

# Best Practices for Attorneys Representing Clients at Remote or Virtual Hearings

## TIPS FOR REMOTE HEARINGS

- For the best sound quality, use a headset if possible and avoid using the built-in microphone on your computer.
- Join the hearing early.
- Say your name each time you speak to make sure there is a clear record. Speak clearly and slowly.
- Avoid speaking over others because it will make it hard to understand what is being said. You may have to wait for the judge to call on you to speak.
- Keep yourself muted when not speaking to reduce feedback. Mute your phone or computer and all sounds from other applications.
- Participate in the hearing from a quiet space and limit distractions during the hearing.
- Check the court rules or the judge's rules regarding how they will accept evidence for the remote hearing and how to handle any documents that may need to be signed during the hearing.
- Consider conferring with opposing counsel in advance of the hearing about how you will handle any objections during the hearing.

## ADDITIONAL TIPS FOR HEARINGS VIA VIDEO CONFERENCING PLATFORMS

- **Camera Angle:** Keep your camera directed at your eyes at a zero degree angle. Look straight into the camera while talking to maintain eye contact. Try to place your camera so your head and shoulders are showing. Use books to raise your computer to get the right angle. Maintain a straight posture.
- **Location:** Choose a room with soft furnishing to avoid an echo. For lighting it is best to sit in a location with side or front facing light, avoid sitting in a location with a window or light source behind you. Try to make sure the space behind you is not cluttered or distracting. A location with a mostly blank wall behind you might be best. Be mindful about what you may be conveying with the space behind you.
- **Screen sharing and whiteboards:** consider whether you want to or can use these features during the virtual hearing to display exhibits. Practice in advance.
- **Before agreeing to a video conference** consider whether your client can appear via video and any potential bias to your client if they are not able to participate by video.

## CONSIDERATIONS TO REVIEW WITH YOUR CLIENT BEFORE THE HEARING

- Talk to your client about whether they have the technology to call-into the hearing. Do they have a reliable phone connection? Do they have sufficient minutes to call into the hearing?
- Develop a plan about how your client will call into the hearing. Will they use a phone or do they have access to a computer with the web based platform? Ask your client for an emergency number in case the call drops. Develop a plan for what will happen if your client loses connection during the hearing. Give your client a call back number or other court contact information in advance of the hearing.
- Develop a plan with your client about how you will communicate during the hearing. If the technology allows for a private breakout room, ask your client to let the judge know when they want to speak with you privately during the hearing. Note: be careful about using private chats in web-based platforms, the host may be able to download the chat at the end of the hearing. If your client is using a computer to call-in to the hearing, you can text each other during the hearing. If your client is participating by phone see if they can use a household member's phone so you can text them on their phone.
- Talk to your client about potential topics that the judge may ask them about at the hearing and how a hearing may be divided in terms of who is speaking, you or your client. Because you will likely be in different spaces, you will not be able to read facial expressions or pass notes with your client.
- Ask your client about caregiver and childcare responsibilities and whether they have a private and confidential space to call into the hearing. Is it possible for children to be supervised in another room? Is it possible for your client to be alone in a room or if others are present in the room, can your client ask them to be quiet during the hearing? Does your client have pets and can the pets be in a different room during the hearing? Discuss whether your client may need a continuance or an accommodation.
- Consider how you will send any evidence in advance of the hearing to your client and how you will handle any documents that may need to be signed during the hearing.
- **Review best practices for during the hearing with your client.**
  - Review the call-in number for the hearing.
  - Ask that your client join the hearing a few minutes early.
  - Ask that your client mute their phone or computer and all sounds for all other applications.
  - Ask that your client fully charge their phone prior to the hearing.
  - Ask that your client set up in the most private and quiet space that they have so they can hear and be heard during the hearing.
  - Tell your client that because of the limitations of technology only one person can talk at a time otherwise the judge may not understand what was said.
  - Ask that your client say their name each time they speak so the record is clear. Ask that your client keep their phone or computer on mute unless they are talking to reduce feedback.
  - If your client has a headset or headphones, ask that they use that for the hearing for better sound quality.
- **If your client is appearing via video conferencing review best practices with your client specific to video conferencing.**
  - Ask that your client download the application in advance. Have a trial video call with your client prior to the hearing with the same application that the court will use to conduct the hearing.
  - Discuss with your client what they may be conveying with the background captured by the camera. Discuss any prejudicial images that may be captured during the video call and the best location for your client to be in their home to avoid that.