

Guidance for CJA Panel Attorneys using Video Conference Technology for Court Proceedings

5/20/2020

1. Introduction

In response to the COVID-19 pandemic, many courts are adopting procedures for conducting hearings using video conference technology. This memo provides guidance and recommendations for how to effectively participate in these proceedings. Specific guidance is included in separate sections for two common video conference technologies utilized by the courts: WebEx and Zoom.

Section Two (2) covers WebEx and Section Three (3) covers Zoom. To make it easier to read, each section is written as a stand-alone piece. There will be some repetitive language as both tools work in similar ways. Although we are discussing the use of video conferencing for a hearing, we will frequently refer to the process as “joining a meeting,” since that is the language the video conference software uses.

Make sure to check with your local district court or federal defender office as they may have specific guidance relevant to your district’s practice.

2. WebEx

2.1. Installing WebEx video conference software

The first step is to install WebEx on your computer. WebEx works with either Windows or Mac machines.



Download the installer for WebEx from the company’s website.

- WebEx: <https://www.webex.com/downloads.html/>

After you download the installer, open it and install the program like you would any other application on your computer.

Keep your software up to date. The WebEx client will prompt you to “update” when you open it. Do so as this action will result in better performance and security.

Alternatively, if you click on an invitation link to remotely join a meeting without having installed the application first, it may automatically download and install for you. In this case, you may see security alerts notifying you the application is being installed on your computer. If so, click “okay” to continue.

2.2. Joining a WebEx meeting

2.2.1. Joining by clicking an email link

You may receive a link in an email invitation from the host of a WebEx meeting. When connecting to the meeting from the email, you can join directly by clicking on that link.

Example email invitation, with **link** to join:

Aoki Law invites you to join this Webex meeting.

Meeting number (access code): ### ##

Meeting password: #####

Thursday, April 16, 2020

3:25 pm | (UTC-07:00) Pacific Time (US & Canada) | 1 hr


Join meeting

Join by phone

Tap to call in from a mobile device (attendees only)

[+1-510-338-9438](#) USA Toll

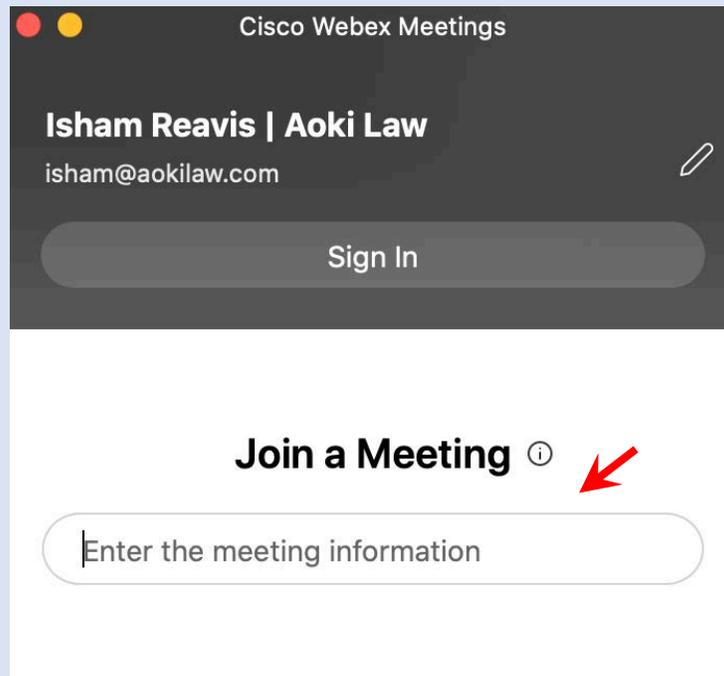
[Global call-in numbers](#)

WebEx invitation email

2.2.2. Joining through the desktop application

You can also join a meeting by opening the WebEx application and entering the meeting number and password (if the host has set a password).

Joining a meeting from your desktop application. Enter the **meeting number** (WebEx) and **password** to join:



WebEx Join Meeting screen

2.2.3. Join a meeting by phone

WebEx allows you to call into a meeting by phone. You can call to participate by voice only. Dial the phone number in the meeting invitation. When prompted, enter the nine-digit meeting number then press the # key.

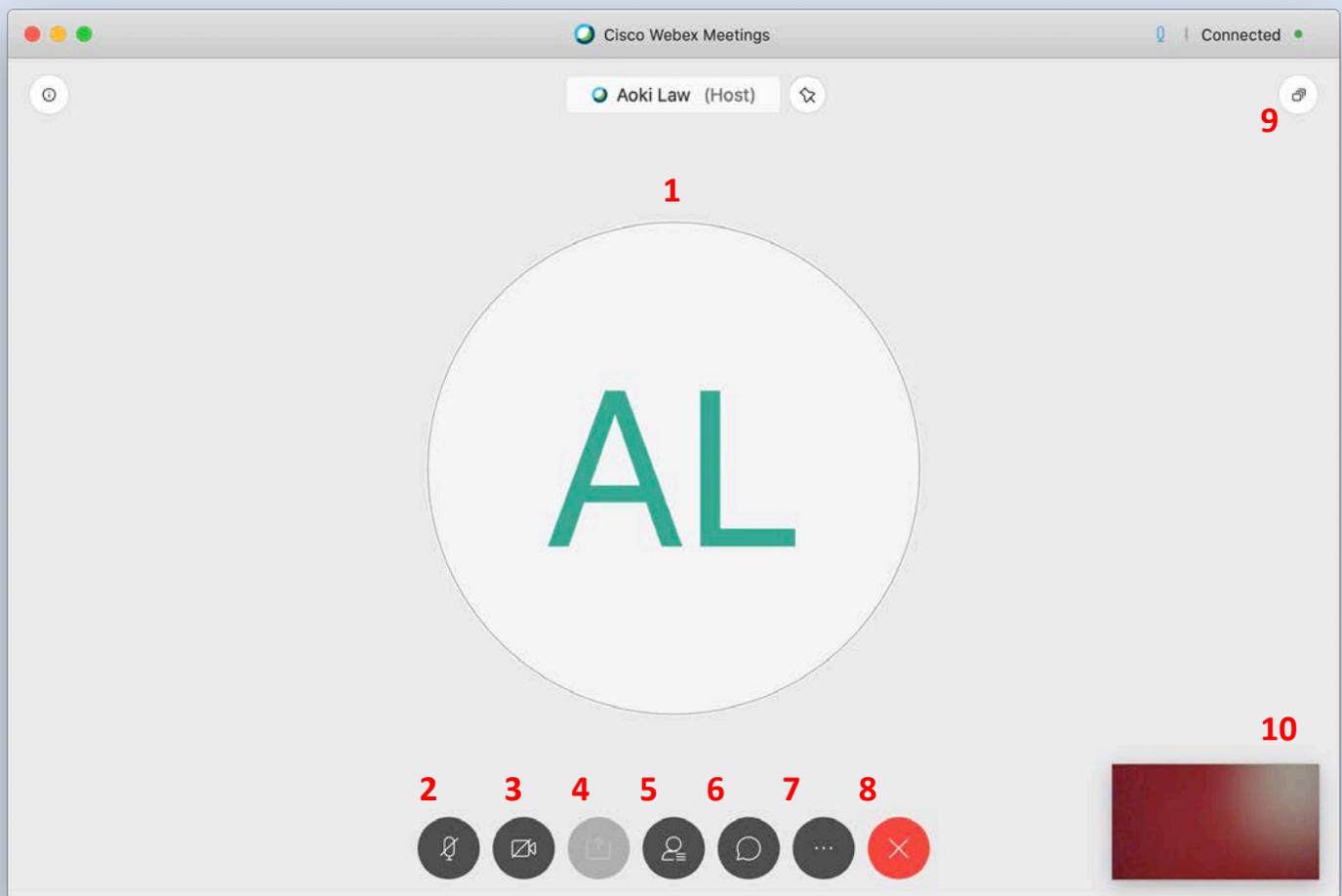
Use either the telephone or your computer for audio, but do not use both. Otherwise you and others in the meeting will hear an echo or get feedback noise. Finally, you can join the meeting by computer and call in separately with your phone for audio.

Further training and instruction are available on the service provider's website:

- <https://help.webex.com/en-us/>

2.3. WebEx Meeting controls

WebEx meeting controls

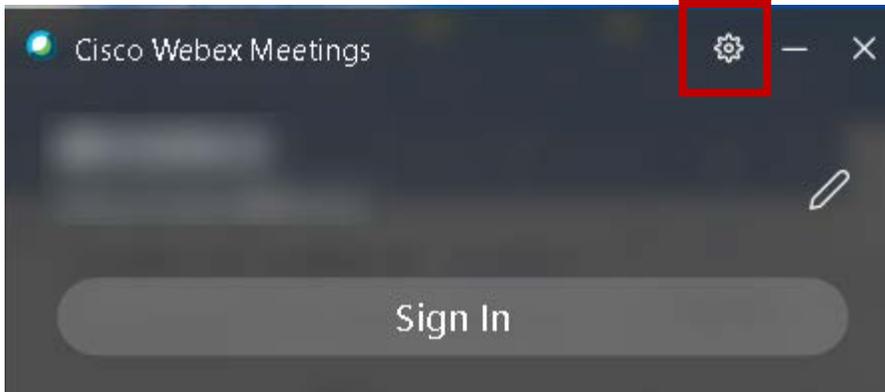


1. Picture of current speaker (initials if no video)
2. Mute/unmute
3. Turn video on/off
4. Share computer screen
5. View list of participants

6. Send message to other participants
7. Other options
8. Exit meeting
9. View list of meeting participants
10. Your picture (if sharing video)

2.4. Settings

The default settings with WebEx should work well for courtroom hearings. If you need to change the settings for any reason, select the gear icon in the upper right-hand corner of the screen.



2.5. Setup before the hearing

2.5.1. Audio equipment

2.5.1.1. For the hearing

Consider getting a separate microphone or headphones with a built-in microphone so you can be heard clearly by the court and other hearing participants. Depending on your equipment, a speakerphone or built-in computer microphones may have inadequate sound quality. If possible, test your equipment before the hearing to see how it works.

2.5.1.2. For consulting with your client during the hearing

If possible, have a second phone that will allow you to speak privately with your client. For example, if you've called into the hearing using your computer, you could have a separate call to your client on your office line or cellphone.

2.5.2. Client considerations

In-custody clients. If the facility where your client is detained offers video conferencing for hearings, doublecheck that the facility has the information to log into the hearing beforehand.

For WebEx, there will be a phone number to call and a meeting ID (a nine-to eleven-digit number) to enter after calling in, or to enter the video conferencing website to join a meeting. Confirm your client or the facility will have this information on hand and in writing for the hearing.

In-custody clients will rarely have access to a second line. To confer privately, they may have to hang up on the meeting and call you separately, then call back into the meeting. Make sure the facility will permit this option. **Many districts**

To mute yourself from others in the hearing, click the **mute icon**:



WebEx

are providing guidance to CJA panel attorneys on how to ensure client communication confidentiality specific to their court and jail facilities. Check with your local court and federal defender office to find out your available options.

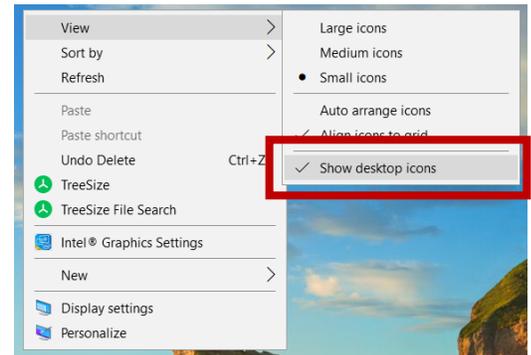
Interpreters. If you will need an interpreter, make sure to forward the meeting invitation or provide call-in information to the interpreter. For private consultation with your client during the hearing, a conference call will accommodate an interpreter, client, and you.

2.6. Display

If you will be appearing by video, check what will appear in your background when you turn on your computer camera. WebEx allows you to preview how you will appear on screen before you join the meeting.

If you will be displaying documents or other material from your computer, consider what should be displayed, and what should be closed or cleaned up:

- **Computer desktop.** Many people may have files and icons on their desktop. Your machine's performance will improve if there are fewer files and icons on the desktop as they take operating memory. But if you do not have time to move those files, you can quickly hide everything in Windows 10 by right-clicking on an empty area of the desktop and select *View* and then uncheck *Show desktop icons* from the context menu.
- **Pop-up notifications.** If your computer displays notifications of incoming emails or text messages, disable notifications so confidential information will not display during the hearing.



In Windows, open **Settings**, select **System**, and then **Notifications & actions**. Set the **Notifications** switch to *off*.

Notifications

Get notifications from apps and other senders

Off

2.7. Preparation for the hearing

Before a hearing, confirm you have log-in information, have tested your setup, and know how to alert the court in the event of technical difficulty. Finally, prepare documents you will need for the hearing.

2.7.1. Have your log-in information ready

Make sure you have the log-in information. For WebEx there will be a meeting ID (a nine-to eleven-digit number) used to access the meeting, and a phone number to call if you are dialing in instead of using your computer for audio.

Alternatively, the meeting invitation you received may include a link you can click to access the meeting. Have the link on hand before the hearing.

2.7.2. Test the program and your equipment

Test your equipment and software ahead of time. You could set up a test meeting with a colleague, or between two devices you control. This will allow you to test your setup with plenty of time to address any issues you may discover. Finally, log into the hearing ten to fifteen minutes early, to make sure your equipment, software, and access information all function before the hearing begins.

WebEx allows you to run test meetings at the following link.

- WebEx: <https://www.webex.com/test-meeting.html>

2.7.3. Be ready to contact the in-court deputy if there are technical issues

Depending on the nature of the issue, you likely will not be able to use the video conference software to notify the court you are having trouble. Instead, ask for a phone number or email address you can use to contact the in-court deputy during the hearing.

2.7.4. Documents

Before the hearing, prepare any documents you will need to share:

- To show to the court or other hearing participants;
- To transfer to the court or other hearing participants (for example, to offer as an exhibit); or
- To sign.

WebEx allows you to share information by displaying your computer screen or a document on your computer, as discussed in below. WebEx also has a document sharing function that allows you to upload documents which other meeting participants can then download. If this feature is not available, check with the court about sharing documents by email during the hearing, and make sure you have the email addresses you need to do so.

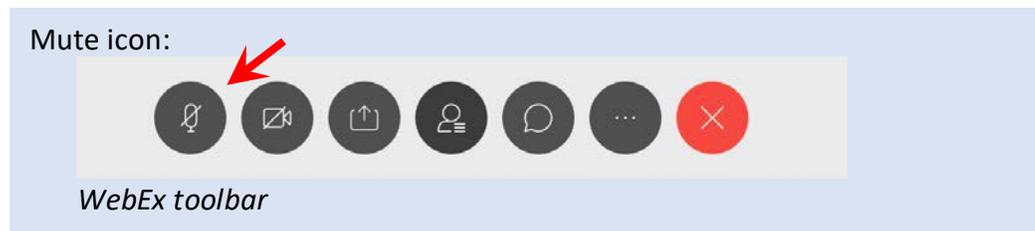
Regardless of how you will be sharing the documents (through the video conference software or by email), make sure you have copies of all the documents you will need saved on your computer. The documents should be open on your computer before the hearing begins.

2.8. What you need to know for the hearing

The following list is a combination of recommended practices for video sessions and tasks you may need to perform during the hearing.

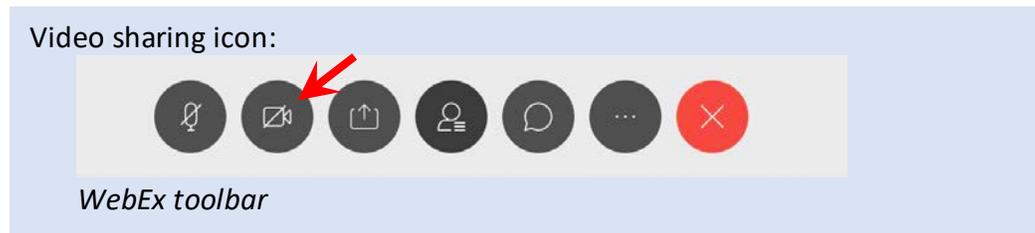
2.8.1. Mute

Keep your connection on mute unless you are speaking, to reduce background noise and feedback echoing.



2.8.2. Video

WebEx gives you the option of sharing video of yourself during a meeting. You should do so if possible, as having your face visible to the judge (and client, if they have access to video as well as audio) allow you to advocate more effectively at the hearing.



2.8.3. Display and share documents

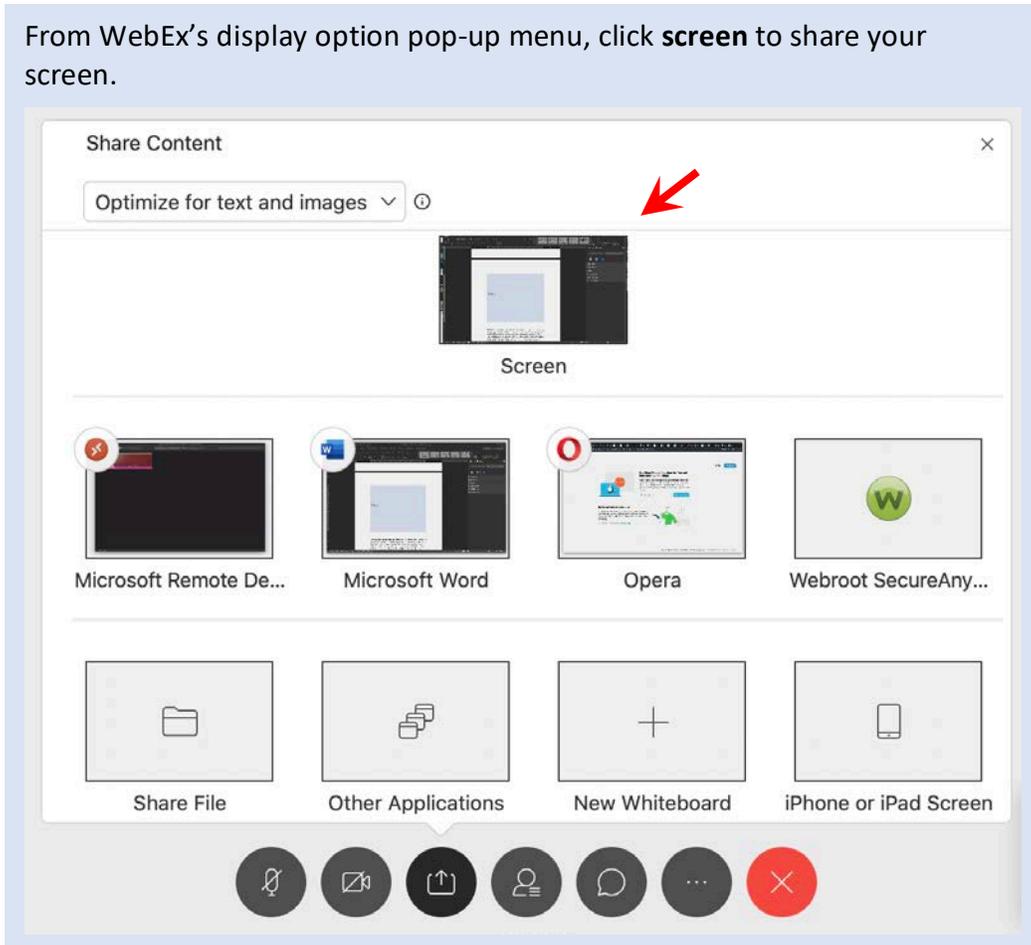
WebEx allows you to display documents on your screen to others in a meeting, or share documents saved on your computer.

2.8.3.1. Share your screen

For WebEx, you will need to request permission from the meeting host (likely the in-court deputy). There is a button to do so in the meeting display.

Clicking the share icon opens a pop-up menu, from which you can choose to display your entire screen, a single open application, or a document saved on your computer.

From WebEx's display option pop-up menu, click **screen** to share your screen.

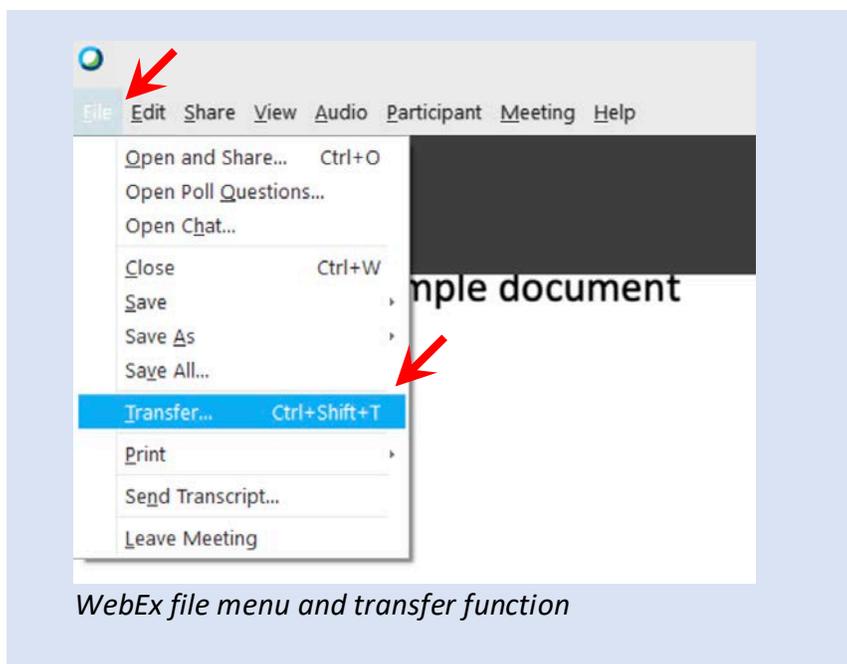


This will allow you to display documents on your computer screen during the hearing. Have the documents you anticipate needing for the hearing open on your computer before the session begins, and either minimize them or move them to a second screen (if you're using a dual-monitor setup) so they won't be visible to others until you need them.

2.8.4. Share documents (including exhibits)

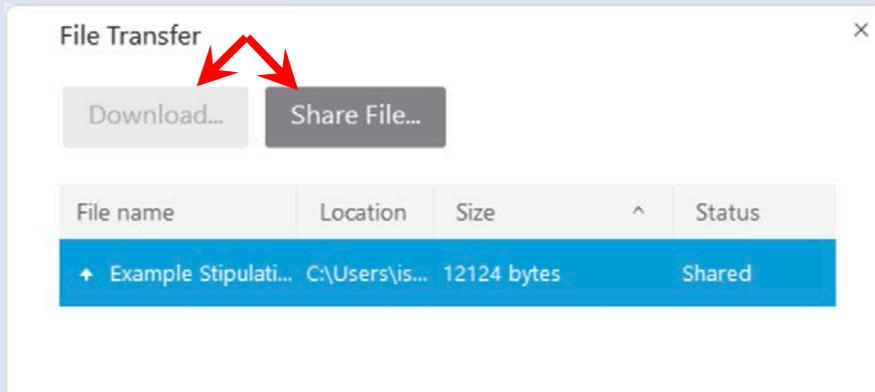
WebEx also allows you to transmit documents directly to other hearing participants. Exhibits can be offered this way. This feature will transfer a copy of the file to hearing participants, rather than simply share the image of the exhibit on screen. Alternatively, you could distribute the exhibit as an email attachment to all participants. If you're using email, have draft emails cued up, addressed to hearing participants, in advance of your hearing.

To share a document, select the file menu from the top of your screen, then the *Transfer* option.



Selecting *Transfer* will open a new window, where you can choose to upload a file to transfer. Other hearing participants can then download the file by opening the transfer window, selecting the document, and clicking *download*.

Upload a file by clicking **share file**, then selecting a document from the file browser.



Other hearing participants can then select the file name from the *Transfer* window and click **download**.

2.8.5. Sign documents

The court may permit affixing electronic signatures to documents during a hearing. How this happens will be up to the court, but one way to accomplish this is to have one participant share a document as described above, and then other participants sign and return it. For example, the in-court deputy could share and transfer a court form through WebEx's document transfer feature. An attorney could download the document through WebEx, type in an electronic signature, and save it to his or her computer. Then, the attorney would share the signed document, which the in-court deputy (and other hearing participants) could download. Alternatively, the same process could be accomplished by attaching and sending the document through email.

3. Zoom

3.1. Installing Zoom video conference software

The first step is to install Zoom on your computer. Zoom works with either Windows or Mac machines.



Download the installer for Zoom from the company's website.

- Zoom: <https://zoom.us/support/download>

After you download the installer, open it and install the program like you would any other application on your computer.

Keep your software up to date. The Zoom client will prompt you to update when you open it. Do so as this action will result in better performance and security.

Alternatively, if you click on an invitation link without having installed the application first, it may automatically download and install for you. In this case you may see security alerts notifying you the application is being installed on your computer. If so, click *okay* to continue.

3.2. Joining a Zoom meeting

3.2.1. Joining by clicking an email link

You may receive an email invitation from the host of a Zoom meeting. You can join the meeting directly by clicking on the link in the email at the time it is scheduled to begin.

Example email invitation, with **link** to join:

Aoki Law is inviting you to a scheduled Zoom meeting.

Topic: Aoki Law's Zoom Meeting

Time: Apr 17, 2020 03:13 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/XX>



Meeting ID: XXX XXX XXX

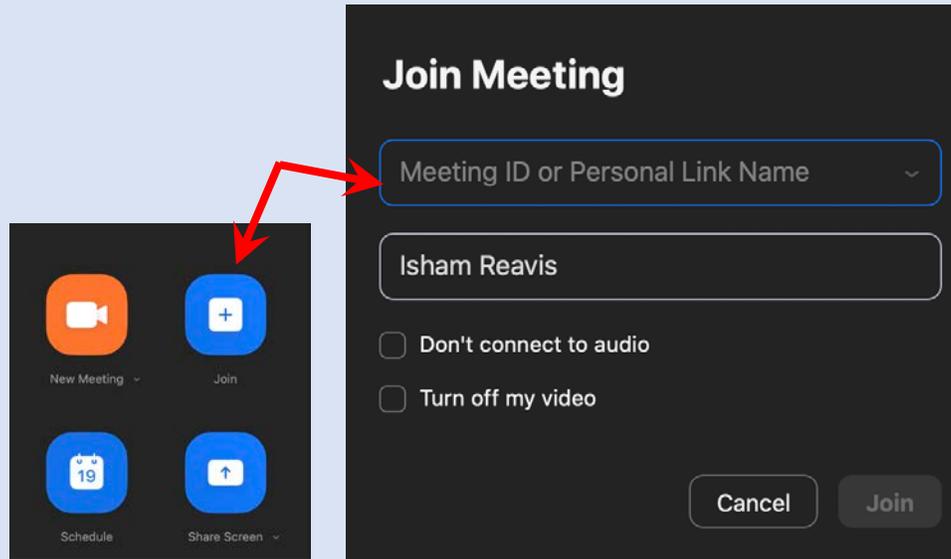
Password: XXXXXX

Zoom invitation email

3.2.2. Joining through the desktop application

You can also join a meeting by opening the Zoom application and entering the meeting number and password (if the host has set a password).

Joining a meeting from your desktop application. Enter the **meeting ID** (Zoom) and **password** to join:



Zoom Join Meeting screens. Click the Join icon, then enter the meeting information

3.2.3. Join a meeting by phone

Zoom allows you to call into a meeting by phone. You can call to participate by voice only. Dial the phone number in the meeting invitation. When prompted, enter the nine-digit meeting number then press the # key.

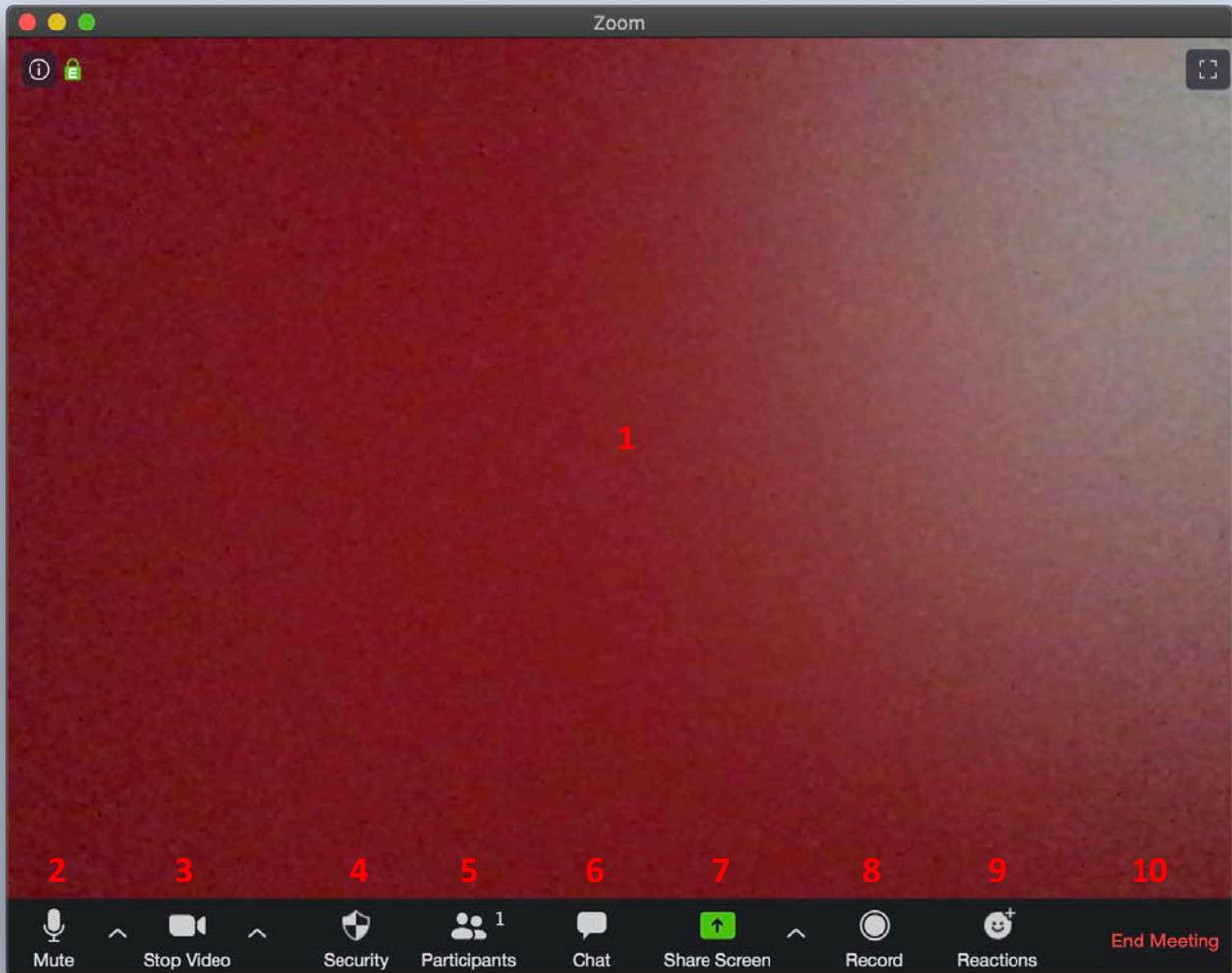
Use either the telephone or your computer for audio, but do not use both. Otherwise you and others in the meeting will hear an echo or get feedback noise. Finally, you can join the meeting by computer and call in separately with your phone for audio.

Further training and instruction are available on the service provider's website:

- <https://support.zoom.us/hc/en-us>

3.3. Zoom Meeting controls

Zoom meeting controls

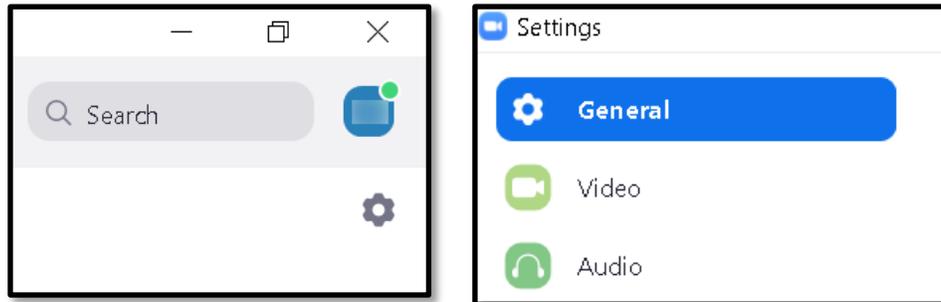


1. Picture of current speaker
2. Mute/unmute
3. Turn video on/off
4. Security options
5. View list of participants
6. Send message/files to other participants
7. Share computer screen
8. Record meeting
9. Post reactions (clap; thumbs up)
10. Exit meeting

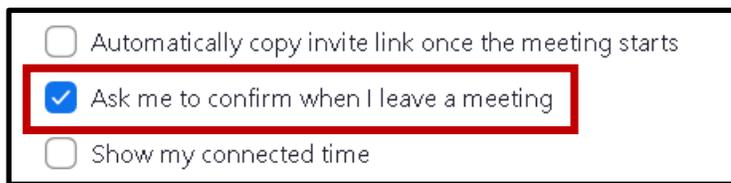
3.4. Settings

There are lots of settings with Zoom, and they change frequently. Below are some recommendations to consider.

To get to settings in Zoom, select the gear icon in the upper right-hand corner.

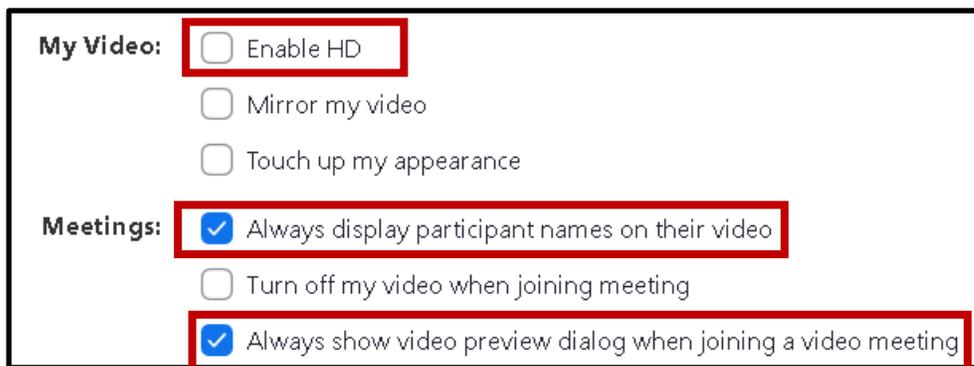


Under the General tab: Check (ON) for: “Ask me to confirm when I leave a meeting” (This will prevent unintended departures)



Under the “Video” tab, and the “My Video” subgroup:
Check (OFF) for Enable HD. [With the unstable nature of the internet, it will result in better video performance if turn off HD.]

Under the “Video” tab, and the “Meetings” subgroup:
Check (ON) for “Always display participants names on their video,” and Check (ON) for “Always show video preview dialog when joining a video meeting”



3.5. Setup before the hearing

3.5.1. Audio equipment

3.5.1.1. For the hearing

Consider getting a separate microphone or headphones with a built-in microphone so you can be heard clearly by the court and other hearing participants. Depending on your equipment, speakerphone or built-in computer microphones may have inadequate sound quality. If possible, test your equipment before the hearing to see how it works.

3.5.1.2. For consulting with your client during the hearing

If possible, have a second phone that will allow you to speak privately with your client. For example, if you've called into the hearing using your computer, you could have a separate call to your client on your office line or cellphone.

3.5.2. Client considerations

In-custody clients. If the facility where your client is detained offers video conferencing for hearings, doublecheck that the facility has the information to log into the hearing beforehand.

To mute yourself from others in the hearing, click the **mute icon:**



Zoom

For Zoom, there will be a phone number to call and a meeting ID (a nine-to eleven-digit number) to enter after calling in, or to enter the video conferencing website to join a hearing. Confirm your client or the facility will have this information on hand and in writing for the hearing.

In-custody clients will rarely have access to a second line. To confer privately, they may have to hang up on the meeting and call you separately, then call back into the meeting. Make sure the facility will permit this. **Many districts are providing guidance to CJA panel attorneys on how to ensure client communication confidentiality specific to their court and jail facilities. Check with your local court and federal defender office to find out your available options.**

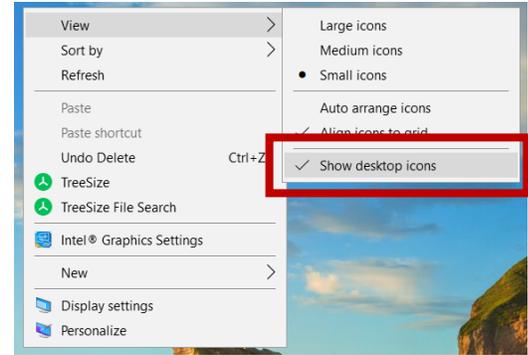
Interpreters. If you will need an interpreter, make sure to forward the meeting invitation or provide call-in information to the interpreter. For private consultation with your client during the hearing, a conference call will accommodate an interpreter, client, and you.

3.6. Display

If you will be appearing by video, check what will appear in your background when you turn on your computer camera. Zooms allow you to preview how you will appear on screen before you join the hearing.

If you will be displaying documents or other material from your computer, consider what should be displayed, and what should be closed or cleaned up:

- **Computer desktop.** Many people may have files and icons on their desktop. Your machine’s performance will improve if there are less files and icons on the desktop as they take operating memory. But if you do not have time to move those files, you can quickly hide everything in Windows 10 by right-clicking on an empty area of the desktop and select View and then uncheck Show desktop icons from the context menu.



- **Pop-up notifications.** If your computer displays notifications of incoming emails or text messages, disable notifications so confidential information will not display during the hearing.

In Windows, open **Settings**, select **System**, and then **Notifications & actions**. Set the **Notifications** switch to *off*.

 A screenshot of the Windows Settings application, specifically the 'Notifications' page. The toggle switch for 'Get notifications from apps and other senders' is turned off.

3.7. Preparation for the hearing

Before a hearing, confirm you have log-in information, have tested your setup, and know how to alert the court in the event of technical difficulty. Finally, prepare documents you will need for the hearing.

3.7.1. Have your log-in information ready

Make sure you have the log-in information. For Zoom, there will be a meeting ID (a nine-to eleven-digit number) used to access the meeting, and a phone number to call if you are dialing in instead of using your computer for audio. Alternatively, the meeting invitation you received may include a link you can click to access the meeting. Have the link on hand before the hearing.

3.7.2. Test the program and your equipment

Test your equipment and software ahead of time. You could set up a test meeting with a colleague, or between two devices you control. This will allow you to test your setup with plenty of time to address any issues you may discover. Finally, log into the hearing ten to fifteen minutes early, to make sure your equipment, software, and access information all function before the hearing begins.

Zoom allows you to run test meetings at the following link.

- Zoom: <https://zoom.us/test>

3.7.3. Be ready to contact the in-court deputy if there are technical issues

Depending on the nature of the issue, you likely will not be able to use the video conference software to notify the court you are having trouble. Instead, ask for a phone number or email address you can use to contact the in-court deputy during the hearing.

3.7.4. Documents

Before the hearing, prepare any documents you will need to share:

- To show to the court or other hearing participants;
- To transfer to the court or other hearing participants (for example, to offer as an exhibit); or
- To sign.

Zoom allows you to share information by displaying your computer screen or a document on your computer, as discussed below. Zoom also has a document sharing function that allows you to upload documents which other meeting participants can then download. If this feature is not available, check with the court about sharing documents by email during the hearing, and make sure you have the email addresses you need to do so.

Regardless of how you will be sharing the documents (through the video conference software or by email), make sure you have copies of all the documents you will need saved on your computer. The documents should be open on your computer before the hearing begins.

3.8. What you need to know for the hearing

The following list is a combination of recommended practices for video sessions, and tasks you may need to perform during the hearing.

3.8.1. Mute

Keep your connection on mute unless you are speaking, to reduce background noise and feedback echoing.

Mute icon:

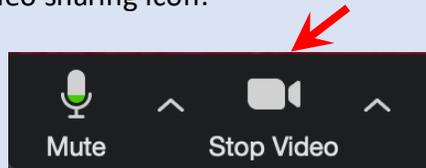


Zoom input controls

3.8.2. Video

Zoom gives you the option of sharing video of yourself during a meeting. You should do so if possible, as having your face visible to the judge (and client, if they have access to video as well as audio) allow you to advocate more effectively at the hearing.

Video sharing icon:



Zoom input controls

3.8.3. Display and share documents

Zoom allows you to display documents on your screen to others in a hearing, or share documents saved on your computer.

3.8.3.1. Share your screen

Depending on the setup, you may need to request permission from the hearing host to share your screen (likely the in-court deputy). There is a button to share directly if the host has enabled that feature. If sharing is disabled, the button will be grayed out.

To share your computer to other hearing participants, click the **share icon**:



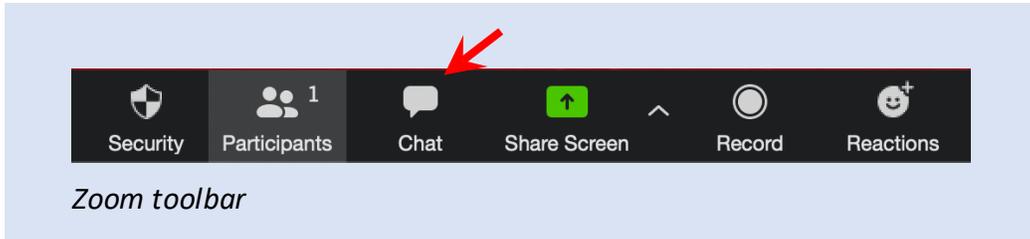
Zoom toolbar

This feature will allow you to display documents on your computer screen during the hearing. Have the documents you anticipate needing for the hearing open on your computer before it begins, and either minimize them or move them to a second screen (if you're using a dual-monitor setup) so they won't be visible to others until you need them.

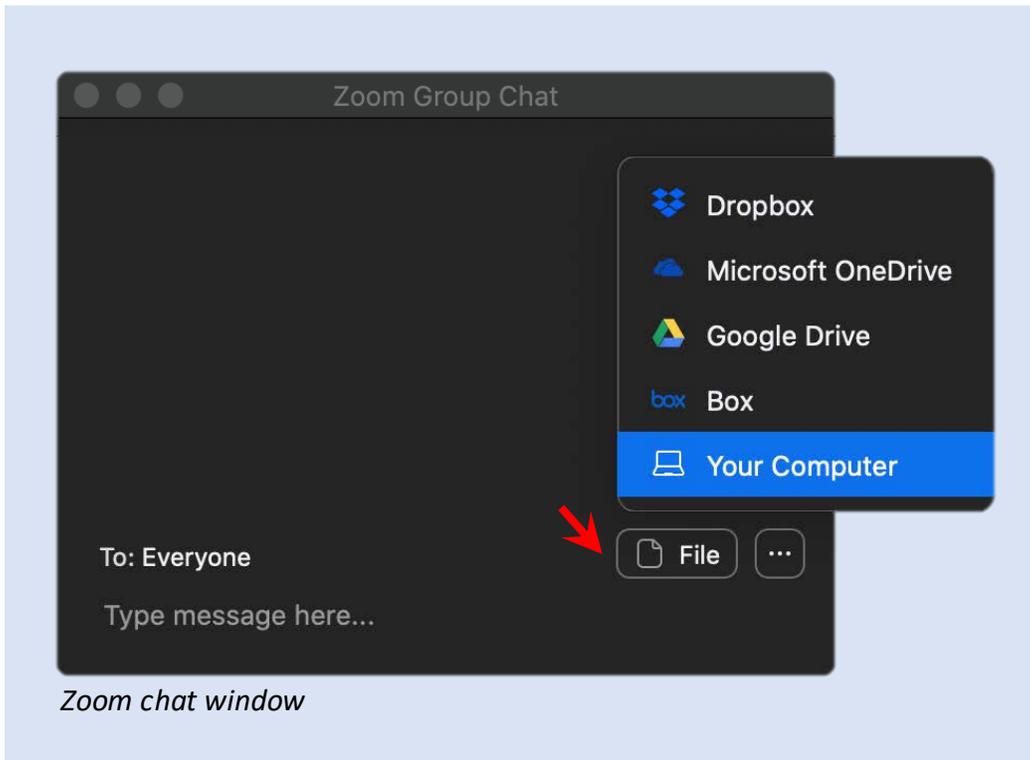
3.8.4. Share documents (including exhibits)

Zoom allows you to transmit documents directly to other hearing participants. Exhibits can be offered using this feature. This will transfer a copy of the file to hearing participants, rather than simply sharing an image of the exhibit on the screen. Alternatively, you could distribute the exhibit as an email attachment to all participants. If you are using email, have draft emails cued up, addressed to hearing participants, in advance of your hearing.

In Zoom, you can share documents using the chat feature.



Click the chat icon, then click the file icon from the chat window that opens. Choose *Your Computer* from the pop-up menu, then choose the document you want to share from the file browser window.



3.8.5. Sign documents

The court may permit affixing electronic signatures to documents during a hearing. The signature process will be determined by the court, but one way to accomplish this task is to have one participant share a document as described above, and then other participants sign and return it. For example, the in-court deputy could share and transfer a court form through Zoom's chat feature. An attorney could download the document through Zoom, type in an electronic signature, and save it to their computer. Then, the attorney would share the signed document, which the in-court deputy (and other hearing participants) could download. Alternatively, the same process could be accomplished by attaching and sending the document through email.

This document was prepared by Aoki Law PLLC and the National Litigation Support Team (DSO-TD). Technology is frequently updated, so go to each company's website for the most current information about their products