



Conducting Virtual Bench Trials

Friday, January 15, 2021

Program - 12:00 - 1:15 p.m.

Zoom Webinar

1.25 Hrs. General CLE Credit



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Time: 12:00 — 1:15 p.m.

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Practicing law virtually has become the new normal. In the current environment, the best way to get to trial may be a virtual bench trial. Hear directly from Los Angeles Superior Court Supervising Judge of Civil Hon. David J. Cowan, and plaintiff and defense attorneys, who have all conducted virtual bench trials. Practice pointers, technical requirements, and strategy considerations for virtual trials will all be discussed. This program is a must attend for successfully practicing during the pandemic.

Speakers:



Hon. David Cowan, Supervising Judge of Civil
Los Angeles County Superior Court

John Blumberg, Blumberg Law Corporation

Lucia Coyoca, Mitchell Silberberg & Knupp LLP

Timothy Reynolds, Paul Hastings LLP

Elise Sanguinetti, Arias Sanguinetti Wang & Torrijos LLP

Douglas Silverstein, Kesluk Silverstein Jacob & Morrison PC (moderator)

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✓ Exhibits can be seamlessly shared, opened, viewed, and numbered directly within the platform	✗ Exhibits have to be opened and viewed outside of the platform
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✓ White glove technical support is available to troubleshoot before and during every trial	✗ No real-time technical support



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JUDGE DAVID J. COWAN
Los Angeles County Superior Court
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Judicial Assignments:

Incoming Supervising Judge, Civil Division, January 2021

Assistant Supervising Judge, Civil Division, March 2020 - Present. Individual calendar general jurisdiction courtroom, Mosk Courthouse.

Supervising Judge, Probate & Mental Health Depts., Sept. 2016 – February 2020. Supervised sixteen courtrooms; worked with the other judges, Court management and justice partners on Court operations 6 & 1/2 years managing and deciding Probate cases involving decedent estates, trusts, guardianships and conservatorships, including 2 years hearing exclusively long cause / complex trials and settlement conferences.

Appointed by Governor Edmund G. Brown, Jr., June 2014.

Court Commissioner:

Santa Monica Courthouse, Family Law calendar (6 1/2 years): Decided issues of child custody & visitation, child and spousal support, division of marital property and related matters. Heard domestic violence and civil harassment restraining order requests.

Inglewood Courthouse (1 year): Misdemeanor custody arraignments / bail determinations / sentencing on open pleas; traffic calendar:

Whittier Courthouse: misdemeanor trial calendar; felony preliminary hearings.

Elected by Judges, August 2005

Other:

Member, LASC COVID-19 Working Group, Current

Member, LASC Operations and Supervising Judges Committees. 2017-2020

Member, LASC Executive Committee, 2016-2020 (elected by Central District judges, 2016; ex officio thereafter)

Member, LASC Law Clerk Committee, 2019-Present

Chair, LASC EPO Duty Working Group, 2019

Member, Probate & Mental Health Advisory Committee to Judicial Council of California, 2018-Present; Legislative and Capacity Declaration Revision Sub-Committees

Vice-Chair and Member, Probate Law Committee, Calif. Judges Ass'n, 2017-Present

Former Member: LASC Temporary Judge Committee, Calif. Judges Ass'n, LASC & Beverly Hills Bar Ass'n Family Law Committees.

Adjunct Professor, Loyola Law School. 2007-2019. Taught Wills & Trusts, Child Custody Issues, Family Law, Marital Property, Real Property Foreclosure Law and Legal Drafting.

Frequent Speaker on Probate and Family Law issues to misc. Bar Associations

Recognition:

Beverly Hills Bar Ass'n, Timothy Whitehouse Award, Contribution to LASC Probate Dept, August 2020

Prior Legal Experience:

Law Offices of David J. Cowan, June 1994 – August 2005. Business litigation practice in state & federal court: Emphasis on matters involving contracts, banking, loans, real estate (incl. financing, title and landlord-tenant issues), bankruptcy, partnerships, securities and investments; legal malpractice. Bench & jury trial experience. Arbitrations. Appeals. Negotiation of financial problems for creditors & debtors. (In 2001-2002, also Of Counsel to Hong & Chang (then US affiliate of largest law firm in Korea))

Leland, Parachini, et al., LA Office of SF firm. June 1992 – May 1994. Litigation Dept. Emphasis in representation of financial institutions, workouts of commercial real estate secured loan defaults. Foreclosures, receiverships, writs of attachment, Bankruptcy Court practice. Construction lending, equipment leasing.

Rogers & Wells, LA Office of NY firm (nka Clifford Chance) Sept. 1988 – June 1992. Litigation Dept. Thorough training in complex business trial practice. Defense of big dollar cases involving national companies requiring top quality legal work product.

Kostelanetz & Ritholz, NYC. July 1984 – August 1985 Paralegal. White-collar criminal / tax practice. Assisted in defense of U.S. v. Marc Rich, et al.

Other:

Argued four cases leading to published appellate opinions, one establishing new law re: letters of intent. Coordinating Editor, Real Estate Issue, Los Angeles Lawyer Magazine. Member, LA Co. Bar Ass'n Commercial Law Committee.

Education:

University of California, Hastings College of the Law, SF, CA, J.D., May 1988. Member, Comm/Ent Law Journal. Published two case comments. Externships w/ Judge McCabe, San Francisco Superior Court, Public Law Research Institute & Kings Co. D.A's Office (Brooklyn, NY), Appeals Div.

Columbia University, NY, NY. B.A., May 1984. Major, Comparative Literature. Concentration, Philosophy. Dean's List. Editor-in-Chief, Upstart (Art & Literary Journal). Two leadership awards on graduation. Extern to Director, Guggenheim Museum.

Background:

Elected Class Speaker, Cate School, Santa Barbara, CA.

Born in London, England. Moved to U.S., 1977.

John P. Blumberg

Blumberg Law Corporation

John P. Blumberg has been practicing since 1976, specializing in medical and legal malpractice cases. He is AV-rated, and has four board certifications: as a Trial Lawyer by the National Board of Trial Advocacy, Board-Certified separately in Medical Malpractice and Legal Malpractice by the American Board of Professional Liability Attorneys, and a Certified Specialist in Legal Malpractice by the California State Bar, Board of Legal Specialization. He was accepted into ABOTA in 1991, served on its national board for seven years, and earned the rank of Advocate, now with over 65 jury trials to verdict. Mr. Blumberg currently serves as on the Board of Governors of the Consumer Attorneys Association of Los Angeles, acting also as its parliamentarian, and on the Board of Governors of the American Board of Professional Liability Attorneys. He has written dozens of articles on law practice and advocacy that have been published in many legal journals. His firm, Blumberg Law Corporation, is located in Long Beach.

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legal expertise

Extensive jury and bench trial, arbitration, appellate, and mediation experience.

Broad entertainment industry experience, including film investment disputes, accounting disputes as to sales of films and syndicated television programming, "back-end" contingent compensation claims, copyright, idea submission and other intellectual property claims.

Insurance industry expertise focused on the representation of insured clients in disputes over coverage for employment, media & film production claims, securities, and business interruption claims. Also represented California Insurance Commissioner in matters involving conservation of insolvent insurers.

Represent employers in a wide range of employment disputes, including wrongful termination, harassment, discrimination, retaliation, and trade secret/unfair competition cases.

representative matters

- Ongoing representation of studio in connection with disputes regarding contingent participation claims.
- Ongoing representation of studio in connection with production insurance coverage claim against insurer regarding relocation of production costs.
- Won \$50 million jury trial verdict for client in breach of fiduciary lawsuit tried in Los Angeles Superior Court.
- Represented prevailing party in AAA arbitration in contingent compensation dispute as to participation in particular lines of revenue.

- Successfully represented motion picture producer in connection with cast coverage claim against insurer.
- Successfully represented motion picture financiers and investors in connection with a number of film financing disputes.

honors & awards

- "Most Influential Women Attorneys," *Los Angeles Business Journal* (2018)
- California, "Attorneys of the Year," *The Recorder* (2012)
- "500 Leading Lawyers in America," *Lawdragon* (2012)
- "Top 5% of lawyers in Southern California," *Southern California Super Lawyers* (2005-2010, 2012-2019)

professional, business and civic affiliations

- Fellow, Litigation Counsel of America
- Southern California Regional Co-Chair, ABA Judicial Intern Opportunity Program
- ABA Section of Litigation Leadership – Professional Development Committee
- Co-Chair, Woman Advocate Committee of the American Bar Association's Section of Litigation

Timothy D. Reynolds is a senior associate in the Litigation Department of Paul Hastings and is a member of the Securities Litigation Group based in the firm's Los Angeles office.

Mr. Reynolds is a trial and appellate attorney who handles complex civil litigation matters in state and federal courts. Mr. Reynolds focuses his practice on high stakes business disputes. He represents institutional real estate companies and capital providers in real property development disputes, as well as hospitality and leisure asset transactions and operations. In addition, Mr. Reynolds represents public and private companies, special committees, as well as individual officers and directors, in class actions, shareholder derivative actions, and individual investor disputes brought under federal and state securities laws. Mr. Reynolds also regularly advises clients in connection with internal investigations, and in response to government enforcement agency subpoenas and shareholder demand letters.

Mr. Reynolds received his J.D. from Emory University School of Law in 2010. He received his B.A. from the University of Pennsylvania in 2005.

Experience

- Represent institutional real estate company in breach of contract action involving disposition of numerous hotel assets.
- Represent private real estate development company in connection with fraud claims and business torts made by purchasers of condominium units.
- Represent international real estate investment trust in connection with litigation involving portfolio of hotel assets and lease agreements.
- Represent real estate investment company in connection with transient occupancy tax dispute with municipality.
- Represent biotechnology company in breach of contract dispute concerning a multi-billion dollar product in the Delaware Court of Chancery.
- Represent Ecommerce company in a contract and fraud dispute brought by one of the company's founders in which the founder sought to rescind intellectual property assigned to the company.
- Represent California life-sciences company in connection with fraud and business tort claims under California law.
- Represent venture capital firm in connection with breach of contract and equitable indemnity claims related to sale of business assets.
- Represent investment bank in connection with state law fraud and business tort claims in federal district court and in Ninth Circuit Court of Appeal.
- Represent a former executive officer of a publicly traded company in connection with four-year SEC investigation into insider trading resulting in no charges being brought against the executive officer.
- Represent California bio-technology company in a shareholder derivative action in federal court involving allegations of improper stock option grants to senior executives and directors resulting in favorable non-monetary settlement.



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- Represent a special committee for the board of directors of a publicly-traded company in an internal investigation in allegations of executive misconduct and violations of the federal securities laws.
- Represent Fortune 50 company in a shareholder derivative action concerning allegations of excessive executive compensation resulting in voluntary dismissal of the complaint.
- Represent a trust and its board of trustees in an SEC investigation concerning allegations of untrue statements made in violation of the Investment Company Act of 1940 resulting in a decision by the SEC not to pursue any charges.
- Represent a registered investment advisor in connection with an SEC enforcement action concerning allegations of untrue statements to an advisory client in violation of Section 17(a) of the Securities Act and Sections 206 of the Advisers Act resulting in advantageous early settlement.
- Represent Securities Industry and Financial Markets Association as *Amicus Curiae* in matters pending in New York Court of Appeals and U.S. Supreme Court.

Speaking Engagements and Publications

- Paul Hastings LLP Hospitality and Leisure Webinar Series: *Where Do We Go From Here?* (speaker, June 2020)
- *Ninth Circuit Affirms: SLUSA Does Not Provide Independent Basis for Federal Question Jurisdiction*, Lexology (January 2017)
- *Salman v. United States: The Supreme Court Opt's for Narrow Ruling Instead of Clarity*, Bloomberg BNA (December 2016)
- *Ninth Circuit Muddies Loss Causation*, Law360 (February 2016)
- *The Supreme Court Again Extends The Preemptive Effect of the Federal Arbitration Act*, Paul Hastings Insights (December 2015)
- *Ninth Circuit Clarifies Application of 'Adverse Interest Exception' in Securities Class Actions*, Paul Hastings Insights (November 2015)
- *California Derivative Plaintiffs Can't Dodge Delaware Law*, Law360 (November 2014)
- Three Years On: Lessons From "Say on Pay" Shareholder Litigation, Inside Counsel (December 2013)
- *2nd Circuit Declines to Extend American Pipe Tolling to Section 13 Statute of Repose*, Westlaw Journal (October 2013)
- *Searching for an Efficient Market with CrossListed Securities: Denial of Class Certification in Deutsche Bank Illustrates Increased Scrutiny of the Fraud on the Market Doctrine*, Paul Hastings Insights (October 2013)
- *The "Fraud-on-the-Market" Presumption of Reliance Revisited: Supreme Court Declines to Require Proof of Materiality at Class Certification Stage*, Paul Hastings Insights (May 2013)

Staying in Front of Shareholder Litigation Challenges to Executive Compensation, The Corporate Governance Advisor (June 2012)

Elise R. Sanguinetti

Elise is a founding partner of Arias Sanguinetti Wang & Torrijos with offices in the San Francisco Bay Area, Los Angeles, Las Vegas and Montreal. Her main focus of expertise is **serious injury, wrongful death cases, civil appeals and legal malpractice**. She exclusively represents plaintiffs in civil litigation, and holds an AV rating with Martindale-Hubbell and has been named a California Super Lawyer every year since becoming eligible. Elise has been recognized as one of the top plaintiff's lawyers in California and for the past eight years she was named one of the Top 50 Women Lawyers in the Bay Area.

Elise graduated from the University of San Francisco School of Law where she earned her Juris Doctor (J.D.). She was admitted into the California state bar in 1997. When not in the courtroom, she is a frequent speaker at nationwide seminars and writes articles that are featured in various legal publications. Her copious amount of work has been recognized with numerous awards from various organizations.

Elise is a past-president of the American Association for Justice (AAJ), a past-president of the Consumer Attorneys of California (CAOC), and a past-president of the Alameda Contra Costa Trial Lawyers Association.



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Douglas N. Silverstein

Douglas N. Silverstein has devoted his entire more than a quarter century career to litigating labor and employment cases. He is a founding partner of Kesluk, Silverstein, Jacob & Morrison, P.C., and leads the firm's trial, labor and employment, and class action efforts. Doug has been recognized by fellow attorneys, the national news media, and the general public as an employment law expert, and regularly writes and lectures on labor issues.

For over a decade, Doug exclusively represented companies at the national labor and employment law firms of Morgan, Lewis & Bockius; Ballard, Rosenberg, Golper & Savitt; and Littler Mendelson. He has represented numerous Fortune 500 corporations. In addition to his employment law experience, Doug has substantial traditional labor experience before the National Labor Relations Board. He served as Southern California lead counsel in the 2003 grocery strike. Doug has also litigated ERISA cases with significant amounts at stake.

For the past 17 years, Doug has focused his practice on protecting the rights of employees in a wide variety of areas, including discrimination, harassment, retaliation, wrongful termination, whistleblowers, trade secrets, non-competes, and wage and hour class actions. In addition to his litigation practice, Doug negotiates employment and severance agreements on behalf of executives.

He has argued cases in the California Courts of Appeal, Second, Ninth and D.C. Circuits, and has numerous published opinions establishing law on issues of first impression. More importantly, he takes cases to trial. In the last eight years, Doug has taken 17 cases to trial, winning 16 of them. In his last six trials where punitive damages were at issue, he obtained punitive damages in all six. Doug has been appointed lead class counsel in dozens of wage and hour class actions.

Prior to joining a law firm, Doug was a Judicial Extern Clerk to former Chief Judge Alex Kozinski of the Ninth Circuit, and a Judicial Extern Clerk to Judge Irving Shimer of the Los Angeles County Superior Court.

Admitted to practice before all state and federal courts in California, Doug is a member of the American, California, and Los Angeles County Bars Labor and Employment Law Sections, the National and California Employment Lawyers Associations, the American Association for Justice, and the Consumer Attorneys Organizations of California and Los Angeles. Doug is the Chair of the Los Angeles County Bar Association (LACBA) Litigation Section Executive Committee, where he meets regularly with federal and state court judges, and bar leaders to advance the cause of

justice. He also serves on the Los Angeles Superior Court Bench Bar Committee. Doug will serve as the President of the Consumer Attorneys Association of Los Angeles (CAALA) in 2022, and is a past Chair of CAALA's Las Vegas Convention, the largest plaintiff's trial convention in the country.

For seven years straight, Doug has been honored as one of the top labor and employment attorneys in California by *The Daily Journal*. In the past ten years, Doug has had more than 50 speaking and writing engagements. He has been consistently designated a Super Lawyer, and was even asked to evaluate other labor and employment attorneys under consideration for being named a Super Lawyer.

Doug earned his J.D., *magna cum laude*, at Whittier Law School, where he was the Senior Articles Editor of the *Whittier Law Review*, won numerous awards in moot court and for academics, and received several merit scholarships. He earned his M.B.A. at Nova University, where he was awarded special recognition for outstanding academic achievement, and was a Henry King Stanford Scholar at the University of Miami, Florida, where he earned his B.A.

Through his class action practice, Doug has secured contributions in the hundreds of thousands of dollars to legal aid foundations in California that provide access to justice for those unable to afford it. Doug has been a Board Member and General Counsel of the non-profit Tripod, the leading education and support organization for deaf children and their families. He is also an Honorary Board Member of the Los Angeles Trial Lawyers for Charity (LATLC). Doug is conversant in Spanish. Doug has coached his children on numerous sports teams, winning several league championships and the state championship in soccer. When not practicing law, he can be found watching his children play ice hockey. Prior to becoming an attorney, Doug worked as a sommelier.

ZOOM BENCH TRIALS AND ARBITRATIONS

Suggestions for Successful Video Advocacy

by

John P. Blumberg

In video arbitrations and bench trials, we can't use physical presence as a component of persuasive advocacy. We must use different tools to persuade via Zoom or similar video platforms. This article discusses those tools of persuasion.

A courtroom is the stage where we are on display. We can exude confidence by our posture, our gestures, the volume of our voice, and our physical positioning. In an in-person arbitration, we sit at a table, speak in a conversational tone and make smaller gestures. By contrast, in a video trial (whether arbitration or bench), we are seen mostly from the chest up. A talking head. A video trial must be viewed as advocacy with television production values.

Persuasion requires credibility, and a well-mannered, confident and competent lawyer has an advantage over an opponent who is lacking in those things. These are important guidelines for in-person as well as video trials. But in a video trial there are technical adjustments that are necessary. I offer this guidance based on three medical malpractice arbitrations I have tried via Zoom.

Whether remote or in-person, a video trial should be treated the same way as an in-person trial, namely as a formal process where there is strict adherence to the rules of evidence and the Code of Civil Procedure. Although many arbitrators permit evidence that would seldom be allowed in a trial, and may encourage informality, conduct yourself formally and be prepared to argue the admissibility of your evidence and the inadmissibility of the opposition's evidence. Dress as though you were appearing in court.

Being Seen and Heard

“Lights, camera, action!” Face it, you’re on TV. Lighting, webcam quality, camera position, sound, and internet connections are crucial. Let's discuss each.

A good lawyer shouldn’t wear scuffed shoes and an ill-fitting suit when in court. Why not? It looks bad and distracts from an otherwise persuasive message. A good lawyer doesn’t mumble or avoid eye contact. Why not? Because a clear, articulate voice and steady gaze are important persuasive tools.

In a video trial, you are seen through a webcam and heard through a microphone. Both need to be of excellent quality so your appearance and voice are optimal. Don’t rely on whatever was built into your laptop.

Your monitor should be raised so that when you position your webcam on top, you will be looking slightly up, never down. This way it will appear that you are looking directly into the camera. If you are looking down at the webcam, the view will be up your nose and be most unattractive.

There are two kinds of microphones to consider: stand-alone and lapel. A high-quality stand-alone mic can be placed out of camera view but might take up valuable desk space unless you have a microphone boom scissor arm that you can clamp to the side of your table or desk. My preference is the lapel mic which is what most news anchors use. Just clip it on and turn it on.

If your lighting is poor, a high quality camera will make you look worse. Natural diffused lighting from a window is excellent so long as you are facing the light. If it’s behind you, it will cause the same kind of “backlighting” that occurs when you take a photo of someone with the sun behind them. The light sensor dims the lens and you’re in the dark.

If you can’t rely on natural light, you might consider buying a “ring light” which sits behind and above your monitor. It can be adjusted for brightness and white balance so that you are seen in a good light. (Pun intended.)

There are also some Zoom controls that can provide a “soft focus” that can aid in (how can I say this delicately?) making your skin a little better looking. Click on the \wedge symbol next to the camera icon, click “video settings,” then click “touch up my appearance.” (There are also “studio effects” for lip color and eyebrows, but you should experiment carefully before using them. And definitely stay away from the virtual mustaches.)

Background

Unless you have a beautiful office or impressive library in your natural background, you will need to use either a virtual background or a “green-screen.” There are stock photos available on the internet that you can import into your Zoom program. To create a virtual background, click on the \wedge symbol next to the camera icon, then click on “Choose virtual background.” Then, to add your chosen photo, click on the + symbol, click “add image,” then find where you stored the photo, double click on it and it is now your virtual background. If you have an impressive office, you can take a photo and use it as your background when you are working from home.

Virtual backgrounds can have drawbacks, however. The program uses face recognition technology and when you move out of range, parts of your body will disappear. A green-screen can solve this problem. It can also be used to shield any clutter in the background that the webcam would display. There are portable green-screens that are easy to set up and take down.

Internet Issues

Internet connectivity is essential because the last thing you want is to have a frozen screen or lose your connection altogether. A hard-wired connection directly to your modem is better than using wi-fi. But it is also a good idea to have a backup plan in case your internet goes out. For example, an iPad has cellular capability, so if you lose the internet (which does happen

unexpectedly), you can immediately switch over to the tablet's cellular connection. When the internet comes back on, you switch back. (For the more tech-savvy, it's possible to use your cellphone as a hotspot directly into your computer which bypasses the internet.)

Customizing Your Screen

Although there are other platforms, Zoom is currently the most prevalent. The Zoom screen can be adjusted so that you control what you are seeing. The two most common views are “speaker” and “gallery.” The gallery view is fine when you want to see everybody at once, but it can be distracting. The speaker view shows whoever is making the most noise, but it prevents you from keeping an eye on the arbitrator/judge and opposing counsel.

The good news is that you can control who appears on the screen. If you want to see everybody on the screen, you can move them around on the screen. For example, you can drag whoever is talking to the top center. Next, you should right click and choose “hide self view” which removes your picture from the screen. You don’t look into a mirror when you are talking to a judge or jury, so why would you want to see your face all the time? It’s distracting.

In Zoom, if there are people who are attending the video trial, but not participating, the arbitrator or judge can ask them to turn off their cameras. Then, you can right click on the “view” button and click “hide non-video participants” which causes them to disappear from the screen. If you want specific people to be on the screen, you can use the “pin” function which will keep them in view. For example, if you are examining a witness, you will want to pin them so they are on the screen, and everyone else is either arrayed on the right side vertically or across the top, horizontally. Are you ready to start your video trial? Not yet.

Handling Documents

When we are in court or arbitration, we have notebooks full of documents as well as PDFs, PowerPoint slides and videos on our computers. We also have the ability to draw on whiteboards or butcher paper on an easel. How do we replace those things? We don't, but we do have to know how to adapt them to Zoom. This is where the Zoom "share screen" comes in.

Anything that you can show on your own computer screen, you can show to everyone in the Zoom video trial. The trick is to have those documents ready. You should have an exhibit file with numbered exhibits, and when you want to display one, follow this procedure: open the folder, select the document, and open it on your screen. While you are doing this, the Zoom screen is reduced. Then, click the *share screen*.

When you identify the document you just opened, double click on it and it will appear on the Zoom screen for all to see. You can scroll through that document to display whatever part of the document you want the witness or the arbitrator to see. While the document is being displayed, you can use the annotation tools to highlight or draw on the document.

When you are through with that document, click "stop share" and the document disappears. If you want to immediately share another document, click "New share" and select the next document. In addition to documents, you can also show videos.

What if you want to see the witness at the same time as you are showing the document? When you start the *share screen*, the view of all the participants is changed so that their images are reduced and arrayed vertically on the right of the screen. If you pin the witness, his or her image will be the only one you see to the right of the document. There is a vertical line with a tab in the middle to the right of the document that you can drag right or left which enlarges the witness's image and reduces the document's image. When

opposing counsel does a document share, you have the same ability to adjust the screen.

Using the *share screen* feature, you can choose “Whiteboard” which will allow you to type anything you want to be seen. First, click “Format” to choose the font size and color. Then click “Text” and start typing. What if you want to simulate drawing on the board?

Just as we became used to using a document camera, like the Elmo, there is a counterpart for remote video called IVEPO which is much smaller. It plugs into your computer’s USB input. In *share screen*, click “Advanced,” then click “Content from 2d camera,” and you can display a document or write longhand or draw pictures for everyone to see. (Now that you’ve read how to use the *share screen* function, you should open your Zoom program and practice doing it.)

Preparing Your Witnesses

Although you have done everything to prepare yourself, you also have to prepare your witnesses. Just as clients have to be prepared for what is expected of them when they testify in person, they must be prepared for video appearance. All of the advice in this article about how YOU need to make sure that YOUR appearance is optimized applies equally to your client.

If they have a computer at home, clients and witnesses need to be counseled about webcams, microphones, backgrounds and lighting. If they are going to be appearing from home, you will need to provide a camera and microphone if their equipment is lacking. But if they don’t have stable internet, computer or technical savvy, you may have to bring them to your office and set them up there with everything necessary.

You will need to make sure that your client doesn’t have any script or confidential documents that they are looking at while they are testifying.

Otherwise, opposing counsel can insist that it be disclosed. My preference is to create a time line or bullet point outline that the client can refer to and which can be disclosed in advance. It assists the client's recollection and is an excellent way to make sure the arbitrator has an accurate outline of their testimony.

And don't assume that your experts will know what to do. You will need to rehearse with them to make sure they are equipped so that they make the best appearance possible. If the expert is going to use demonstrative evidence, such as an x-ray, diagram or photograph, they need to be able to use the *share screen* function so that they have the ability to annotate it or use a pointer to draw attention to what they are talking about. A benefit of a video trial is that if the expert's deposition video can be used, it has the same effect as though they were testifying in person. And you can edit it so that it is most effective. The only downside is that the arbitrator or judge loses the ability to ask questions of the expert witness (which may or may not be an advantage.)

The Video Trial

You are almost ready to start your bench trial or arbitration. You should have prepared a document notebook for the arbitrator or judge and delivered it in advance. Even though you will be showing documents on the screen, some arbitrators and judges prefer to look at a hard copy. And when the document is admitted, they will want to have a hard copy.

If you would have made an opening statement during an in-person trial or arbitration, you will want to make one in a video trial. One advantage is that you don't have to memorize it or look down at your notes. You can open the document containing your "script" right on the screen. Although the webcam and microphone are on, you can read it, much like a teleprompter. One tip: enlarge the font so it is easy to read, and enlarge the side margins so that

your eyes aren't moving from left to right across the page. It will appear as though you are looking right into the camera. The same technique should be used for your final argument.

As the video trial is proceeding, it is much easier to request a short break. Unlike an in-person trial or arbitration, there is no lost time while everybody gets up and walks out of the room. Just ask, "Can we take a short break?" *Remember to turn off your camera and mute the microphone.* You don't want everyone to see that, although you are nicely dressed from the waist up, you may be wearing pajama bottoms or shorts. (Personally, I find that being completely dressed, including shoes, helps me to feel battle-ready.) More important, you do not want opposing counsel or the arbitrator hearing your comments to witnesses, clients, associates, or staff about how the trial or arbitration is going. Politicians fear "hot mic" moments; so should you.

How will you communicate with your client? Unless you and your client are both situated in your office, you will need a way to communicate. The Zoom "breakout room" is just like a private office next to the arbitration conference room. The "host" of the Zoom arbitration may be a tech assistant or the arbitrator, and they can assign a virtual room for you, your client, and anyone else on your team to meet confidentially. When it's time to return to the main "room," just click the "return to meeting" tab.

It's best to rehearse this before the actual hearing begins. You can also rehearse this yourself during a mock Zoom session with your client. Additionally, so long as it's not during the client's testimony, you can easily text back and forth, similar to note passing if you were sitting together at the arbitration conference table. Although there is a "Chat" function in Zoom, it is best that it be turned off by the host since one can never trust that opposing counsel aren't sending notes to their client during their testimony. (They may be thinking the same thing about you.)

Final Thoughts

There are benefits to video trials arbitrations. You can look closely at facial expressions in a way that you never would be able to in person. You don't have to rent a hotel room, drive, lug boxes around, or set up equipment. You won't have to pay for experts to take a day or half-day away from their practice.

In fact, video technology can be useful even when conducting an in-person bench trial or arbitration because you have the ability to hire experts from anywhere in the country, since it doesn't matter where they are when they are sitting in front of their computer. It also enables you to have your expert listen to the defense expert and then be prepared to testify in rebuttal. All you need is a high definition big screen, and they will appear, as large (or larger) than life. And in an age when video is now ubiquitous, these remote witnesses will be as credible as in person.

As with all technology, you must expect that things will occasionally go wrong. You will need to have the cellphone numbers of opposing counsel and the court or arbitrator so you can reach them or vice versa. Most arbitration services will have "tech guys" standing by to assist when problems arise. Until court video systems are more perfected, for bench trials, the judge will likely require that the parties provide the video platforms and their own technical personnel. So when it's time for your first video bench trial or arbitration, you'll be ready. Lights, camera, microphone, action!

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

<div style="border-bottom: 1px solid black; margin-bottom: 10px; height: 1.2em;"></div> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <div style="border-bottom: 1px solid black; margin-top: 10px; height: 1.2em;"></div> <p style="text-align: center;">Defendants.</p>	<p>Case No.</p> <p>STIPULATION AND [PROPOSED] ORDER FOR REMOTE BENCH TRIAL PROCEDURESⁱ</p> <p>Date: Time: Dept: Judge: Trial Date: Complaint Filed:</p>
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I. MAINTAINING THE DECORUM OF THE COURT.

Case Participants (as defined in Section VI.A below) are required to observe the typical rules and procedures related to court appearances, including, without limitation, rules related to attire and the consumption of food and drink (other than water, coffee or tea) during the proceedings. Case Participants shall use best efforts to eliminate all visual and auditory distractions.

II. PRE-TRIAL ARRANGEMENTS.

- A. Remote Platform.** The Court’s designated remote platform is _____ (hereinafter described as the “Adopted Platform”). The Parties may, with the approval of the Court, retain an appropriate third-party service provider (“Remote Video Support Provider”) to arrange, monitor, support, and troubleshoot the Adopted Platform during the trial. The Court will not retain or provide any Remote Video Support Provider.ⁱⁱ
- B. Court Management of Platform.** The Court will manage and control the proceedings, including being designated the “Host” of the video conference, and will exercise control over the various technological settings.
- C. Preparing to Meet Technological Requirements.** Case Participants shall use best efforts to ensure that there will be clear video and audio transmission during the trial,

including adequate familiarity with the Adopted Platform and related software and hardware, *e.g.*, microphones, webcams, headphones, multiple monitors, *etc.*

1. **Adequate Equipment.** The Parties are responsible for ensuring that each witness is familiar with the Adopted Platform and that every participant has the following equipment to participate in the proceeding without undue delays: microphone, video camera, laptop or monitor. Counsel may wish to ensure that each witness is able to participate in the videoconference with one device (or screen) and review exhibits on another. Counsel should confer with the Court to determine whether it would be helpful for counsel to loan equipment to the Court to facilitate the Court's participation in the proceeding.
2. **Test Sessions.** At least one test session must be conducted by counsel with each witness in advance of the proceeding in which the witness practices using the Adopted Platform, becomes familiar with the process for viewing electronic exhibits, and tests all audio and video equipment (including settings) that will be used at trial.

- D. **Court Reporter.** The court reporter will be unmuted for the duration of the proceeding to allow for timely and effective requests for clarification.
- E. **Camera/Remote Venue Set Up.** The faces of each Case Participant in the trial must be clearly visible while speaking. No masks shall be worn for any Case Participant in the trial appearing remotely. To the extent possible, each Case Participant's webcam should be positioned at face level relatively close to the Case Participant. The use of virtual backgrounds is not permitted unless otherwise agreed upon by the Parties and the Court.
- F. **Multiple Participants in the Same Room.** If some Case Participants expect to be in the same room, this should be raised at the pretrial conference so that any related concerns may be discussed and addressed, and appropriate directions may be given regarding the positioning of cameras on each Case Participant and avoiding audio feedback from the use of multiple devices.

- G. Party Identification.** All Case Participants shall use their full first and last name when signing on to the Adopted Platform.
- H. Scheduling.** If Case Participants are located in materially different time zones, the proceeding will be scheduled to be reasonably convenient for all, which may require a shorter than normal trial day.
- I. Confidentiality.** The Parties shall meet and confer in advance of the start of trial regarding a protocol for the use of confidential information, including sealed exhibits, at trial. The Parties shall provide a joint recommendation to the Court before trial commences.
- J. Procedure for Sidebars.** The Parties shall meet and confer in advance of the start of trial regarding a protocol for conducting virtual sidebars at trial. The Parties shall provide a joint recommendation to the Court before trial commences.

III. PROHIBITION ON RECORDING.

Any recording of a court proceeding held by video or teleconference, including “screen-shots” or other visual or audio copying of a hearing, is prohibited. Violation of these prohibitions may result in sanctions, including restricted entry to future hearings, denial of entry to future hearings, removal of Court-issued media credentials, or any other sanctions deemed appropriate by the Court.

IV. OPENING STATEMENT / CLOSING ARGUMENT.

The Court will permit counsel to use the “share screen” function in the Adopted Platform to display demonstratives during openings and closings. Counsel must cooperate and meet and confer to exchange any visuals or exhibits to be used in the opening statements or closing argument.

V. WITNESSES AND PRESENTATION OF TESTIMONY.

- A. Witness List.** The Court’s typical procedures and deadlines for submission of a witness list govern.
- B. Joining the Hearing.** Witnesses must access the Adopted Platform using the credentials provided by the Court at least 10 minutes before the scheduled start time for their examination. The witness will be directed to the virtual waiting room where

he or she will remain until the Court is ready to admit the witness to the virtual courtroom. Each witness's participation should be consistent with the court's exclusion order. The attorney calling the witness is responsible for ensuring the witness has a separate video and audio feed. Attorneys should not attempt to "share" a connection with a witness.

- C. Witness Admonition.** Before or after a witness takes the oath, affirmation, or declaration required by Code of Civil Procedure section 2094, and before the witness starts to testify, the Court will ask the witness to affirm that: (i) no one else is present in the remote room where the witness is testifying other than those, if any, authorized by the Court; (ii) all communications with the witness during his or her examination will be on the record, other than communications with the witness and his or her attorney of record during breaks, (iii) the witness will not engage in any direct or indirect communications with anyone during his or her examination other than those communications made on the record, and (iv) the witness will adhere to the Court's exclusion order. The Court reserves the right to ask any witness to back up from their webcam so the Court and counsel can see the witness's hands for the duration or portions of the witness's testimony.
- D. Witness Notes.** If a witness will have or use any notes or other documents in front of him or her during testimony, counsel must, at least 24 hours before such witness is called to testify, provide to all other counsel any documents, including notes, that the witness will have before him or her when testifying. Opposing counsel may examine the witness about such documents.
- E. Exhibits.** The Parties shall meet and confer in advance of the pretrial conference to discuss a protocol for use of exhibits at trial and present a joint recommendation to the Court at the pretrial conference. The joint recommendation must address the form of exhibits (e.g., electronic and/or paper), acceptable file formats (e.g., .pdf; .doc; .jpeg; .mpeg; *etc.*), how exhibits will be exchanged (e.g., via email, electronic joint repository, or in-meeting file transfer, *etc.*), and any procedures that may be required

for “oversized” exhibits, deposition transcripts, physical exhibits, or “non-standard” exhibits of any kind. The Court will give significant weight to the Parties’ joint recommendation. If the Parties fail to reach agreement on a joint protocol, the Court will implement a protocol along the following lines, subject to modifications, as appropriate for each matter.

1. **Electronic Form.** All documentary exhibits to be used on direct and cross examination, except for impeachment, shall be submitted electronically to the Court, all counsel, and the court reporter no later than _____. Each exhibit shall be accessible as an individual document, named electronically according to its exhibit number (*e.g.*, Ex. 1). It is the responsibility of the attorney offering the witness to ensure that the witness has the link to the proceedings and to electronic copies of all exhibits that will be used with that witness, including those of the opposing parties.
2. **Paper Form.** All documentary exhibits to be used on direct and cross examination, except for impeachment, shall be submitted in tabbed binders to the Court, all counsel, and the court reporter no later than _____. Exhibits shall be printed single sided and in black and white, provided that the exhibit shall be printed in color where reasonably necessary to ascertain its meaning in the context of the proceedings. It is the responsibility of the attorney offering the witness to ensure that the witness has copies in paper form of all exhibits to be used with the witness, including those of the opposing parties, and that those exhibits are available to the witness in the same form that has been provided to counsel and the Court.
3. **Original Documents.** If a true “original” document needs to be entered into evidence, the original should be submitted to the Court as part of its copy of the evidence binder. Such a document should be clearly identified as a true “original.” If the document is ultimately admitted into evidence, the court and

court reporter can coordinate the inclusion of the true “original” into the official exhibit notebook maintained by the court reporter.

4. Impeachment Exhibits.

- a) Electronic Form.** If counsel wishes to use a document for impeachment purposes that was not previously disclosed as an exhibit, counsel must email an electronic copy of the document to the Court, trial counsel, and the witness at the time counsel seeks to use the document with the witness. In lieu of email, counsel may use the chat function in the Adopted Platform to send the document to the Court, counsel, and the witness or post the document on a secure document repository that counsel has made available to the Court, counsel, and the witness.ⁱⁱⁱ
- b) Sealed Paper Copies.** If counsel prefers, he or she may also send a paper copy of the documents that counsel anticipates using for impeachment purposes to the Court and counsel for the other parties at least one business day before the anticipated use of those documents. Two copies of each document must be provided to counsel for the witness with whom the documents will be used. Counsel may enclose the documents in an envelope or box that is sealed and marked DO NOT OPEN UNTIL FURTHER NOTICE. Counsel may package each document in its own sealed envelope so long as it identifies the inner contents in such a way that the recipient can be directed to open a specific envelope. Each envelope shall have a marking across the seal. The envelope shall not be opened unless and until counsel and the witness are instructed to do so by the questioning attorney or the Court. The questioning attorney has the right to request that all recipients return each and every package that they were not authorized to open.

- F. Objections.** The witness must stop speaking when either counsel objects. After the objection is made, the Court will be the first to speak and will instruct counsel how the Court wishes to proceed.

VI. TECHNOLOGICAL CONSIDERATIONS DURING THE TRIAL.

- A. How to Join.** Each attorney, witness, and party who plans to attend any portion of the trial will be a “Case Participant” and will receive login credentials from the Court. Case Participant login information is not public and must not be shared with anyone other than counsel of record and other Case Participants.
- B. Attendance by Members of the Press and Public.** Everyone who is not a “Case Participant” will be an “attendee” (*i.e.*, a member of the press or public). Separate login credentials for attendees will be available on the Court’s calendar. Attendees will be able to see and hear the court proceeding but will not be able to participate in it beyond observing. As stated in Section V.B above, nonparty witnesses shall participate consistent with the Court’s witness exclusion order.
- C. Chat Features.** The chat function allows Case Participants to type text (comments) during the proceeding and also allows Case Participants to send files to other Case Participants. After discussion with the parties, the Court will determine whether the use of the chat function will be allowed during trial.^{iv} If allowed, the Court will enable the chat function for Case Participants only and the following rules shall apply:
- 1. “Chats” With the Court.** Counsel may not initiate *ex parte* “chats” with the Court.
 - 2. “Chats” With Witnesses.** Counsel may not “chat” with a witness at any time while the witness is “on the stand” for any purpose unless authorized by the Court.
 - 3. The Record.** Messages relayed through the “chat” feature will not become a part of the Court record unless ordered by the Court.

4. Documents Transmitted Via the “Chat” Feature. Documents transmitted through the chat feature, such as a document to be used for impeachment purposes, will be made part of the Court record but the text of the message transmitting them will not unless ordered by the Court. If counsel transmits a document through the chat feature, counsel must so state on the record and must identify the document for the record and ensure that the court reporter has a copy of it.

D. Break-out Rooms. The Court will permit the use of virtual break-out rooms if all parties agree. Discussions that take place in the break-out rooms will not become part of the Court record unless ordered by the Court.

E. Addressing Technological Difficulties. If a Case Participant is disconnected from the videoconference or experiences some other technical failure, the Case Participant shall use best efforts to promptly re-establish the connection and shall take no action which threatens the integrity of the proceeding (*e.g.*, communications with a third party related to anything other than resolving the technical issue). If the connection cannot be re-established within approximately five minutes, the Court may take steps to “pause” the trial, which may include moving Case Participants into the virtual waiting room or one or more separate break-out rooms, at which time counsel shall meet and confer in good faith to develop a joint proposal regarding how to proceed. If the Court deems it unfair to any party to continue the remote hearing because of a technical failure, the Court may postpone or terminate the videoconference at any time and take such other steps as may be necessary to ensure the fairness and integrity of the proceedings.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: _____

Attorneys for Plaintiffs

DATED: _____

Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

Judge of the Superior Court

APPENDIX A: BEST PRACTICES FOR PARTICIPANTS IN REMOTE HEARINGS

The “Dos”

Technology

- Use hardwired, rather than wireless, internet.
- Know the device password in case of lock-out.
- Keep the device plugged in and/or have extra batteries on hand.
- Use multiple monitors if you anticipate having to present or view exhibits.
- Ensure that all required programs (*e.g.*, Flashplayer) are enabled.
- Disable notifications (*e.g.*, Skype, email, *etc.*).
- Disconnect from VPN.
- Use gallery view to prevent the program from shifting the screen back and forth to the speaker.

Presentation

- Dress as if you are in Court because you are. Solid clothing works best on a video conference.
- Position the webcam at your eye level and look directly into it when speaking.
- If counsel uses notes, place them in a way that minimizes loss of eye contact with the camera.
- Keep yourself muted unless you are speaking.
- Use a headset to maximize audio quality.
- Adopt good posture (*i.e.*, don’t slouch, put your feet on the desk, sit in a bed, *etc.*).
- Choose a backdrop that will minimize distractions (*i.e.*, no beds, only neutral artwork, do not sit in front of a window, close all open doors that are visible, *etc.*).
- Avoid making quick movements that could cause the video to lag.
- Raise your hand when objecting in case there is lag time in audio.

Documents

- Use an appropriate standard file naming convention that takes into account ease of quick navigation and does not reveal work-product or other sensitive information.
- Determine procedure for handling non-conforming documents (*e.g.*, emailing large excel spreadsheets that do not pdf well; dealing with files that are excessively large in size such as video files).
- Identify page numbers and/or set up bookmarks ahead of time for ease of navigation in pdfs.
- Pre-designate the individual responsible for controlling the exhibits (*e.g.*, selecting it, displaying it, marking it up, navigating through pages, *etc.*).
- Provide paper copies of all exhibits to court reporter well in advance of trial.

The “Don’ts”

- **Don’t** log in to the Adopted Platform with a cell phone if you are a Case Participant.
- **Don’t** identify yourself on the Adopted Platform using a phone number if you are a Case Participant.
- **Don’t** access the hearing from an unsecured or public Wi-Fi.
- **Don’t** work on other tasks during the hearing.
- **Don’t** talk over each other.

APPENDIX B: ENDNOTES ON THE TEMPLATE

ⁱ The Northern California chapter of the Association of Business Trial Lawyers established a working group comprised of judges and practitioners to research best practices and develop a model protocol to address the impact of the COVID-19 pandemic on the conduct of civil bench trials and to protect the health and safety of the public, including court users, witnesses, court personnel, judicial officers, and others. This template is the outgrowth of that effort. Although this template reflects input from the judges in the working group, it has not been endorsed or adopted by any judge; rather, it is being offered as a starting point for discussions among counsel and with courts, to be adapted as appropriate to fit the needs of particular cases.

ⁱⁱ There are a number of different platforms that may be suitable for use for a remote bench trial, such as Zoom (<https://zoom.us/>), WebEx (<https://www.webex.com/>), BlueJeans by Verizon (<https://www.bluejeans.com/>), Microsoft Teams (<https://www.microsoft.com/en-us/microsoft-365/microsoft-teams/group-chat-software>), and CourtCall Remote Appearance Platform (<https://courtcall.com/what-is-courtcall/remote-appearance-platform/>). Some of these platforms, such as Zoom, have a number of versions, each of which may have advantages and disadvantages. For example, Section V(B) of the template describes differentiating between “Case Participants” and “attendees” in the hearing. At this time, that feature is available in “Zoom Webinar” but not in “Zoom Meeting.” One main advantage of the Case Participant/attendee feature is that it permits the host to restrict the functionality available to attendees of the proceeding. On the other hand, Zoom Webinar does not allow for “breakout rooms” or in-meeting file transfers, but Zoom Meeting does. All of the features described in this template are available in the Zoom platform. The template may need to be modified to account for the functionality of the platform ultimately chosen.

ⁱⁱⁱ The Northern District of California has disabled the “chat” feature for security reasons. For a case in that court, or any other court not permitting use of the “chat” feature, this sentence will need to be stricken or revised.

^{iv} See endnote iii above. Likewise, if the court does not permit use of the “chat” feature, Section V(B) will need to be stricken or revised.

Zoom Information for Jury

Dept. 517, Alameda Superior Court
Judge Stephen Pulido

I want to impress on you the seriousness and importance of serving on a jury, even a virtual one. Trial by jury is a fundamental right in California. The parties have a right to a jury that is selected fairly, that comes to the case without bias, and that will attempt to reach a verdict based on the evidence presented. The court and parties deserve your full and undivided attention during the proceedings before you.

For the safety of the participants in the trial during the COVID-19 pandemic, this trial will be conducted virtually via video conferencing, specifically the Zoom application. Please review the below for DO's and DONT's related to your participation in a virtual trial.

- **Use a Desktop or Laptop to participate in the proceedings, rather than a phone, tablet or other mobile device**
Phones, tablets and other mobile devices limit the ability of participants to view other participants and evidence being presented.
- **Install the Zoom app rather than using the web browser option on your internet device**
Here's a link to the Zoom Download Center: <https://zoom.us/download>
- **Find a quiet location to run your Zoom proceeding**
You will need to pay close attention to the trial at all times. Please find a location with no distractions and DO NOT allow for distractions during the trial. Instruct others in your household to not interrupt you or the court during the court sessions. Find a place to sit upright at a desk or table. Do not lie down or walk around while court is in session.
- **Open Zoom in full screen mode on your monitor**
See below for directions and other preferred settings. Full screen mode will allow for the best viewing experience and help you avoid other distractions on your viewing device.
- **Your video camera must be on at all times during the proceeding**
Your camera should be turned on and centered on the middle of your face at all times during the proceeding. Do your best to have good lighting facing you during the proceedings. Confirm that your camera lens is not obstructed. (ex: covered with tape)
- **Unless you have a medical condition that requires it, DO NOT eat while court is in session**
The court will take scheduled breaks to allow you an opportunity to eat.
- **Keep your microphone muted during the proceeding**
Unless otherwise directed by the court.
- **Close all other applications on your viewing device while participating in the Zoom trial**
DO NOT check email or use any other applications on any device while participating in the proceeding. Turn off your phone and all other notifications (email, calendar, etc) from other applications during the proceedings to avoid distraction.

- **Use High-speed internet and ask others in your household to avoid using the internet during the proceedings**
Ask others in your household to avoid using other devices and applications that might drain your bandwidth during the proceeding. Streaming video and internet connected gaming by others in your household can cause difficulty viewing the proceedings.
- **Use a headset or air pods for audio connection to your viewing device**
Once you click “Join Meeting” through the app, you will be taken into the meeting with your video displayed. Your first choice will be your preferred meeting audio option. Please choose “Join with Computer Audio”
- **Plug your viewing device into an outlet during proceedings**
DO NOT rely on the device’s battery power.

Zoom Settings for the Proceedings

Zoom Settings

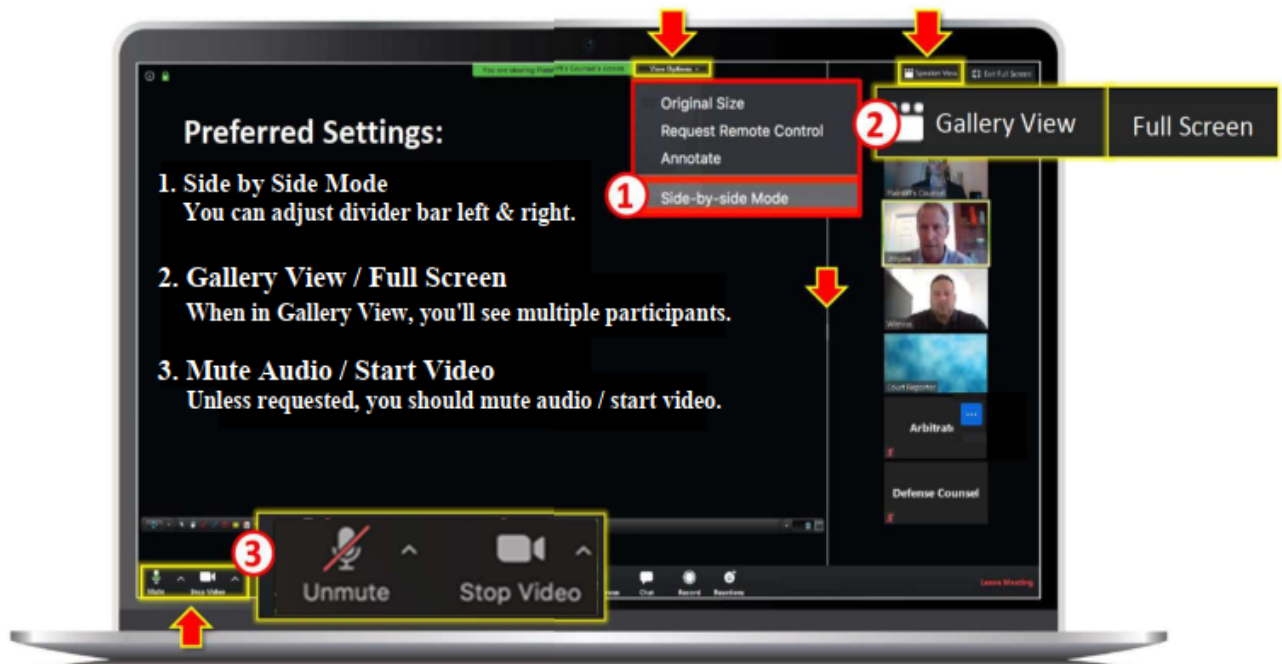


Zoom Settings



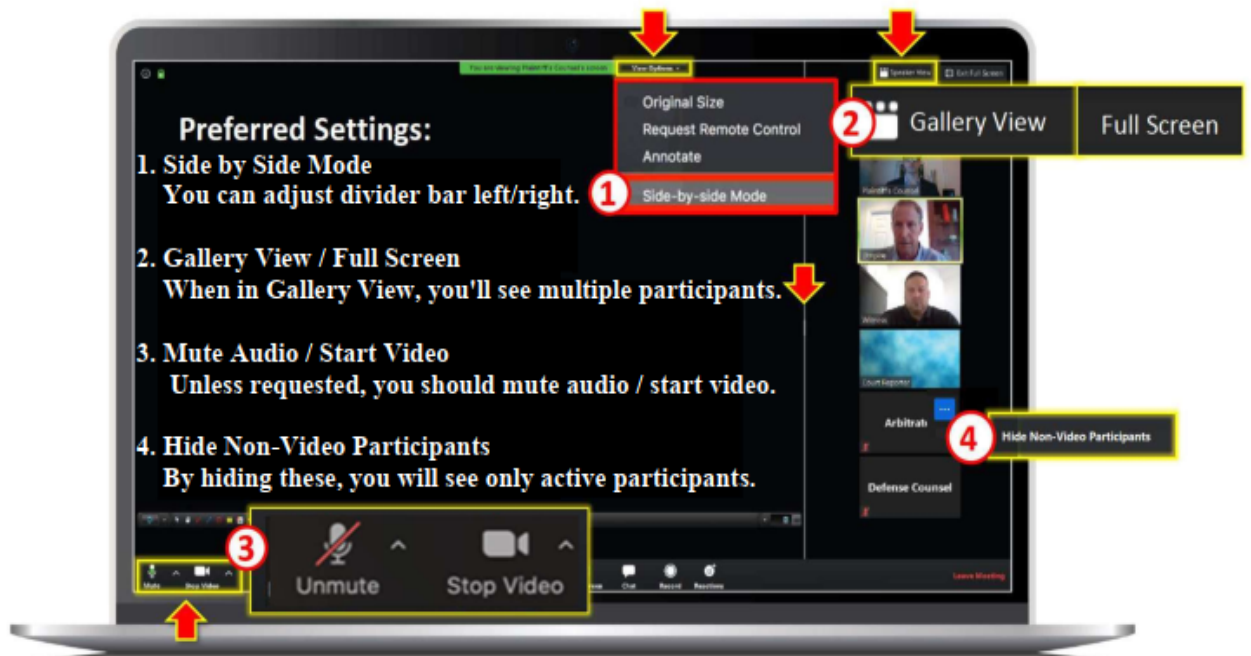
9

Zoom Settings



10

Zoom Settings



JUROR QUESTIONNAIRE

Introduction and Instructions

Thank you for coming to court as a potential juror. Before the case can start, a jury must be selected. The judge and the people involved in the case need to know something about you in order to select jurors who can be fair to both sides.

Everyone has attitudes and opinions that are shaped by their life experiences. Sometimes these experiences can make it difficult to look at a certain issue in an unbiased and unemotional way. As a juror, you must return a verdict based on the law and on the facts proved in court, not on emotion or on other views not supported by the evidence. The judge will give you instructions on the law and on how you should go about deciding the case. You must listen to and follow the judge's instructions.

The questions on this form are designed to help the court and the lawyers learn something about your background and your views on issues that may be related to this case. The questions are asked not to invade your privacy, but to make sure that you can be a fair and impartial juror. If there is any reason why you might not be able to give both sides a fair trial in this case, it is important that you say so.

If there is anything you do not want to talk about in open court, please circle the question number. After you have finished the questionnaire, let the clerk know that you have circled one or more questions numbers.

Please read all questions carefully. If you have trouble reading, understanding, or filling out this form, please let the court clerk know.

Please answer all questions completely in black or dark blue ink. Since we need to make copies, please *do not* write on the back of any page. If you need more room, continue your answer on the bottom or side of the page. Additional space is provided for you on the last page. If you need to continue any answer on the last page, please note the specific question number you are answering.

In portions of this form, you will see the term "significant personal relationship." That term means a former spouse, domestic partner, life partner, or anyone with whom you have an influential

1 or intimate relationship that you would characterize as important.

2 If you are called to the jury box, your answers to this questionnaire will become a matter of
3 public record, just as if you had answered the questions aloud in the courtroom.

4 PLEASE REMEMBER THAT YOU ARE ANSWERING THESE QUESTIONS UNDER
5 PENALTY OF PERJURY. YOUR ANSWERS MUST BE TRUE AND COMPLETE.

6 Thank you for helping us to select a fair jury.
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PLEASE PRINT ALL ANSWERS LEGIBLY

JUROR'S NAME (Please print): _____

1. Your age: _____ Sex: M F NB Place of birth: _____

2. The City and neighborhood where you live in this County (do not give your address):

3. How long have you lived there? _____

4. How long have you lived in Alameda County? _____

5. Do you own or rent?

_____ Own house

_____ Rent house

_____ Own condo

_____ Rent apartment/condo

_____ Own other

_____ Rent other

6. Where else have you lived?

7. What is your marital status?

_____ Single

_____ Currently married and have been for _____ years

_____ Currently single but married in the past for _____ years

_____ Single but living with non-marital mate for _____ years

_____ Widowed/widower, married in the past for _____ years

_____ Other

8. How many times have you been married? _____

9. What is your current employment status?

- 1 ☐ Employed full-time ☐ Unemployed, looking for work
2 ☐ Employed part-time ☐ Unemployed, not looking for work
3 ☐ Homemaker ☐ Student
4 ☐ Retired (When? _____)

5 10. What is your present, or most recent, occupation?
6 _____

7 11. Your current or most recent employer or, if a student, your school:
8 _____

9 12. What are or were your specific duties and responsibilities on the job?
10 _____
11 _____

12 13. Do or did you have management or supervisory responsibilities?

13 ☐ Yes ☐ No

14 If yes, please explain:
15 _____
16 _____
17 _____

18 14. All other employment you have had and for how long employed:
19 _____
20 _____
21 _____

22 15. What is the last level of education you completed?

- 23 ☐ Grade school or less ☐ Some college
24 ☐ Some high school ☐ College graduate
25 ☐ High school completed ☐ Post graduate work
26 ☐ Technical or business school

27 What special training or skills do you have?
28 _____

16. All full-time employment of your spouse or any person with whom you have a significant personal relationship and for how long employed:

17. The educational background of your spouse or any person with whom you have a significant personal relationship:

18. What are/were the occupations of your parents?

Mother: _____ Father: _____

19: If you have children, please state (including children not living with you):

<u>Name</u>	<u>Sex</u>	<u>Age</u>	<u>Live w/you?</u>	<u>Education</u>	<u>Occupation</u>
-------------	------------	------------	--------------------	------------------	-------------------

20. What social, civic, professional, trade, or other organizations are you affiliated with?

21. Please describe any offices you have held in the organizations listed above:

1
2
3 22. Do you know any attorneys, judges, or court personnel?

4 ☐ Yes ☐ No

5 If yes, please state who they are and their relationship with you:

6
7
8
9 23. Do you know any attorneys who practice in the field of personal injury law?

10 ☐ Yes ☐ No

11 If yes, please state who they are and their relationship with you:

12
13
14 24. Have you ever been a witness to a lawsuit?

15 ☐ Yes ☐ No

16 If yes, when?

17
18 Type of case: ☐ Civil ☐ Criminal

19 Type of witness: ☐ Lay witness ☐ Expert witness

20 Was your deposition taken: ☐ Yes ☐ No

21 25. Have you ever served as a juror in the past?

22 ☐ Yes ☐ No

23 If yes, please state *when, where, if the case was civil or criminal, the nature of the case, and*
24 *if a verdict was reached:*

1
2 26. Was your past jury experience a positive or negative experience?

3 ☐ Positive ☐ Negative

4 If negative, please explain:

5
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7
8 27. Do you have any physical or medical problems that may affect your jury service?

9 ☐ Yes ☐ No

10 If yes, please explain:

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14 28. Have you or anyone close to you ever made any type of claim for damages?

15 ☐ Yes ☐ No

16 If yes, please explain:

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20 29. Has a claim for money damages ever been made against you or anyone close to you?

21 ☐ Yes ☐ No

22 If yes, please explain the circumstances:

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27 30. Have you or anyone close to you ever sued or been sued in any type of lawsuit?

1 _____ Yes _____ No

2 If yes, please explain:

3 _____

4 _____

5 _____

6 31. Do you believe:

7 There are too many lawsuits? _____ Yes _____ No _____ Maybe

8 People are too ready to sue? _____ Yes _____ No _____ Maybe

9 Lawsuits cost us all too much money? _____ Yes _____ No _____ Maybe

10 Please explain:

11 _____

12 _____

13 _____

14 32. Do you have any ethical, religious, political, or other beliefs that may prevent you from

15 serving as a juror?

16 _____ Yes _____ No

17 If yes, please explain:

18 _____

19 _____

20 _____

21 33. Please place a check mark on the appropriate line(s) if you, your family, or any of your close

22 friends have ever been employed in any capacity by any of the following types of businesses:

23 **YOU FAMILY FRIEND**

24 Any court in the State of California

25 Attorney, law firm, or law office

26

27 Claims adjustment, evaluation, review,

1	settlement, or investigation	_____	_____	_____
2	Disability, health, life, casualty, or			
3	accidental injury benefits or programs	_____	_____	_____
4	Economics, actuarial, or investments	_____	_____	_____
5	Health care, doctor, nursing, hospital,			
6	physical therapy, or any related field	_____	_____	_____
7	Business management	_____	_____	_____

8

9 34. If you checked any line in the previous question, please state the relationship of that person
10 to you, the type and details of that employment, and the years of that employment:

11 _____

12 _____

13 _____

14 _____

15 _____

16 35. Do you have any beliefs against awarding damages for personal injury, pain, or suffering?

17 _____ Yes _____ No

18 If yes, please explain:

19 _____

20 _____

21 _____

22 36. Do you or any member(s) of your immediate family or household see a doctor or other
23 medical practitioner regularly for any continuing medical problem?

24 _____ Yes _____ No

25 If yes, please explain:

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27 _____

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37. Have you or anyone close to you ever experienced a shoulder, back or hip?

_____ Yes _____ No

If yes, please explain:

38. Have you or anyone close to you ever been injured by the fault of another?

_____ Yes _____ No

If yes, please explain:

39. Is there any matter not covered by this questionnaire that could affect your ability to be a fair and impartial juror?

_____ Yes _____ No

If yes, please explain:

Additional space for use, if necessary (please include question number):

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