



# Virtual Hearings During the COVID-19 Pandemic

*How to use Zoom to advocate for your clients while staying home and and staying safe*

A training for civil legal aid attorneys, April 17, 2020

# Agenda



- Overview
- Objectives
- Zoom Logistics & Features
- Advocacy Tips for Zoom and Phone Hearings
- Q & A

# Overview

The Michigan Supreme Court Administrative Order encourages more virtual hearings using two-way interactive video conferencing or other remote participation tools.

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# Court During COVID-19



## Executive Order 2020-21 (Stay at Home Order)

- Temporarily prohibited in-person work that is not necessary to sustain or protect life
- Extended until April 30th

## Michigan Supreme Court Administrative Order 2020-2, issued 3/18/20

- Courts should remain open for emergency cases and essential functions. Courts were to use videoconferencing and other remote conferencing tools rather than have in-person hearings for all other hearings

## Michigan Supreme Court Administrative Order 2020-6, issued 4/7/20

- Courts were encouraged to hold more virtual hearings, including hearings for cases not listed as essential functions.
- Effective during the State of Emergency



Criminal Defense Attorney Mike Gatti is ready for court!

# Michigan Courts and Zoom

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- Each Circuit, District, and Probate judges got a free Zoom license; Court Administrators, Referees, and Magistrates did not. Judges can share their Zoom licenses.
- Zoom and Polycom can connect, but Polycom cannot be a Zoom host. If a courtroom Polycom is part of the Zoom meeting, it will record the proceedings in the same way it does for the courtroom. Courts can also use Zoom to record the proceeding.
- [Training materials and FAQs for courts](#) - website with training resources.
- [Michigan Trial Courts Virtual Courtroom Standards and Guidelines](#)
- Every court may do things differently.

# Objective

Learn how to use and make the most of virtual court hearings to appear and advocate for your clients

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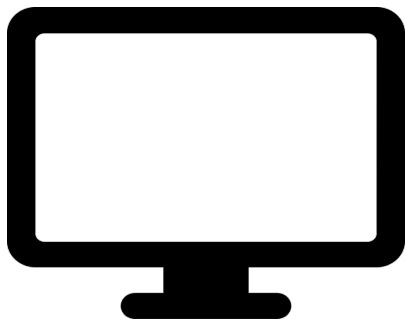
# Zoom Logistics

Downloading Zoom, Signing up, and Joining a Meeting

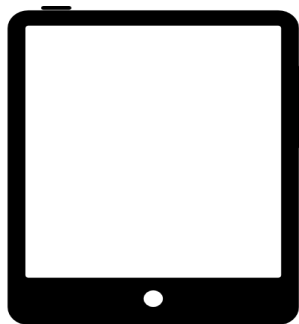
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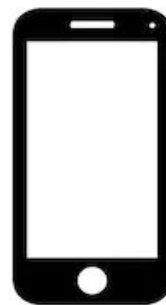
# Zoom by App



**DESKTOP**



**TABLET**

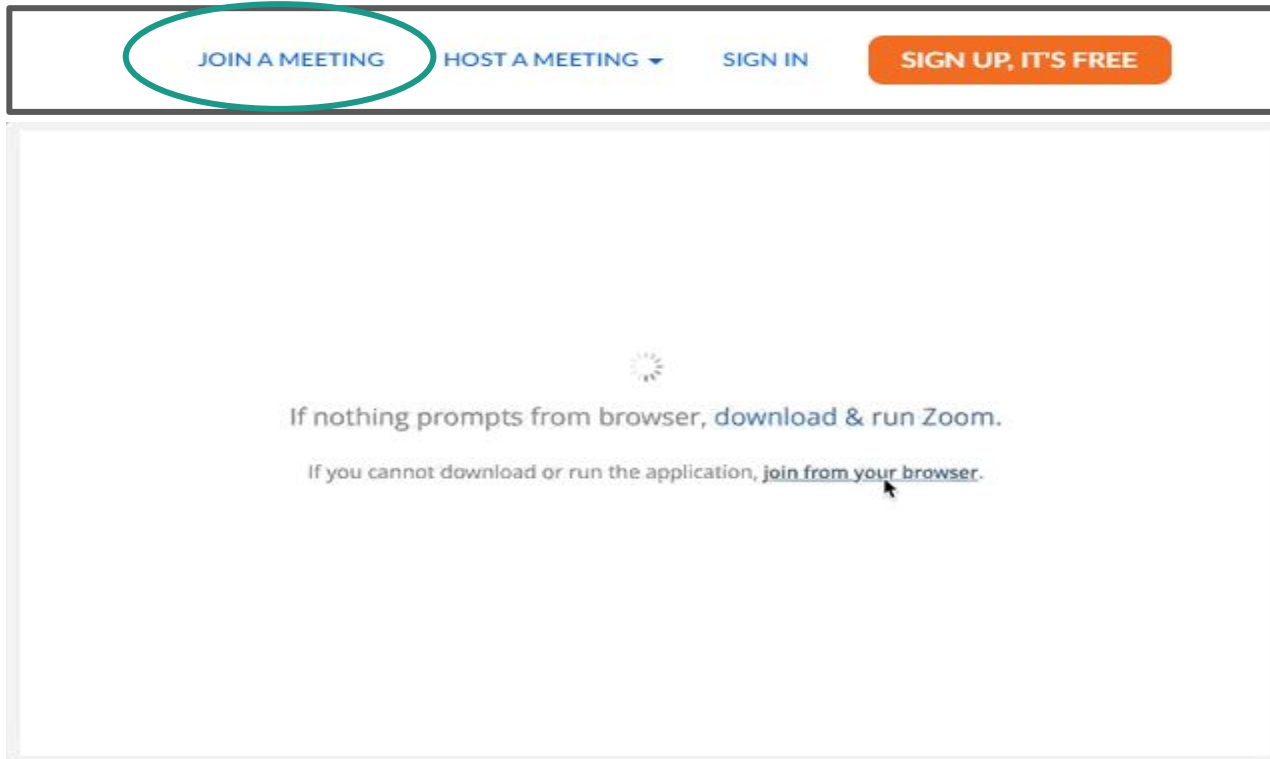


**SMARTPHONE**

You can download the Zoom desktop app for [Mac](#), [Windows](#), [ChromeOS](#), and [Linux](#).

When joining using a smartphone, you can download Zoom mobile app for [iOS](#) and [Android](#).

# Zoom by Browser



# Signing Up and Activating Your Account

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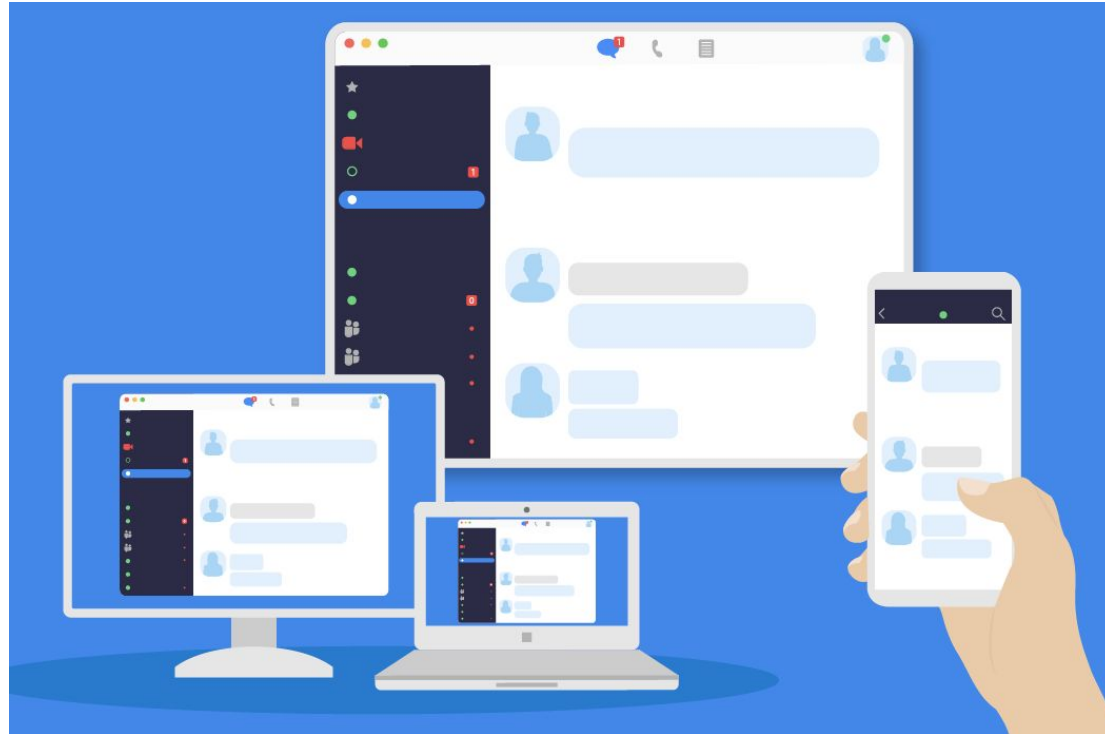
You can participate in a Zoom meeting *without* an account.

You *do need* an account to host a meeting or to do a test with Zoom.

Signing up on the [Zoom](#) website using email address, then activate your account by email.

[SIGN UP, IT'S FREE](#)

# Joining a Zoom Meeting



# Zoom Features

Video, Chat, Muting, Screen Sharing and  
Breakout Rooms

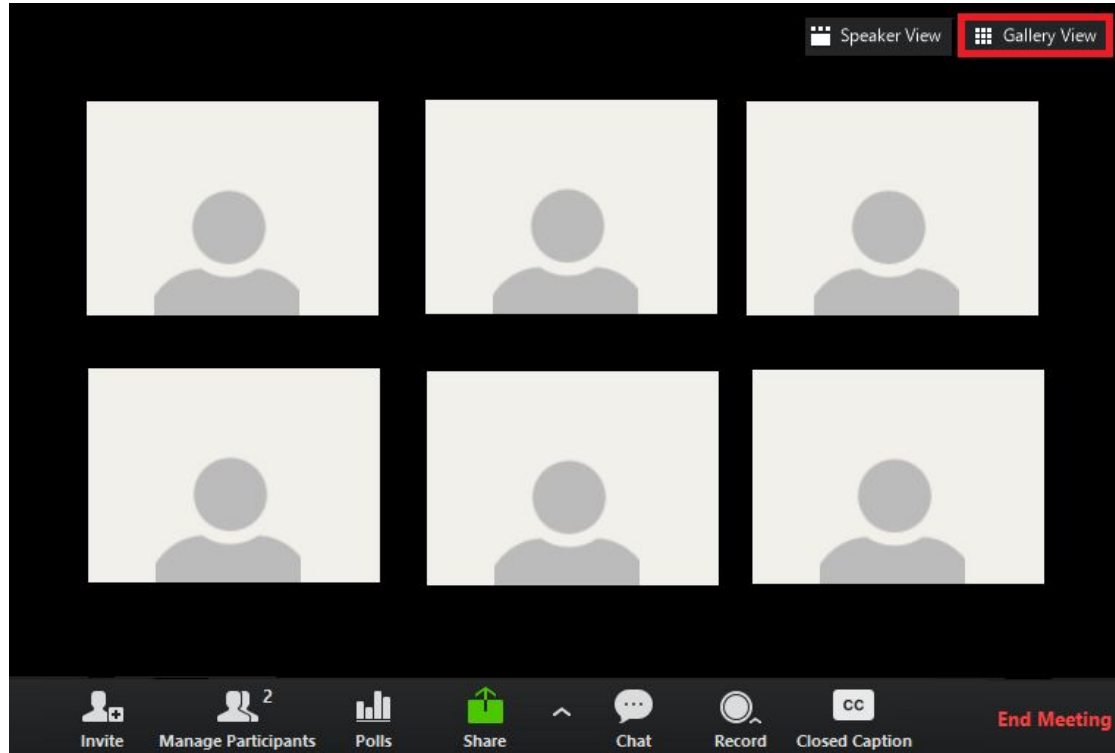
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# Video

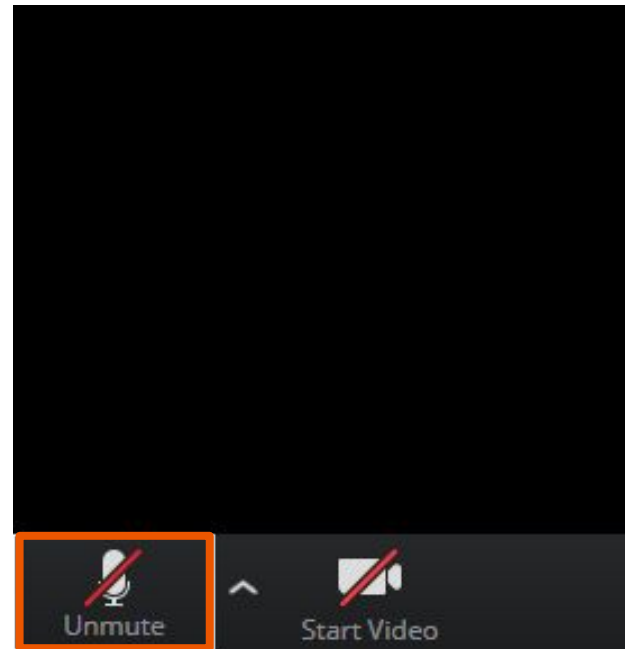
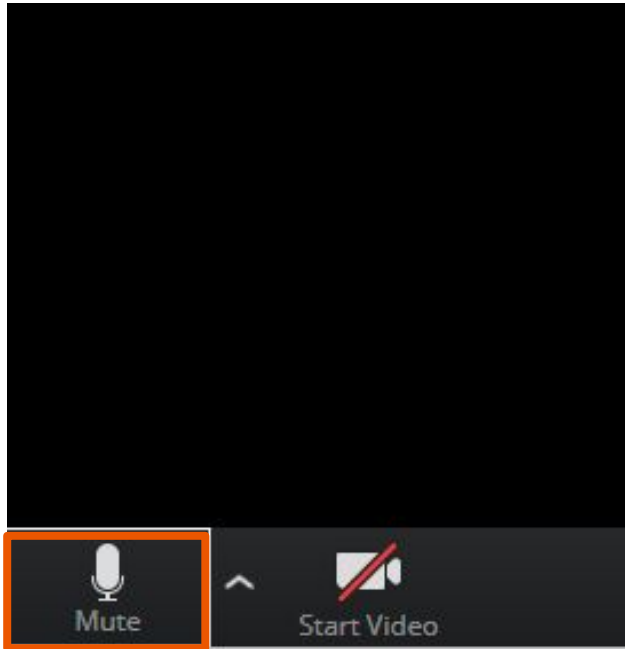


A screenshot of a video conference control bar. The bar is dark gray and contains several icons and labels. From left to right: a microphone icon labeled "Mute"; a camera icon with a red diagonal line through it, labeled "Start Video", with a red arrow pointing to it; an "Invite" icon (person with a plus sign); a "Manage Participants" icon (two people) with a "1" next to it; and a "Share Screen" icon (green screen with an upward arrow). Each icon has a small upward-pointing chevron to its right.

# Video - Gallery View



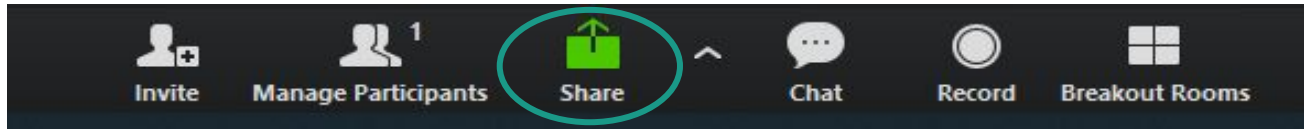
# Muting and Unmuting



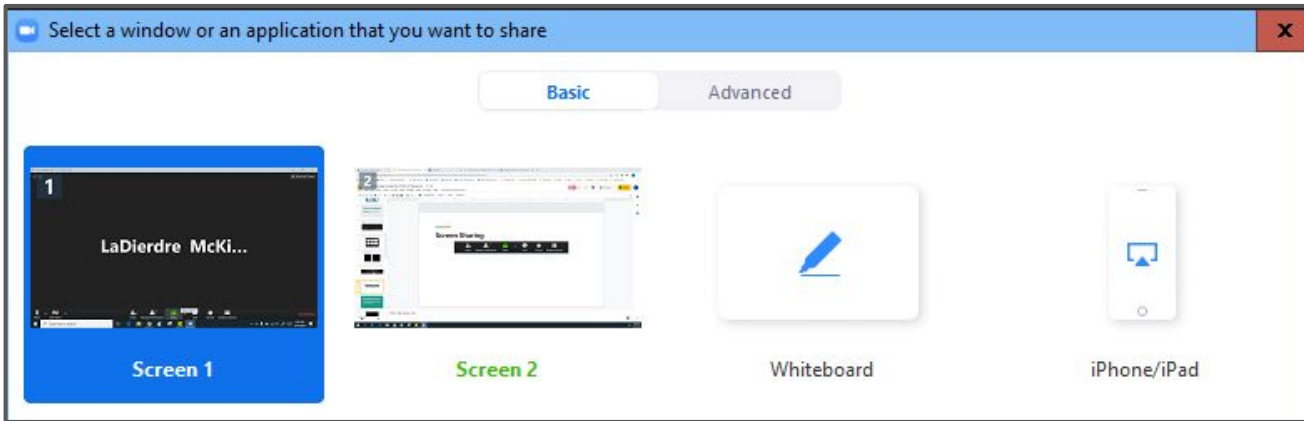


# Screen Sharing

1



2



3



# Chat



Unmute



3

Participants



Q&A



Share Screen



Chat



Record



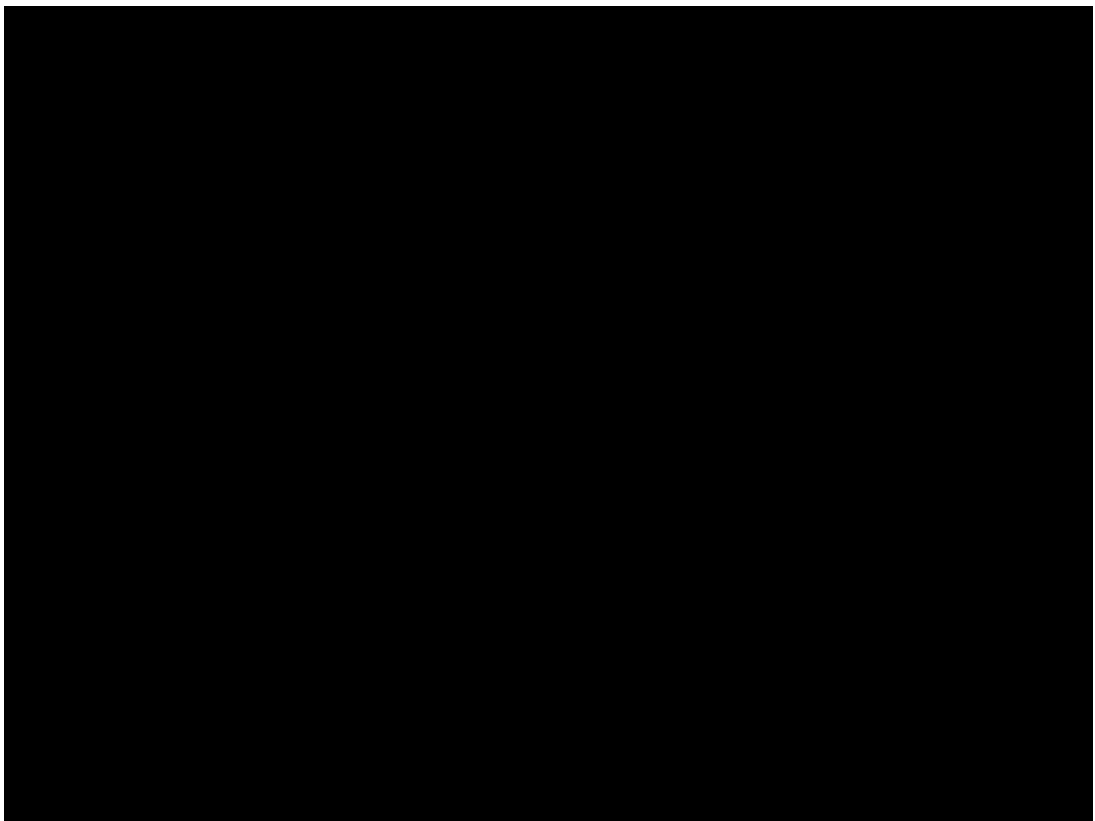
More

Leave Meeting

# Breakout Rooms

A way for lawyers to talk to their clients separately from the others in the Zoom meeting





What's it like to be in a Breakout Room?

# Zoom Security

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# New Security Measures



- Host can start a waiting room even after a meeting is started
- Host can lock a meeting
- Host can disable screen sharing function
- Host can disable chat
- Host can restrict parties' ability to rename themselves
- Host can remove participants
- Host has can mute parties individually, or all at once

# Live Streaming of Court

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# Anatomy of a Zoom Hearing

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ME: This show is boring, how do I change the channel.

JUDGE: Again counslor, this is a zoom hearing.

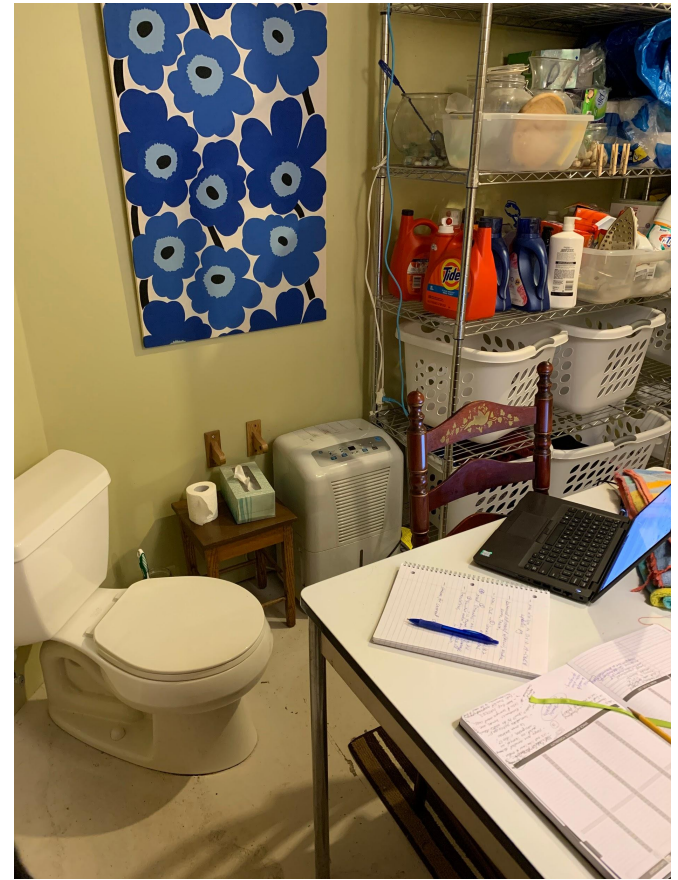
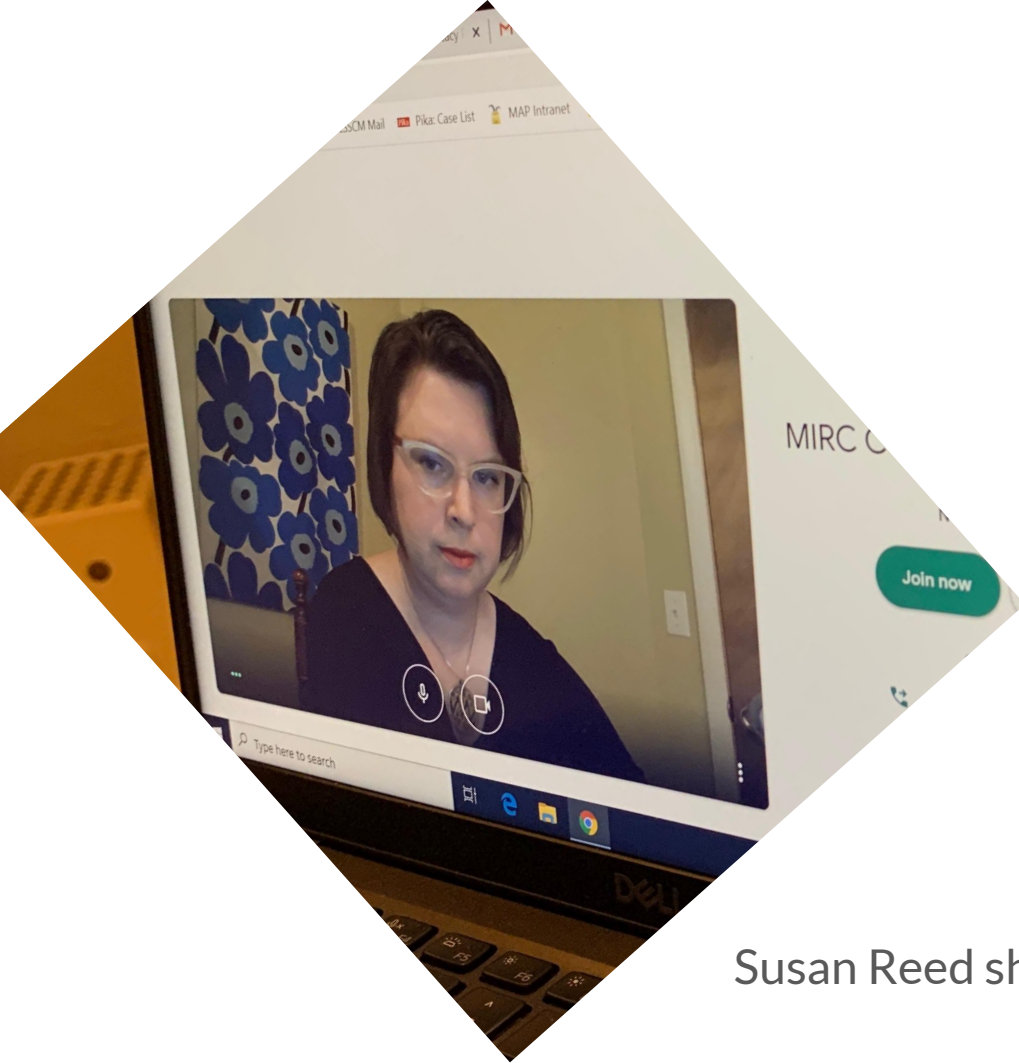
# Structure of a typical hearing



- Attorney and client to receive notice of virtual hearing with information on how to connect. You may be given a time slot within a larger time period, such as a motion call.
- Join and hold in waiting room. No one can communicate here.
- Judge will admit people to the hearing room and begin the proceeding.
- Judge should allow use of breakout rooms if you need to communicate privately with your client.
- Depending on the settings, the hearing may end when the allotted time is up. Otherwise, judge/host will end the hearing.

# Advocacy Tips

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Susan Reed shares her remote court setup

# Before the hearing

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- If your client lacks the capacity to join, contact the Court ASAP to see if they have other options; if not, seek adjournment.
- If you have exhibits to use, contact the court to see how you can submit these ahead of time.
- If you plan to call additional witnesses, contact the court to ensure they are given information about how to attend.
- Practice! And help your client practice. Test a meeting on your phone so you can see what your client's experience will be like if they are joining via phone instead of desktop computer.
- Have any documents you intend to introduce as exhibits ready and open in case you can share them via screen share.

# Before the Hearing, continued

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- Advise your client not to talk over others; to be alone during the hearing; and to log on 5 minutes early in case they have trouble with the technology.
- Make sure your client has adequate minutes or data, remind them to charge their device and find a private place for the call.
- Work out with your client a way for them to signal to you that they need to talk to you in a breakout room - via chat, or signal, or even asking on the record.
- Do not expect to be able to prepare and conduct your virtual hearing exactly as you did your in-person hearing.
- Ask the Judge if you and your client can meet in a breakout room prior to the start of hearing to resolve any last minute issues.

# During the hearing

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- Ask the judge to set ground rules at the start if they do not automatically
- Sometimes technology fails - speak up if it does! Hearings may need to be adjourned or rescheduled if technology is not up to the task that day.
- Sit in a place where the background isn't too distracting.
- If possible, use paper for making and checking notes instead of looking at your computer and typing.
- Choose an appropriate neckline on your shirt because camera angles on computers are weird. :)
- Convention seems to be that everyone remains seated throughout the hearing.

# During the hearing, continued

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- Stop speaking anytime you start hearing a lag/audio interference, check in to see if it has cleared up and if everyone else can hear you.
- Install Zoom on both your computer and your phone in case your Internet fails and you need a backup.
- You may not be able to see the judge and gauge how they are reacting to you or your client.
- Remember that people can see you and your facial expressions if you are on video.
- Beware red herrings, like someone asking your client to prove their identity.



# Phone-only experience for Zoom

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- Be sure the judge changes phone numbers to names or phone numbers are obscured.
- Remember, phone participants cannot see what is happening (people or screenshares).
- Phone participants **can** participate in breakout room conversations as long as the judge moves them to the breakout room.

# Tips for everyone involved

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- Dress in a soft solid color
- When speaking, look directly at the webcam (not at the screen)
- Position the camera at your eye level or slightly above eye level
- Choose a solid neutral background, if possible
- Check your lighting - avoid very bright or very dark rooms, or backlight
- Pause before speaking just in case there is any audio/video lag
- Mute yourself when you're not speaking in order to avoid background noise
- Test your internet connection and setup with a Zoom test meeting
- Make sure your device is charged
- Use a headset if you have one that works with your device
- Set up in the most private, quiet place you have
- Make sure you have all paperwork you might need to look at during the hearing

# Tips for hearings via phone conference

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- Make sure the court has enough lines for your client to join.
- Announce your name before speaking, and advise your client to do the same.
- Prepare your client a little extra ahead of time - phone conferences don't lend themselves to private conversations during the proceeding.
- Ask the judge if there can accommodate private discussions - you and your client leave the conference call, call one another, and then re-join when ready.

# How to get a hearing, or stop a hearing



- To get a hearing, be proactive: get everyone ready to participate remotely and let the court know you're ready.
- If your client can't participate: try to get the hearing adjourned; try to find a way for the client to be able to participate; try to go up the chain (presiding judge, chief judge etc.); make your objection on the record.

# Other resources

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- [MJI Remote Proceedings Benchcard](#)
- [Remote Proceedings Checklist for Judges](#)
- [One Court of Justice COVID-19 Resources](#)
- [SCA Tom Boyd memo to Judges re: Summary Proceedings](#)
- [Memo from CJ McCormack re: Expansion of Remote Proceedings](#)
- [Training materials and FAQs for courts](#)
- [Michigan Trial Courts Virtual Courtroom Standards and Guidelines](#)
- [Michigan Legal Help resources for clients/litigants](#)
- [Zoom Help Center](#)
- [Zoom Test Meeting](#)

# Q & A?

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# Thank you!

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Co-Managing Attorney, Michigan Poverty Law Program

Co-Executive Director, Michigan Statewide Advocacy Services

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