

Association of Business Trial Lawyers
Orange County Chapter
Tales from the Benches: Judges' Take on Litigation in the COVID-19 Era
September 9, 2020

Simple Rules for Telephonic Hearings

1. Mute your line when you are not talking.
2. Use a landline (please note that many courts and judges REQUIRE you to use a landline).
3. Mute all sounds from all other applications and sources (email notifications, chat messaging, etc.).
4. If using a computer connection, avoid using an open microphone and speakers, such as those that are built-into laptops. Use a headset if sound quality is a problem.
5. Avoid noisy and echoing locations.
6. Make sure you identify yourself when speaking.
7. Make sure you do not filibuster by accident; break any argument into reasonable sections and pause to allow questions.
8. Speak slowly.

Simple Rules for Video Conferencing

1. Mute your line when you are not talking.
2. Know when you are not muted.
3. Avoid using battery power only (laptops, etc.). Plug into a good power source.
4. Avoid using a mobile device if possible. Although tablets (iPads) and smartphones can be used, they are very limited, and the performance is inferior.
5. Avoid poor camera positioning (if possible), and try to frame yourself at eye level, as well as avoiding back-lighting; if possible avoid looking down at the camera.
6. Avoid using WiFi if possible. Connection via a hard-wire Ethernet cable will always be faster and more reliable than WiFi. If you must use WiFi, make sure you're in close range.
7. Avoid running any unnecessary applications besides your videoconference application, to conserve your computer's processing power and networking.
8. For home networks, if possible, avoid sharing your internet service with others during the session.
9. Unlike phone conferences, headsets for court videoconferences are not recommended without judicial permission.
10. Know what you are sharing your screen.

Presentation-Related Tips for Video Hearings

1. Use a physical background, and pay attention to what is in it. If using a virtual background, use something neutral. Suitable example: ZoomGrey01.jpg
2. Dress appropriately.
3. Strongly consider standing, particularly for appellate arguments. Even if not standing, back away far enough to allow hand gestures to be seen.
4. If any graphics will be used or permitted, consider having a colleague or specialist run them for you.
5. Know where the camera is versus where you are looking. Backing away from the camera far enough to avoid appearing that you are looking in the wrong place. Camera should be eye level or higher.

Before Every Video Court Session

1. Connect your device to power.
2. Make sure your internet connection is good:
<https://www.pcworld.com/article/2048594/how-to-test-your-home-internet-speed.html>
3. Test your video.
4. Test your audio.
5. Turn off all audio disruptions (phones, messaging alerts, email alerts, etc.).
6. Run a quick test to connect with another user, or use the application to test:
E.g., Zoom: <https://support.zoom.us/hc/en-us/articles/115002262083-Joining-a-test-meeting>.