etc.)

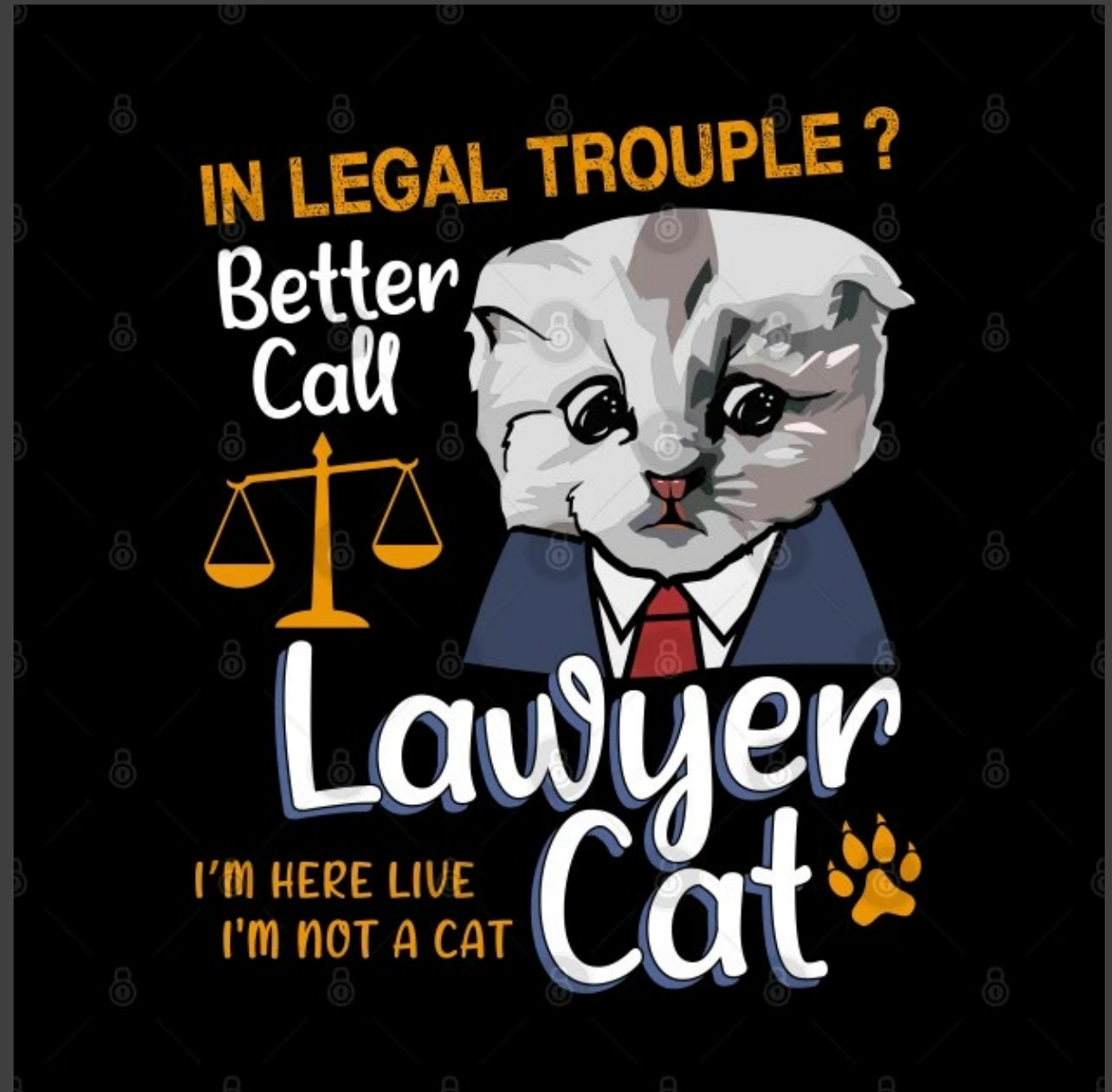
Insert fun but irrelevant picture here



Zoom Limitations

- Burn out
- Disinterest
- Distraction
- Lack of connection
- Lack of engagement
- Sound/video issues
- Eventually will conquer Earth as part of Robot Uprising?

Treat it like Court;
be aware, be
deliberate and
you wont be an
internet
sensation.....





Questions?



This CLE is dedicated in
loving memory of
Judge Thomas P. Lark
(1948-2021)
he would have loved the
funny parts (if any) and
presented this far better
<https://bit.ly/LarkinScholarship>