



Zoom Hearing Guidelines for Attorneys

These guidelines will help attorneys participate in Zoom proceedings in the Alaska Court System. The court is using Zoom so that it may see parties and witnesses in the case and allow parties to be as present in the courtroom as possible. **A Zoom hearing should be considered the same as being in courthouse when it comes to courtroom decorum.**

Important: Participants are prohibited from recording a Zoom hearing or taking “screen-shots.”

Preparing for the Hearing

1. Set up your space for the highest quality visual and audio experience.

Visuals: Remember that everything around and behind you will be visible on video. Use a solid-color, professional-looking background without anything in view that you would not want the court or other parties to see, such as confidential files or photos. Consider using a virtual background (though not all devices will support this).

To look your best on video, set your camera at eye level. If you are using an iPad or a phone, prop it up so you can look at it without holding it. Look at the camera, not the screen, when you speak. Try to sit in a well-lit area without backlighting.

Audio: Minimize background noise and interference from pets, other members of your office or household. (Pets are welcome during breaks.) Turn off other sound notifications from your device (i.e., email notifications from your computer).

2. Make sure your name appears as you want it to (same for your client’s name). To change your name, find yourself in the “Participants” window and move your cursor over your name until a “More” button opens. Click “More” and then “Rename.” Type your preferred name and click “OK.”

3. Select your profile picture (and your client’s profile picture). This is what the court and others will see when you turn off your video, so consider whether it is appropriate. To change your profile picture, open your Zoom account and select “Profile” in the bar on the left. Click “Change” under your profile picture. A box will open. Click “Upload.” Select the picture you want to use and click “Open.” Adjust the new picture to fit the Zoom box and click “Save.”

- 4. Practice with your client in advance.** Be sure you and your client know how you will communicate if you are not together physically. If you will need to be texting or emailing during the proceeding, let the court know at the start of the hearing. Make sure you and your client are familiar with all basic Zoom commands, such as muting your audio, stopping your video, using the chat function and using the “share screen” function.

If your client is in your office, make sure that you and your client are directly facing the camera. When your client is testifying, it is ok if the court cannot see you, as long as you can be clearly heard. It is very important for the court and the other parties to be able to see your client facing the camera. If that is not possible with your current office configuration, please consider changing your office configuration or have your client bring a separate laptop and connect into Zoom so they will be on a separate camera.

Prepare witnesses in advance. Besides following all pre-trial orders concerning witnesses, plan to make sure that your witnesses will be able to be seen and heard clearly during the Zoom hearing. If your witness has poor cell phone reception, or slow internet, please arrange for the witness to be in a location to connect to Zoom and testify without video and audio cutting out.

Experts should always be made available to testify through Zoom with video during Zoom hearings.

Incarcerated clients. If your client is incarcerated and you want them to appear via video during a Zoom hearing, you must make a request to the DOC facility in writing at least 48 hours prior to the hearing and determine in which Polycom room your client will appear. Please email the judge’s chambers with the name of the facility and the name of the Polycom room before the hearing to connect to your client.

- 5. Dress for Court.** Follow the same wardrobe protocol as for in-person court. Stop your video and mute your audio when off record to avoid embarrassing situations.

Technology

- 1. Have your log in information ready.** Make sure you know what time your hearing starts and have the necessary log in information. Make sure you have shared the Zoom invitation or log in information with your client and any witnesses.
- 2. Set up your device.** Make sure that you have a good Internet connection, and that your computer or phone is fully charged or plugged in.
- 3. Connect to the hearing.** Please “arrive” at least 10 minutes before the hearing starts so the clerk can let you in from the virtual waiting room and make sure there are no technology problems before the court goes on record at the scheduled time.

If you cannot log in, please contact the court as soon as possible to let them know: <https://courts.alaska.gov/courtdir/>.

- 4. View the participants.** Use “gallery view” so you can see everyone in the hearing. On a computer, select the “gallery view” icon; on a phone, swipe to see different views.

- 5. Microphones and speakers.** Remember that your microphone is on unless you are muted. Mute your microphone when you are not speaking, and remember to unmute it before you talk.

Use headphones or ear buds to improve sound quality. A headset with a built-in microphone is best. Headsets are very beneficial for participants who have hearing aids or other hearing difficulties.

Move your cell phone away from your computer to avoid feedback.

- 6. Be aware of speaking volume.** If you are a soft speaker, try to stay as close as possible to your microphone. And if you are a loud speaker, consider dialing it back just a bit for Zoom. Be close to your microphone and speak as if you are having dinner with family.

During the Hearing

- 1. Breaks.** To avoid “Zoom fatigue,” the court may take more breaks during your hearing. Mute your microphone and stop your video during the breaks, and remind your client to do the same. While the court is off-record during a break, Zoom is still live and open mics and cameras may allow others to see and hear things you prefer kept private.

At the end of a break, please arrive back promptly as the Court will go back on record at the designated time. Restart your video and unmute your microphone when speaking.

- 2. One speaker at a time.** Only one person should speak at a time to create the highest quality record. Wait for a pause. Zoom highlights the current speaker’s box on the screen. Use this as a guide to know when to begin speaking. Do not speak over the judge. Everyone will have an opportunity to be heard.
- 3. Objections.** The court will address the best way to raise objections, as only one person can be heard at a time. Let the party finish making the objection, and the court will ask the other side to respond before ruling.

Depending on how many people are in the hearing, you may be asked to raise or wave your hand and say “Objection” so that the court will know to ask other parties to pause to hear your objection. The court may ask you to use the “Reaction” button on the Zoom dashboard to raise a hand emoji.

- 4. Sidebars.** The judge may use a Zoom breakout room to hold sidebars. The judge will “enter” the breakout room with you, and you will both return to the “main” Zoom meeting room when the sidebar is finished. Note that the sidebar will be recorded as part of the official record.
- 5. Attorney-Client conversations.** The Court may also place you and your client in a Zoom breakout room so that you can have a private attorney-client conversation. Note that these conversations will not be recorded as part of the official record.

Exhibits¹

1. It is strongly preferred that exhibits for Zoom hearings be submitted to the court by email. Confidential exhibits may be submitted this way. (Exhibits subject to HIPAA may be submitted via a DSM email.) Also provide an exhibit list (form TF-200) by email.
2. Exhibits sent as email attachments should be in either .pdf or .jpg formats. The total email size must not exceed 50 MB. Note that some email systems have smaller email size limitations (*i.e.*, “gmails” may not exceed 25 MB).
3. Submit exhibits to the court by the deadline set in the pre-trial scheduling order or other applicable order. If there is no applicable order, you must submit exhibits to the court at least 24 hours before the hearing.
4. Properly mark exhibits before emailing exhibits to the court. Name the attachments by exhibit number. For example, Plaintiff Smith might send a file that is named "3AN-20-11111 Smith Exhibits 1-3." Confidential exhibits should be so marked (*i.e.*, “3AN-20-11111 Smith Exhibit 5 Confidential”). You are encouraged to bookmark each exhibit, or to send each exhibit as a separate attachment, so the court can easily locate a particular exhibit during the hearing.
5. Copy the opposing party/counsel when emailing exhibits to the court.
6. If exhibits are not provided to the court or to opposing parties in advance and in appropriate form (*i.e.*, not too large), the court may exclude the exhibit.
7. You do not need to email rebuttal exhibits in advance but prepare them in advance so they can be easily transmitted to the court and opposing party/counsel if needed.
8. During the hearing, the judge should be able to bring up and screen share exhibits that you have submitted. You should also have your exhibits accessible electronically during the hearing and be ready to do your own screen sharing. And you should have the opposing party’s exhibits accessible during the hearing, either electronically or in paper copy.
9. You may be allowed to play videos or audio exhibits for the record. After you receive the court’s permission, open the file on your desktop and pause it. Click the “share screen” icon on the Zoom toolbar. Click on the video or audio you want to play to share the clip on the Zoom meeting screen.
10. No one should screen share confidential exhibits through Zoom. Instead, the court and the parties should have their own paper copies of confidential exhibits available to refer to during the hearing.

¹ You should consult applicable local orders regarding exhibits. While these guidelines are meant to provide best practices for attorneys participating in Zoom hearings, individual districts or courts may have different procedures regarding submission and use of exhibits.

Witnesses

1. Each party is responsible for having their witnesses log in and be ready in the Zoom waiting room until the court is ready for the witnesses' testimony.
2. Contact a witness who must be subpoenaed at least 7 days before the hearing.
3. The court may administer oaths via Zoom similar to:

"We are conducting this hearing by videoconference. The witness is not located in the courtroom but is appearing through electronic means. I am allowing this testimony based on the good cause of (x, y, and z) and with the following safeguards: (x, y, and z)."

4. Witnesses must testify from memory as they would in court. When testifying, the witness may not refer to anything without the court's permission, including notes, papers, phones, computers, or anything else. No one is allowed to pass the functional equivalent of notes by electronic means to or from the witness while the witness is testifying.
5. All of the witness' electronic devices other than the device facilitating the testimony must be turned off unless the court gives permission otherwise. No program or window other than Zoom should be open on any computer or electronic device in the witness' presence during testimony unless allowed by the court.
6. Witnesses must identify their physical location and say if anyone else is in the space with them. No one may be in the same physical space as or communicating with the witness at any time except those identified to the court. The court may require all persons to leave the room during the witness testimony.
7. The witness may be required to wait in a breakout room or waiting room until their testimony is needed, and the court will control who will be allowed in.
8. Make sure that your witnesses have any necessary exhibits for their testimony. The judge or the attorneys may screen share exhibits for the witness, but you should make sure that your witnesses also have access to exhibits they will need in either electronic or paper form.
9. Experts or other witnesses who are reviewing paper documents during their testimony should use a headset because papers shuffling near a microphone make it hard to hear what the witness is saying.