

Tips for Remote Hearings

Technology Requirements

Have access to a computer, tablet or smartphone with functioning camera, speaker and microphone.

Have secure and dependable internet service.

If possible, use a web browser other than Internet Explorer.

Ensure solid bandwidth.

Have a separate microphone/speaker that connects to your computer or laptop, if possible. This provides better sound quality and can pick up multiple speakers in one room even with isolation distances. Alternatively, consider headset or ear buds/ headphones with a built-in microphone provide the best quality sound.

Have enough CPU (central processing unit) to run a video and a webex hearing.

Use a hardwired internet connection instead of wifi, if possible.

Have a back-up plan if initial technology fails (such as a phone connection or app on your phone); don't rely on a single platform.

Install a reliable antivirus program that provides virus, phishing and web protection.

Update operating systems and browsers.

Don't try to use two computers for audio in one room, or one computer and one phone. More than one audio source in one room will cause bad feedback and/or echoing.

Preparation Tips

Test your broadband width in advance of the hearing.

Check with the court to see if it's possible to test your device on the court's system prior to the hearing.

Check all connections for secure insertions of cables and jacks.

Identify the court's system requirements for technical requirements.

Download the court's video conferencing app (typically webex in Vermont).

Have multiple devices available, so one device can access documents and the other can handle video.

Confirm with the court to review what to do if:

- you're on mute and need to object
- you can't understand what the judge/other attorney/witness is saying
- you lose connection
- you need time to consult with client

Do a test run with your client before the hearing, whether your client is at your office or at a separate location. If client is at your office, both will need to wear a mask unless you're in separate offices. This may make it more difficult to be heard/understood.

Have a back-up plan if your technology fails – get exhibits to the court and other counsel/parties in advance.

Practice screen sharing with a friend or colleague so you are comfortable with the process.

If using a cell phone to connect, ensure it has enough strength, signal, minutes and is fully charged.

Make sure battery laptop is fully charged; keep a charger nearby.

Use a comfortable chair that doesn't swivel.

Let court know if you need a translator/interpreter/hearing device.

Check with court on swearing-in procedures for witnesses.

Have the phone in number handy if video technology fails.

Dress appropriately for court. Avoid busy clothing patterns and stripes. Also avoid distracting or inappropriate virtual backgrounds.

Select a room with a window and sit facing the window; don't have a window or light source behind you and avoid using a light over your head.

It's best to have lighting behind the video device that projects directly on your face.

Make sure that what's behind you isn't cluttered or distracting.

Consider a tech person (a trial support vendor, office staff or a colleague) who screenshares the documents as you refer to them, to help with the challenge of questioning a witness and screensharing at the same time.

Consider an agreement with opposing counsel to exchange sealed hard-copy witness binders in advance (for witness and counsel) that aren't opened until the witness starts testifying, so the witness has the paper copies in front of them.

Consider an agreement that each witness will have a paper copy of their deposition transcript when testifying (if they've been deposed) and experts will have paper copies of expert reports.

Try to anticipate unexpected interruptions – turn off the volume on your office phone, put a sign on the door to not be interrupted, have headphones available if there's unexpected outside noise like snowplows or trucks backing up.

View the webex youtube video to learn basic webex features.

Hearing Tips

Join the hearing 10 minutes before the scheduled start time to troubleshoot any technical troubles.

Turn off your camera if not speaking.

Mute yourself if not speaking. When using webex, press the space bar to unmute temporarily (must continue pressing the bar).

Look directly into the camera when speaking; place the camera at eye level or slightly above.

Be especially careful to not talk over the judge, other counsel or witnesses.

Be slow and deliberate in your presentation and questioning.

Don't run other programs on your computer during the hearing.

If you lose your connection with the court, sign in again as the hearing is likely still continuing. If you can't sign back in, call the court as soon as possible.

Don't call in and connect by webex at the same time – connect one way or the other.

Use ear buds/headset to listen to audio.

Don't use a virtual background – such backgrounds can take a lot of bandwidth.

Turn off pop-ups so others can't see incoming emails.

Identify yourself before speaking.

Identify whoever is with you if that person will be speaking.

Choose a small room with soft surfaces (carpet, sofas) to help prevent echoes.

Stabilize the camera for better view, set up at eye level and arm's length away.

Select a room with a window and sit facing the window; don't have a window or light source behind you and avoid using a light over your head. If you can't avoid a window behind you, draw the shade or curtain.

Have everything you need in easy reach.

Sit or stand during the hearing; don't move around.

Don't record the hearing; only the court is allowed to record hearings.

Be ready to share rebuttal or impeachment exhibits during the hearing.

Understand the difference between sharing an exhibit and sharing your entire desktop screen.

Exhibits Tips

Find out court's requirements for submitting exhibits in advance and follow them.

Find out court's requirements for submitting rebuttal/impeachment exhibits that you'd prefer a witness not anticipate in advance.

Have all exhibits and other documents you intend to use uploaded and available on the court's video app share function before the hearing starts, if permitted by your court.

Clearly identify any exhibit; use easily identifiable file names and a separate index.

Pre-mark your exhibits.

Within each exhibit, uniquely identify each page number legibly and in a large enough font to easily see.

Use limited content in a legible format to identify exhibits.

Clearly identify each exhibit you're discussing at any given time.

Witness Tips

Make sure witness has received the remote hearing invite.

Check with your witness whether they have video and audio access links in advance of the hearing; test connections and instruct on when they should connect and what the stand-by logistics are (emailing, calling, texting when it's time to participate, the use of a break-out room)

Make arrangements for a witness to access the remote hearing if they lack access at home.

Check with court on swearing-in procedures.

Practice testimony using exhibits – be sure that your witnesses have hard copies if they're not able to view electronically during the hearing.

Provide an electronic witness binder in advance to the witness, court and all parties.

Inform witnesses they can't read from notes.

No private communications with witnesses during their testimony.

If there are multiple exhibits, ask the clerk if the judge wishes a hard copy binder in advance.

Consider an agreement with opposing counsel to exchange sealed hard-copy witness binders in advance (for witness and counsel) that aren't opened until the witness starts testifying, so the witness has the paper copies in front of them.

Consider an agreement that each witness will have a paper copy of their deposition transcript when testifying (if they've been deposed) and experts will have paper copies of expert reports.

Make sure the witness knows to mute if there is a break during their testimony.

How-To Tips

[How to Test your Device's Bandwidth](#)

[How to Share your Screen in Webex](#)

How to Pre-Mark a Remote Exhibit

1. Scan in the exhibit sticker you wish to use and save it.
2. Open the exhibit you wish to pre-mark.
3. Click View, Tools, Content Editing, Add Image.
4. Select the file where you saved the exhibit sticker.
5. Click View, Tools, Content Editing, Add Text.
6. Type the exhibit letter or number on the exhibit sticker.

[How to Use Webex](#)

Resources

[Court Tips for Remote Hearings](#)

[Downloading the Webex App](#)

[Testing the Webex App](#)

[Joining a Webex Meeting](#)

[AO 49 Rules \(through 10-5-20\)](#)

[V.R.C.P. 43.1 \(Participation or Testimony by Video or Audio Conference\)](#)

[V.R.Cr.P 43 \(Presence of the Defendant\)](#)

[Vermont Rules for Electronic Filing](#)