

**ZOOM-VIRTUAL HEARING
HANDBOOK
FOR LAWYERS**



Introduction

This Handbook has been developed by the Alabama State Bar COVID Civil Bench and Bar Task Force. It is designed to provide lawyers with the basic tools and best practices for participating in zoom hearings and proceedings. More detailed tutorials can be found at <https://support.zoom.us/hc/en-us/articles/206618765-Zoom-video-tutorials> and various you tube videos.

While effort has been made to consult local orders regarding virtual hearings, the reader should consult local court orders applicable to each individual case for guidance. This handbook is based on the version of the zoom software being used at the time of the handbooks' preparation. It is also based on hardware familiar to the authors. Different hardware and newer software may present very different results. **The reader is strongly encouraged to test their hardware and software version well in advance of any hearing.**

Downloading and Installing the Zoom Application prior to your first Zoom Meeting

A Zoom account is not required if you are strictly joining Zoom Meetings as a participant. If the court invites you to a proceeding, you can join as a participant without creating an account. However, you should create an account and download the proper software well before the scheduled hearing for best results.

You must decide if you will participate via your computer or some other device. To participate on a computer, you will need a web cam, and preferably speakers and a microphone.

To download and install the Zoom Application to a computer:

- Go to <https://zoom.us/download> and from the Download Center, *click* on the **Download** button under “Zoom Client For Meetings”.
 - This application will automatically download when you start your first Zoom Meeting.
- Once the download is complete, *proceed* with **installing** the Zoom application onto your computer.

If you prefer to use an I pad, I phone or android device, you will need to download the Zoom Cloud Meeting App from the appropriate location.

It is important to test the computer, audio, video, and internet connection technology that you will use during the hearing. A hardwired internet connection using a cable is preferable to relying on a wireless connection. For the best audio and video quality use a desktop or laptop computer with a built-in or external USB webcam with microphone, rather than a tablet or mobile phone. Some users prefer the audio quality achieved using headphones, headsets, or earbuds with built-in microphones, but also consider how that will affect the visual presentation. Whatever computer, audio, or video equipment you use, test the equipment in the same location and under the same conditions that you will encounter during hearing.

Set Up and Attire

Appropriate courtroom attire, whether in a traditional courtroom or a virtual one, helps preserve the dignity of the occasion and promotes public trust and confidence in the judicial proceeding. Therefore, attorneys, parties, and witnesses should dress for virtual court hearings just as they would dress if they were appearing in a traditional courtroom.

Another important consideration is your location during the videoconference. Find a quiet, protected place where audio and visual interruptions are minimized or eliminated. Lighting

is also critical to think about and test. Light sources should be positioned in front of you to illuminate your face. Light sources located behind you will place your face in the shadows.

Check the background to see if there is anything distracting, out of place, or unprofessional. Bookcases and plain walls make good backgrounds. Windows and unusual pieces of art do not. If your computer allows it, Zoom has a virtual background feature (*see* guide to using virtual backgrounds) that enables you to use a photograph as your background. Although there are only a few (and some inappropriate) default backgrounds on Zoom, you can Google “Zoom backgrounds” and almost any subject matter and discover a broad array of possibilities that you can select and download. The virtual background feature may not work on older computers if you do not have a green screen behind you. If you want to use a virtual background feature, test it using the same lighting, background, and clothing that you will use on the day of oral argument. And to be safe, check with the court personnel to make sure that using a virtual background is acceptable.

Make sure that your head and shoulders are visible on camera. Position yourself near the center of the frame, leaving some room in the frame above your head. The video camera should be as level with your eyes as possible, so that you are looking straight ahead at the camera. It is important to place the camera recording you and any witnesses captures the image without severe angles. You do not want to have the camera too high or too low. Zoom displays your name in the lower left-hand corner of the video frame. You can change your name by either editing your Zoom profile or by clicking on “Participants” in a Zoom meeting, choosing your name from the list, and then renaming yourself.

Joining the Hearing

The judge assigned a case will schedule a virtual court hearing and notice of the date and time for the proceeding will be provided to all parties by Alacourt.com, by regular mail, and by e-mail, or as otherwise allowed by the Alabama Rules of Court, statute or administrative order of the Alabama Supreme Court. If you are joining the hearing from the invitation or email you will receive something like the following:

██████████ is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/██████████> ← Zoom link

Meeting ID: ██████████ 939 6513 0725

One tap mobile

+13126266799 ██████████ 5# US (Chicago)
+16465588656, ██████████ 5# US (New York)

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Germantown)
- +1 346 248 7799 US (Houston)
- +1 669 900 9128 US (San Jose)
- +1 253 215 8782 US (Tacoma)

Meeting ID: ██████████

Find your local number: <https://zoom.us/u/a16pC3EVS>

Join by SIP

██████████@zoomcrc.com

Join by H.323

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: ██████████

Join the hearing by clicking the link provided and following the prompts, If you have not downloaded the zoom program you may be prompted to download which will take time to download and run.

If you do not have a link to the zoom hearing via email you can go to zoom.com and join directly by typing in the meeting ID from the following screen using the meeting ID provided.

Join a Meeting

Meeting ID or Personal Link Name

Your meeting ID is a 9, 10, or 11-digit number

Join

[Join a meeting from an H.323/SIP room system](#)

Counsel should contact his or her client and arrange for the client and all the client's witnesses to appear at the attorney's office or other designated location AT LEAST 30 minutes before the proceeding is scheduled to commence. A self-represented party should do likewise with respect to all witnesses he or she expects to call at the virtual court hearing. Counsel for the parties and any self-represented party should also ensure that all necessary equipment and software are in proper working order prior to the time of the scheduled hearing and that bandwidth is adequate for video conference.

It is the responsibility of the attorney to have all material witnesses present at a virtual court hearing. Shortly before the virtual court hearing is scheduled to begin, counsel should contact each of their respective witnesses at the telephone numbers provided by them and instructed to be on standby to give their testimony.

When you join the hearing, you will be asked if you wish to use the computer audio functions. It is preferable to use these functions, but you have the option to call into the hearing using one of the phone numbers provided on the hearing invite. If you call in, make sure you cancel the audio on the computer to prevent feedback/echo issues.

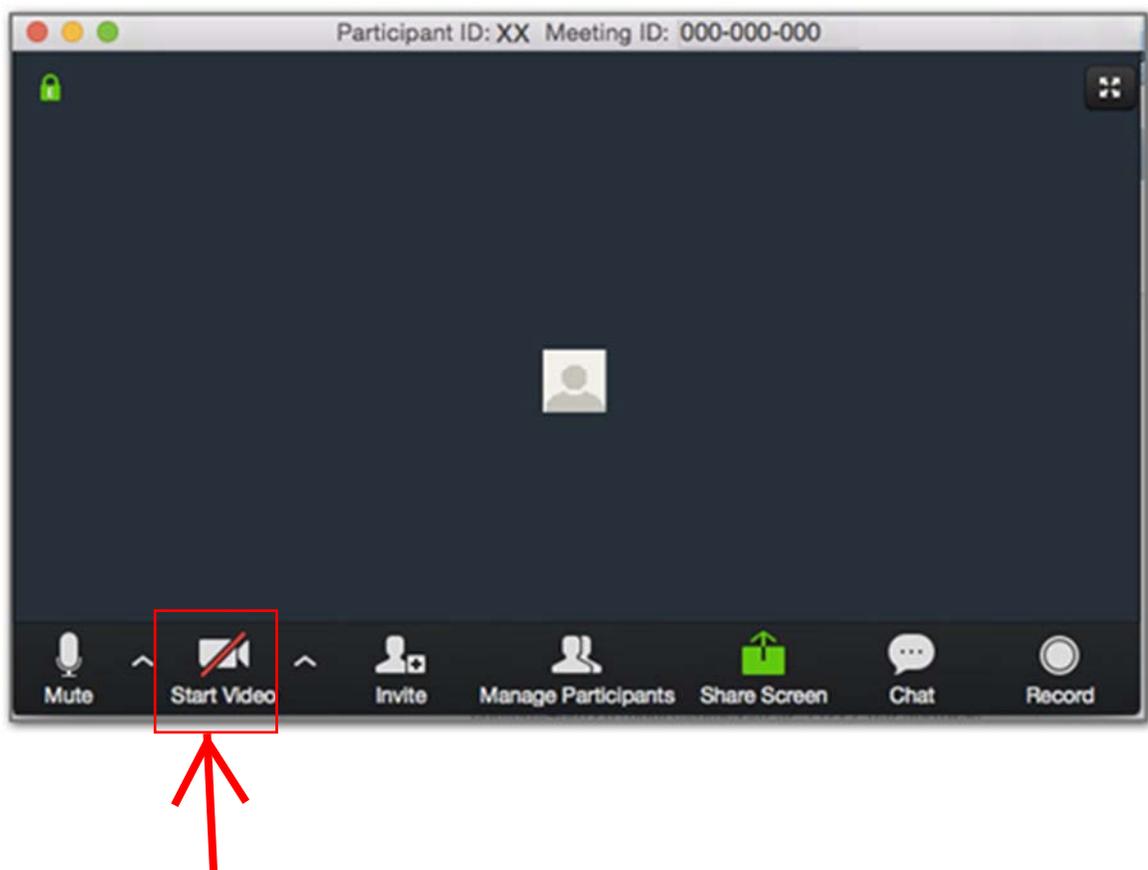
Mute/Start Video

When you join you will also be asked if you wish to join with video. You will want to use this function to be seen by the court. Once you are in the meeting you will see this screen. You have the option to mute/unmute yourself by clicking the button on the bottom of the screen. Normally you will be muted on joining the hearing and will have to unmute to be heard.



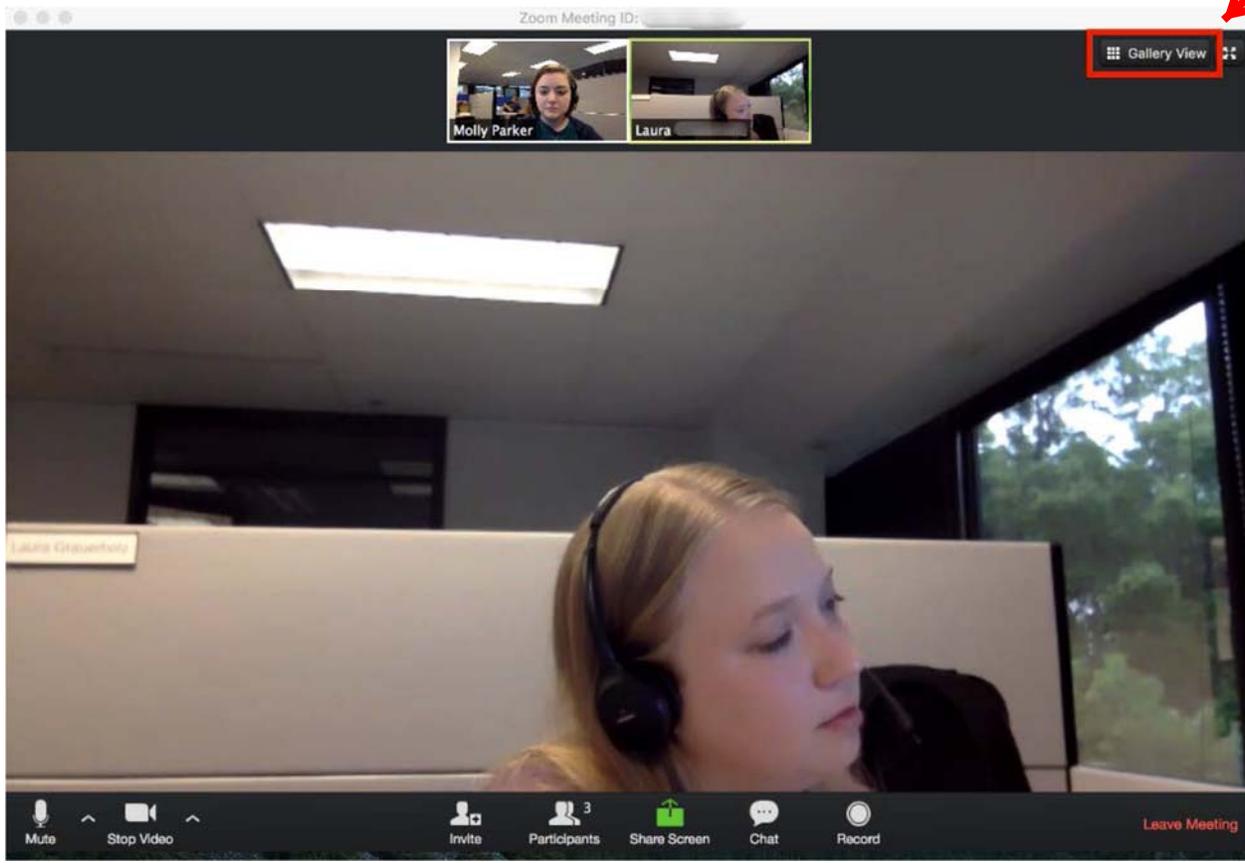
Keep in mind Zoom is generally capable of only presenting one speaker at a time. Special care must be made not to talk over other participants, as the court and/or court reporter will only hear one speaker at a time.

When you join the Zoom meeting your video may not display. You can control the video function to control if you are seen by the hearing participants by clicking the start video button shown below. If the video function is not enabled, the participants will see a black screen with your name and nothing else.



Choose Video Layout

At the upper right of the Zoom window, you can switch between active speaker view and gallery view. This allows you to control who is seen during the hearing. You can also switch between a shared screen and the video by clicking on a button available in this location during a screen share.



Conducting the Virtual Court Hearing

If a court reporter will be recording the virtual court hearing by videoconferencing, the court reporter should be present throughout the video conference and able to see and communicate with every witness who appears remotely. Prior to a witness's testifying, the court reporter should ascertain the identity of the witness and administer the oath to the witness

remotely. At all times during the witness's testimony, the court reporter should be able to see, hear, and communicate with the witness who is testifying.

When the testimony of a witness is needed, the judge or a member of the judge's staff will send an invitation to the witness who is being called to testify by a party or remove the party from Zoom hold. Counsel of record or a self-represented party should be prepared to contact his or her witness by telephone if the attempt to connect the witness to the video conference is unsuccessful and attempt to determine the cause of the problem and assist with possible solutions. At the conclusion of a witness's testimony, the court should inquire whether the witness may be excused or released from any subpoena. If a party indicates that further testimony from the witness may be required, the witness should remain on call at his or her present location pending further instructions from the party who has indicated further testimony may be needed from the witness.

No electronic device or other means may be used by a party, attorney, witness, or any other person to capture images, videos, or sound recordings of any portion of a virtual court hearing without the express written consent of the judge presiding over the judicial proceeding. Any person violating this rule may be held in contempt of court.

Exhibits

Before a scheduled virtual court hearing (emergency hearings excepted), counsel for the parties and any self-represented litigants should confer with one another regarding the use of exhibits at the virtual court hearing. Consistent with the duty of client representation, counsel and any self-represented litigant should discuss potential exhibits that may be introduced at the

virtual court hearing and stipulate as to the authenticity and admissibility of any proposed exhibit, to the extent they are willing to do so.

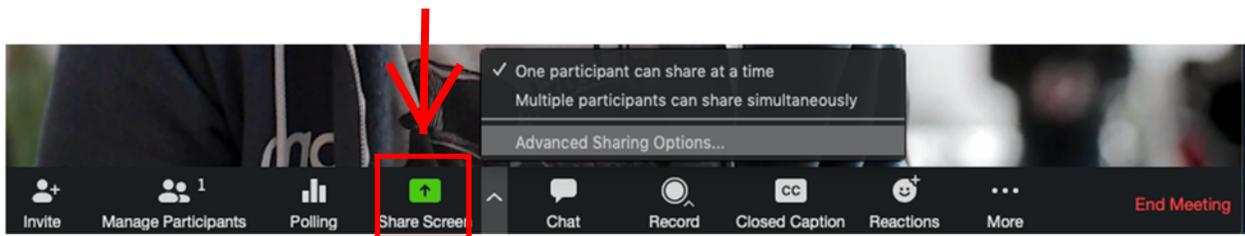
Exhibits Capable of Being Displayed in an Electronic Format

Each party should cause an exact copy to be made of all photographs, videos, and documents intended to be shown to a witness or offered into evidence at a virtual court hearing. The original and each copy of the original should be pre-marked with the same number. The first exhibit should be denominated as exhibit number one and each exhibit thereafter should be numbered sequentially. Each marked exhibit should also clearly identify the party who will be offering the exhibit. All originals should be retained by the proffering party and copies of the exhibits (hereinafter referred to as “court copies”), should be placed in either a sealed envelope or sealed box and mailed or delivered to the court reporter who will transcribe the virtual court hearing. The court reporter should keep the court copies in a secure location and should not open them until the beginning of the virtual court hearing. Once the virtual court hearing has begun, the court reporter should unseal the court copies for the judge to view during the course of the hearing. If a court reporter will not be present at the virtual court hearing to record the proceeding, all court copies should be delivered to the judge presiding over the hearing, who will open the court copies and keep them secure.

Procedure for Displaying Electronically- Stored Exhibits at Virtual Court Hearing

Parties wishing to display a document, photo, or video as an exhibit at the virtual court hearing should cause a true and exact copy of the document, photo, or video to be created and stored electronically on the computer or other device that will be used at the virtual court hearing. The user should be aware that their entire desktop may be shared, including other folder names and pictures. Only the shared exhibit should be visible and backgrounds or wallpapers should be acceptable.

Zoom allows the sharing of an exhibit from the homescreen.



If you are using zoom from a computer, you take the following steps to share the exhibit:

From the Zoom client, choose **Share Screen**.

1. Choose to share any open application or one of the following:
 1. Desktop Screen 1
 2. Desktop Screen 2 (if a second monitor is connected)
 3. Whiteboard
 4. iPhone/ iPad
2. Enable or disable your computer's sound.
3. Enable or disable full screen optimization.
4. Choose **Share Screen**.

If you are using an iPhone or iPad:

1. From the Apple application, choose **Share Content**.
2. Choose one of the following:
 1. Photos

2. iCloud Drive
 3. Box
 4. Dropbox
 5. Google Drive
 6. Microsoft OneDrive for Business
 7. Microsoft OneDrive
 8. Website URL
 9. Bookmark
3. Enter applicable details for sharing the specific content.

If you are using an Android device:

1. From the Android application, choose **Share Content**.
2. Choose one of the following:
 1. Photos
 2. iCloud Drive
 3. Box
 4. Dropbox
 5. Google Drive
 6. Microsoft OneDrive for Business
 7. Microsoft OneDrive
 8. Website URL
 9. Bookmark
10. Enter applicable details for sharing the specific content.
3. Enter applicable details for sharing the specific content.

Physical Exhibits Not Capable of Being Reduced to Electronically-Stored Format and Exhibits Used in Rebuttal.

Any exhibit that is not capable of being reduced to an electronically-stored format may not need not be delivered to the court reporter or judge prior to the commencement of the virtual court hearing. Examples of such exhibits include physical objects such as weapons, equipment, clothing, bullets, etc. These exhibits may, if properly authenticated and otherwise admissible, should be allowed into evidence at the virtual court hearing as permitted by the Alabama Rules of Evidence. The court may also allow exhibits offered in rebuttal to be introduced at the virtual court hearing even though the exhibits have not been provided to the court and opposing counsel

in advance of the hearing. Any physical or rebuttal exhibit offered by a party should first be appropriately marked and shown to opposing counsel and to any self-represented party before it is offered into evidence. Prior to a virtual court hearing's concluding for the day, each party should place all of their exhibits that have been admitted into evidence or disallowed by the court that day into a large manila envelope(s) or box and the envelope(s) or box sealed in view of the judge, court reporter, if present, and all other parties. Each exhibit envelope or box should be accompanied by a certification from the offering party that the exhibits have not been altered or changed in any way once placed in the envelope or box and sealed in the presence of the court and other parties. The admitted and excluded exhibits should be delivered with the seal unbroken to the court reporter recording the virtual court hearing as soon as possible after the hearing recesses each day. If no court reporter is present to record the proceeding, then the exhibits should be delivered with seal unbroken to the judge presiding over the virtual court hearing at the end of each day's proceeding.

Retention of Exhibits at Conclusion of the Virtual Court Hearing.

All exhibits admitted into evidence during the virtual court hearing and all exhibits that have been offered into evidence by a party and not admitted into evidence should be retained by the court reporter in a secure location for the same period of time prescribed for in-court proceedings. If no court reporter is present to record the proceeding, the judge presiding over the virtual court hearing will retain the exhibits as provided by law.

Audio, Video or other Technical Problems.

It is the responsibility of a party or counsel for a party to *promptly* inform the court if there has been a disruption at their end of the communication that substantially interferes with his or her ability to see or hear what is occurring during the video conference. An objection to the quality of an audio conference or a video conference should be made to the court on the record before the virtual court hearing has concluded. Any objection to the quality of the audio conference or video conference made thereafter, may be deemed untimely