



Zoom Bench & Jury Trial: A Handbook for Attorneys

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Contents

Introduction	3
Professionalism and Conduct	4
Troubleshooting Zoom Issues	4
Basic Zoom Controls	6
Zoom Settings	7
Trial Exhibits & Witnesses	9
Trial Invitation	13

Introduction

The District of Rhode Island developed this guide for attorneys participating in bench and jury trials on the ZoomGov platform. 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. All phases of the trial from empanelment to evidence presentation to jury deliberations will occur by video.

Attorneys should note that 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. In addition, the Court has made clear to participants—whether they are attorneys, litigants, or members of the public—that the Court’s rules regarding the recording, broadcasting, and photographing of Court proceedings remain in effect.

Professionalism and Conduct

All participants must treat video trials as though they were in a courtroom. It is particularly important that all participants—counsel and witnesses—remember the basics of participating in a video hearing: one person speaks at a time, parties stop when objections are made, and all participants keep their voices up when speaking and not speaking too quickly. Observing these basic rules help to ensure that the trial follows smoothly and that the court reporter can create a clean record.

In addition, counsel must ensure that they and any witnesses appearing at the trial are aware of the Court’s expectations. Beyond the basic principles mentioned above, counsel, witnesses, and parties participating in the video trial should be in locations that are:

- Quiet, have some level of privacy, and are free from distractions;
- Have a PC or laptop, and:
 - ◆ Seated at an empty desk or table;
 - ◆ Have a clean and distraction-free background;
 - ◆ Avoid backlighting;
- Have good quality web camera so that they can be seen clearly by all other case participants;
- Have high audio quality (connect with a headset with a microphone if possible);

Troubleshooting Zoom Issues

What to do when things go wrong

- Audio issues? Be ready to pause until the source of the issue is identified.
- Video issues? Be ready to pause until the source of the issue is identified.
- Be patient with yourself, the participants, and the court.

The Zoom platform has several pages available with troubleshooting tips.

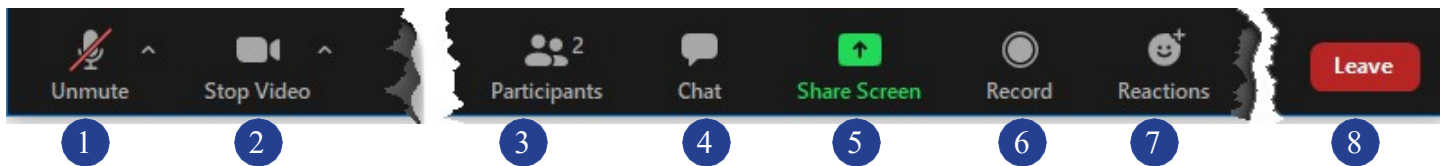
General FAQ for using Zoom can be found at: <https://support.zoom.us/hc/en-us/articles/206175806-Top-Questions>

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 your computer, you will notice a toolbar at the bottom of the screen. This toolbar contains your basic zoom controls.



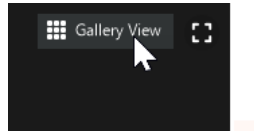
1. Mute/Unmute your microphone. By clicking the up arrow next to the microphone icon, you can alter your audio settings.
2. Start/Stop your video feed (Turn on/off camera). By clicking the up arrow next to the camera icon, you can change your video settings.
3. Participants. Click this icon to open a sidebar screen that shows a list of participants in the meeting.
4. Chat. Do Not Use this Feature During Trial.
5. Share your screen. Click this icon to share your desktop display or any window/application on your computer with others in the meeting. This option should only be used at the direction of the Court for sharing exhibits during the trial.
6. Record. This feature is not available to case participants.
7. Reactions. This feature is not used during the trial
8. Leave Meeting – This button is used to leave the meeting. Parties should only disconnect from the meeting at the end of the day.

Zoom Settings

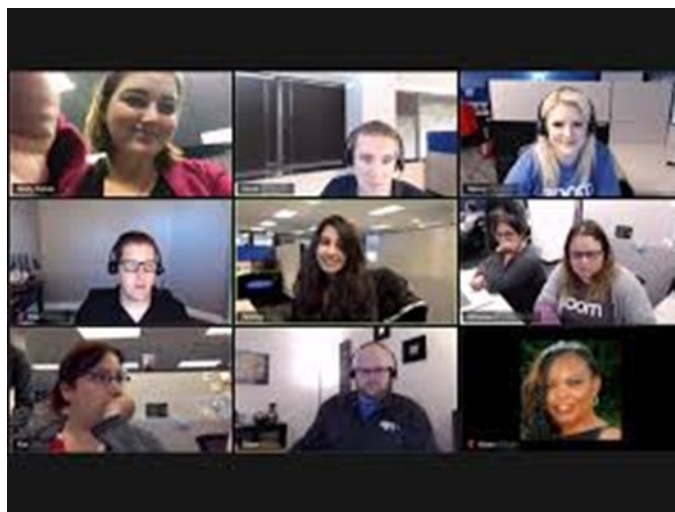
There are some basic Zoom settings that you will want to adjust prior to the start of trial.

Gallery View

On your screen, you will see a button to toggle between “speaker” and “gallery” view. (This is typically located in the upper right hand corner of your Zoom screen.) “Gallery view” shows all of the meeting participants. The Court’s preference is that all active case participants put their view in “Gallery view” unless directed otherwise.



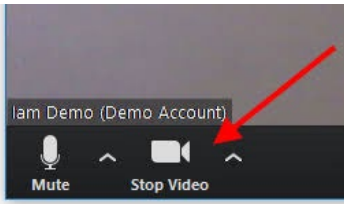
Depending on the number of participants in the Zoom session, your screen should look something like the example below:



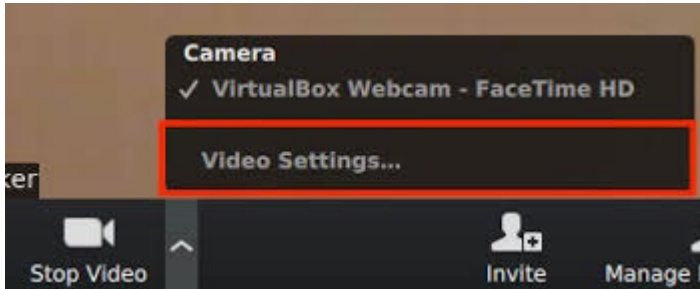
Turn off non-video participants

Zoom can only display a certain number of video participants at a time. It is important for you to be able to see and observe all of the main participants during the trial: the Judge, the jurors, the witness, and opposing counsel. Other attendees at the trial—Court staff and members of the public—will have their video turned off. Participants who have video turned off consume space on your Zoom screen unless you hide “non-video participants.” To maximize the number of video participants you can view, the Court recommends that you alter your Zoom view to only display participants who are using video. To do this:

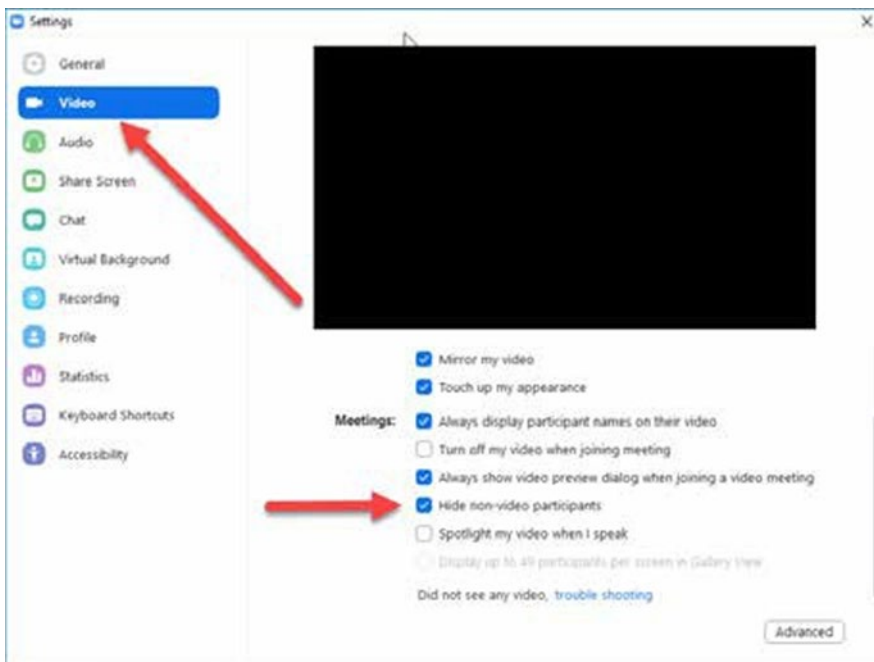
1. Click the ^ symbol next to the Stop Video Button in the lower left-hand corner of your Zoom screen:



2. Click on Video Settings:



3. This will open your video settings. Scroll down and check "Hide Non-Video Participants."



Once you have turned this setting on, only participants with their video turned on will appear on your screen.

Trial Exhibits & Witnesses

All parties must provide the Court with a complete set of pre-marked exhibits in electronic form and a list of witnesses in advance of the trial. Parties are encouraged to stipulate to as many exhibits as possible, and should meet to determine which exhibits can be agreed to and which will require further discussion with the Court.

Counsel should also confer regarding:

- process of providing exhibits to opposing counsel;
- resolving disputed exhibits;
- providing exhibits to witnesses for identification purposes only;
- use of demonstrative exhibits; and
- use of physical exhibits.

Specific issues concerning exhibits will be discussed at the final pretrial conference with the Court.

Basics of Evidence Presentation: Evidence will be displayed during the trial using the “Share Screen” function in Zoom. When the “Share Screen” function is initiated, the person offering the piece of evidence will be able show it to all other participants on the Zoom meeting. This function works for PDFs, photos, or videos.

Attorneys, however, must realize the limitations of the Zoom platform when sharing exhibits. Unlike in the courtroom, there is no option by which counsel can share an exhibit with the Court and a witness without the jury seeing the exhibit too. When an exhibit is shared, everyone on the Zoom session—judge, Court staff, jurors, witnesses, case participants, and the public—can see it in full.

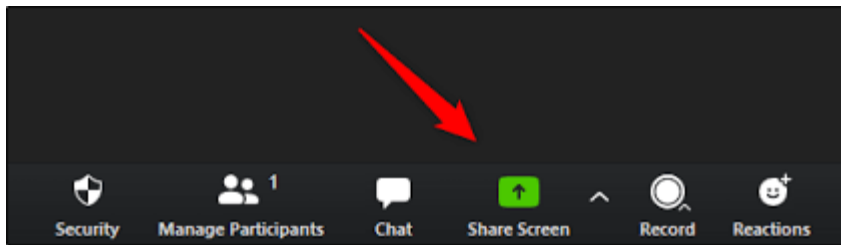
Exhibits of Identification Only: If a party must offer an exhibit for identification only, they must: (1) provide those exhibits to the Court with their other proposed exhibits; and (2) must provide that exhibit to the witness in advance of their testimony.

Displaying Exhibits During Trial

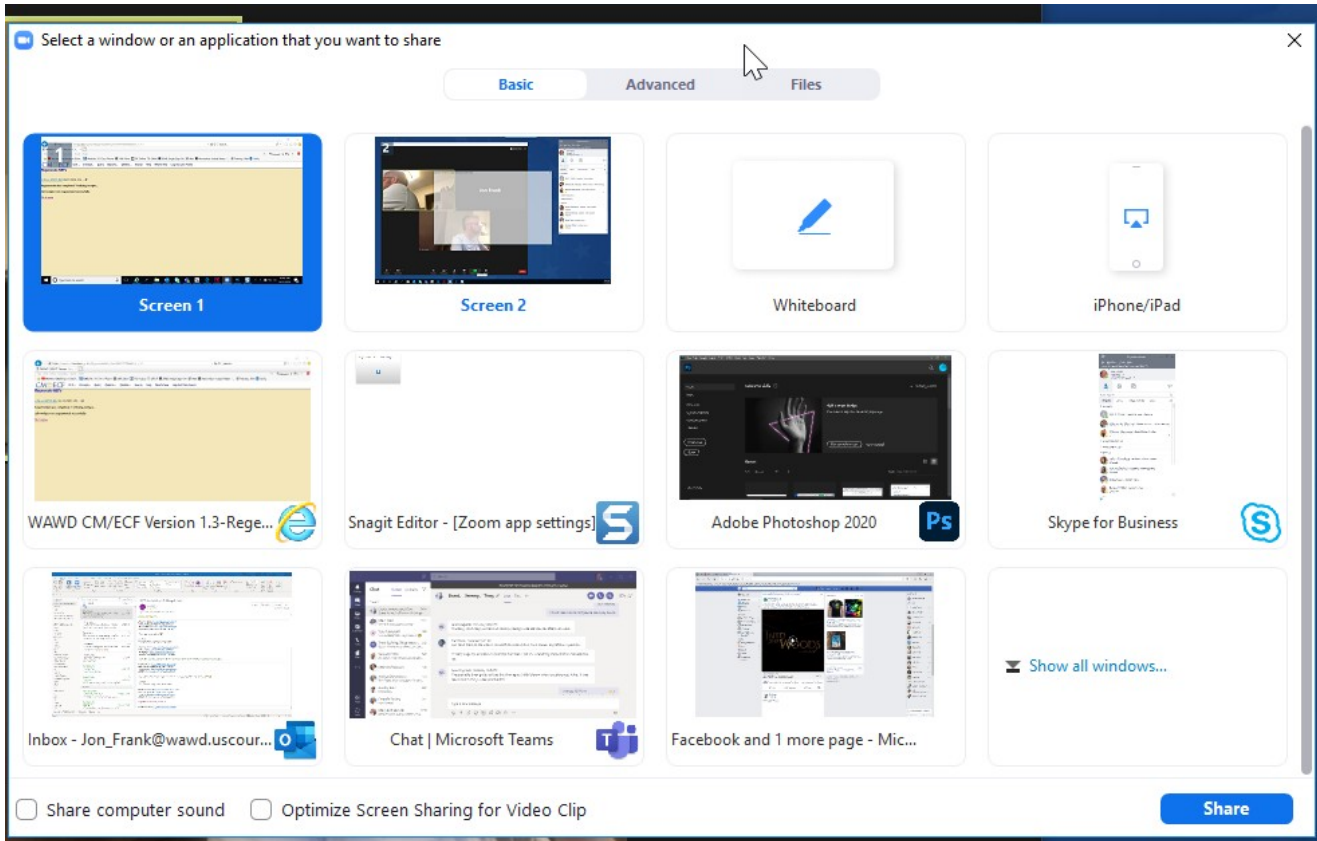
Exhibits are displayed through your computer using the “Share Screen” function of Zoom. The exhibit displayed during trial must be identical to what was submitted to the Court electronically in advance of the trial.

To display exhibits during trial, you will need to open the exhibit on your computer before it is shared. You will need to make sure that you have your exhibits open on your computer and ready to be displayed to prevent needless delays during trial. The Court recommends that counsel be assisted by co-counsel, a paralegal, or other office staff member to expedite evidence display.

After an exhibit is admitted in full and you are ready to show it to the Court, the witness, and the jury, click the “Share Screen” icon on your Zoom toolbar.



Next, a box like the one below will appear on your screen. This will allow you to select the location of the exhibit that you want to share.



Once you are finished sharing a particular exhibit, click “Stop Share” at the top of the screen to stop sharing the exhibit. After clicking “Stop Share,” your screen will revert to your regular display.

Witness Basics: For any witnesses appearing at a Zoom trial, counsel will need to ensure that they have an audio and video-enabled device, a set of headphones with a microphone, and a quiet, distraction-free location to testify from. In addition, if exhibits are going to be shown to a witness, counsel will need to confirm that the witness has access to a device with a suitable screen for viewing shared documents. (A laptop or desktop computer is preferred for all witnesses. The screen of a tablet or phone is far too small for evidence display.)

Any witnesses appearing for the trial should arrive 30 minutes in advance of when they are scheduled to testify and join Zoom. When entering their name on Zoom, the witness should do so by using a “W”

before their full name (W – David Williams). Once they have joined the Zoom session, they will wait in the Zoom waiting room until it is their turn to testify.

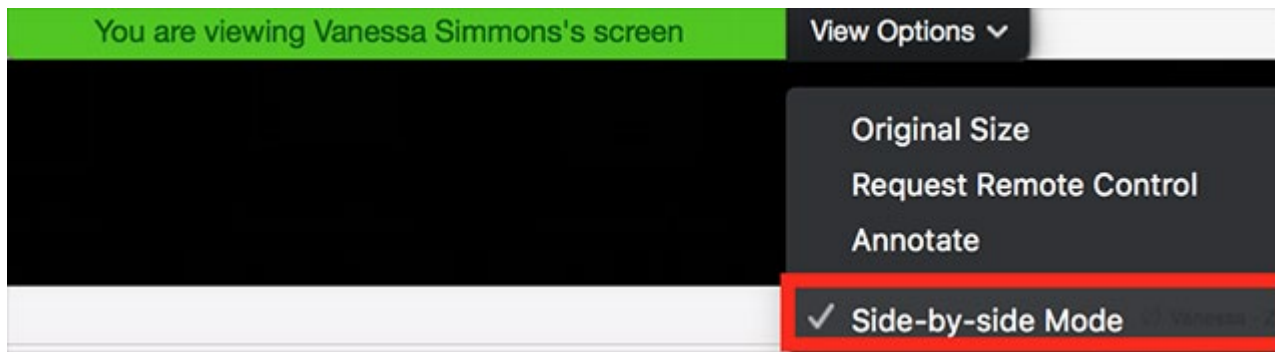
During witness testimony, Court staff will turn on the “Spotlight Video” function so that the person testifying becomes the featured speaker on the screen of all other Zoom participants.

Objections: If an objection needs to be registered during witness examination, the party offering the objection will do so verbally as in the Courtroom. At the start of their testimony, the Court will instruct witnesses to stop speaking when they hear an objection offered.

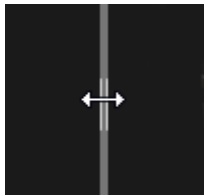
Zoom Settings for Viewing Exhibits

To ensure that you can see both case participants and the exhibit when case participants are offer an exhibit through screen share, you will want to make sure your view settings are set to “Side-by-Side” view.

The first time an exhibit is offered, at the top of your Zoom window, you will see a menu bar indicating that screen sharing is in process. Click on the dropdown for View Options and make sure it is set to Side by Side. This option maximizes your view of participants and the shared exhibit by displaying case participants to the side of the shared screen.



When someone’s screen is being shared, you can also set the amount of screen that is occupied by the exhibit being shared and the participants. To change this, hover your pointer over the boundary between the shared screen and participants' video until your pointer changes to a double arrow and you see a grey line separating both views. Click and drag the separator to adjust the size of each view.

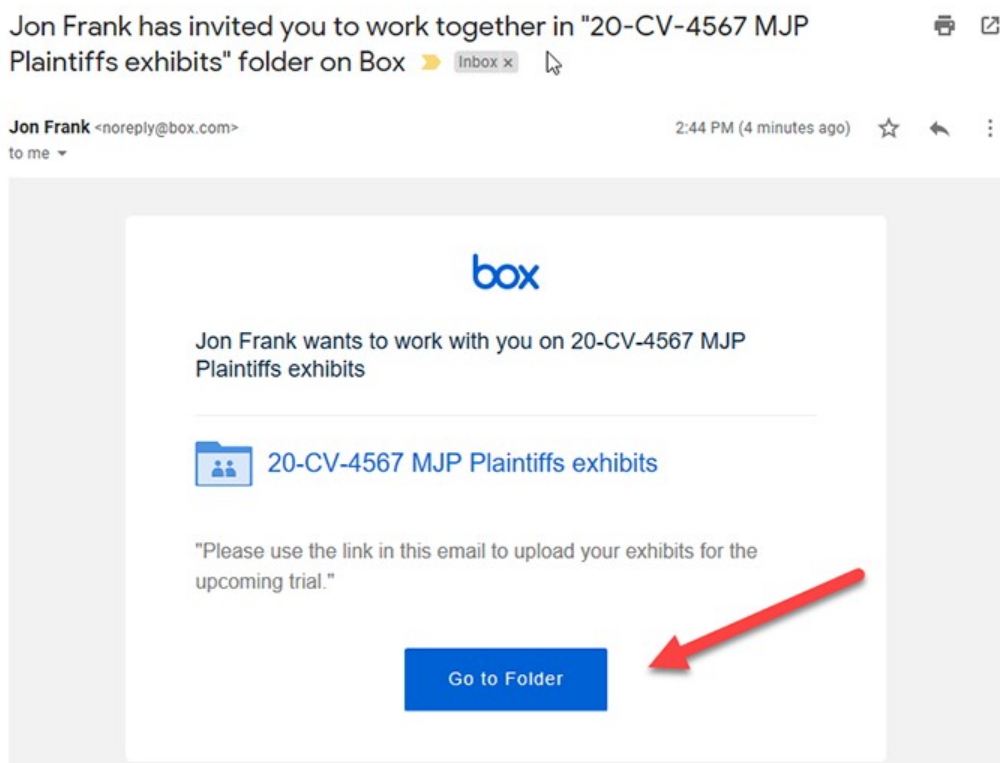


Submitting Trial Exhibits to the Court

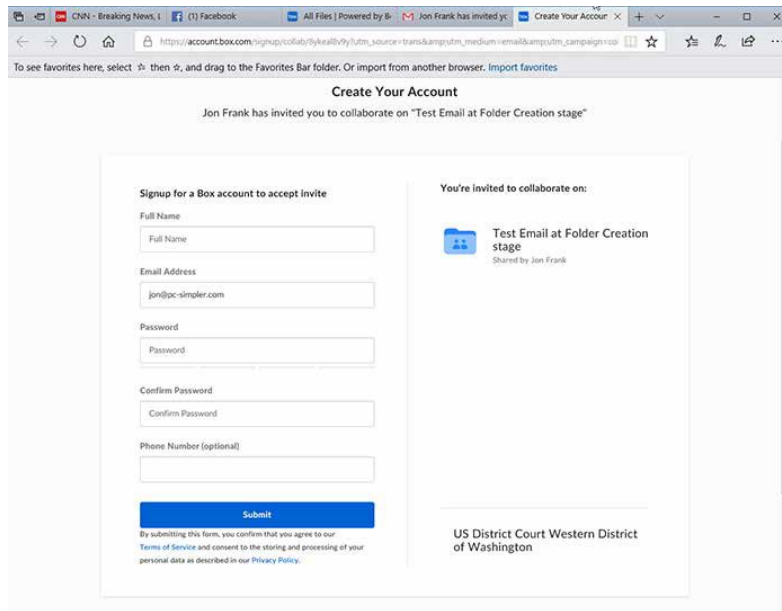
The court utilizes a secure file sharing service, Box.com, for the submission of electronic exhibits. Prior to the start of your trial, Court staff will email you a link to the Box.com folder assigned to you for exhibits. The first time you access Box.com the system will require you to create an account.

Exhibits must conform to the naming and filing type standards outlined in the Exhibits section of the Court's website: <https://www.rid.uscourts.gov/exhibits-0>.

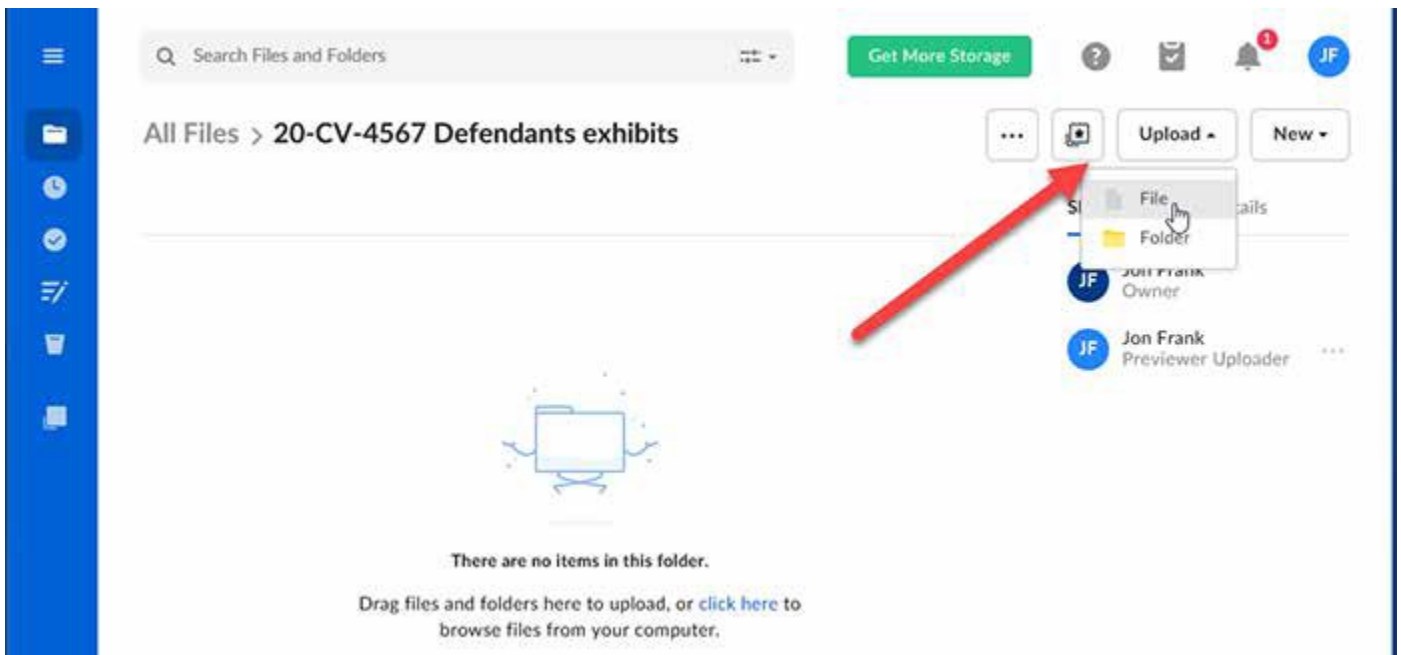
Below is an example email that you would receive.



Next, click 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.



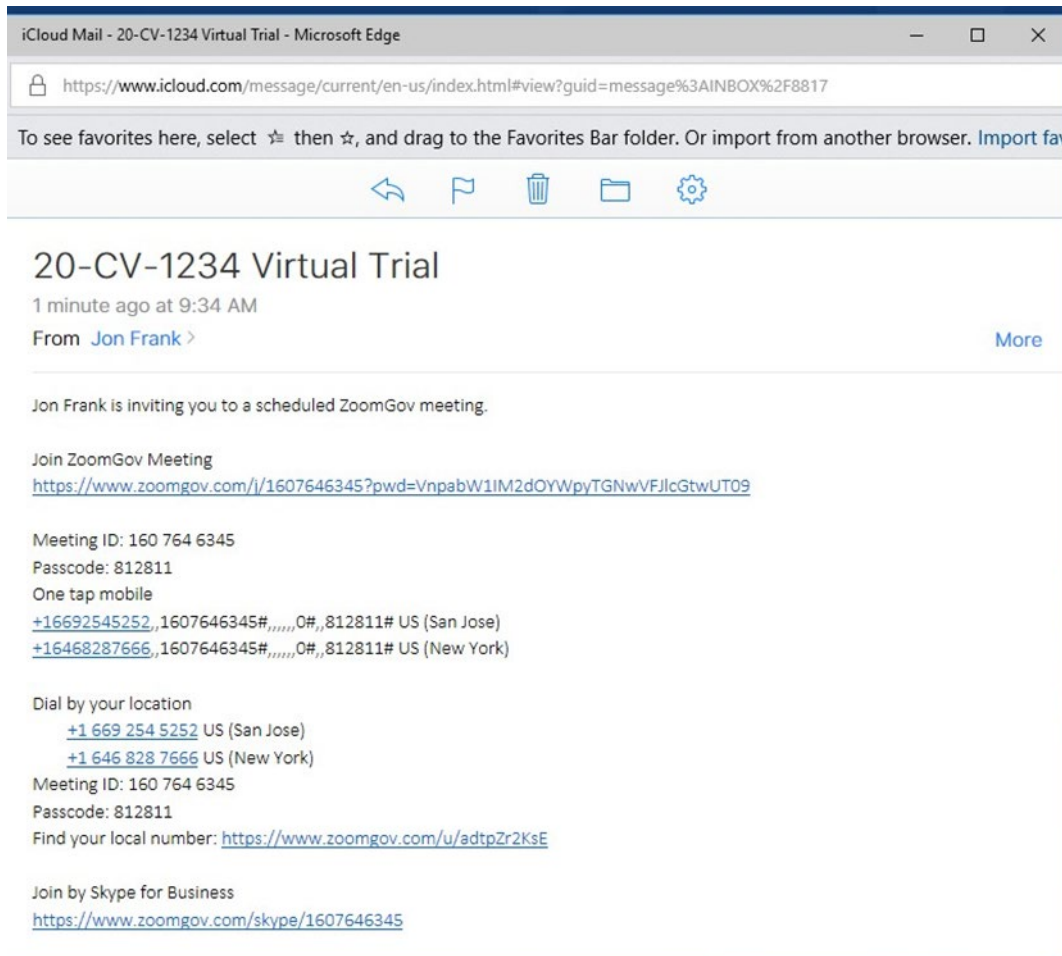
Once you have completed this, you will be prompted to log in. Once you are logged in, you will have the option to upload PDF documents to your trial folder.



Navigate to where the files are stored on your computer and upload them. Court staff will automatically be notified by Box.com that you have added files to your folder.

Trial Invitation

You will receive a Zoom meeting request for your trial date. Below is an example of what the Zoom meeting invitation will look like:



Once you have joined the Zoom session, you will be placed in the waiting room, and a member of the Court staff will admit you. As with an in-person Court hearing, counsel should arrive on the Zoom session at least 15 minutes in advance to ensure that their audio and video are functioning correctly before the start of trial.