

ATTORNEY TIP SHEET

Plan

- ▶ Prepare your work area:
 - **Lighting:** Bright, natural light is best. Ideally, sit facing a window with the blinds half drawn. Test your lighting at the same time of day as the hearing. If there is not enough natural light, face a lamp toward you.
 - **Background:** A neutral background is best. A blank wall in your home is preferred over a virtual background if you anticipate moving around frequently.
 - **Decide whether you will sit or stand.** Create a setup where you feel most comfortable and confident. Ensure that your camera is at or slightly above eye level. Do not sit too far or too close from the camera and look at the camera when speaking.
 - **Sound:** Ensure the room will be quiet. Pick a room that has a door that can be shut. For best sound quality, use headphones with an attached microphone. Put a white noise machine outside your door if you anticipate there will be sound outside your room.
 - **Attire:** Dress as you would if you were attending an in-person hearing. Wear solid colors and avoid patterns.
 - **Plan to use one device as your camera,** and a separate device for reading or taking notes and viewing documents.
- ▶ Prepare the technology:
 - **Test the platform.** Do a test video call in the days leading up to the hearing. Log into the hearing platform 15–30 minutes early to troubleshoot potential issues.
 - **Ensure that your name is properly listed on the platform.** For example, “Your Name, Esq.” This is also a good place to list your pronouns if you would like.
- **Charge the devices you plan to use.** Restart all your devices before the hearing to make sure any required updates are complete.
- Consider the possibility of using **hard-wired Internet** rather than Wi-Fi for a more stable connection.
- Have the **hearing call-in information** immediately accessible in case of technological difficulties.
- Be sure that your **technology is not automatically set to record** proceedings, as that could be a violation of your jurisdiction’s local rules or Court orders.
- ▶ Prepare for virtual communication:
 - **Determine in advance how you will communicate with your client/witnesses during the hearing.** Do not plan to communicate with your client/witnesses through the hearing platform, as any communication is usually recorded. Text through a separate device or instant message through a separate platform, if possible.
 - **NB:** When communicating with your client during the hearing, proceed as you would if you were in court to ensure you do not violate any ethics rules.
- ▶ **Familiarize yourself** with how you will introduce evidence through the hearing platform. Look to your specific jurisdiction’s rules regarding evidence introduction well in advance of the hearing, as they may have changed during this time. Be sure to have all evidence clearly labeled before the hearing. Consider combining evidence into one PDF document for ease in reading and referencing evidence during the hearing.

- Plan to **send your client a copy of the evidence** as well, so they can easily follow along and properly authenticate the evidence for the Court.
- **Consult with colleagues** who have participated in virtual hearings in the same jurisdiction or before the same judge.
- ▶ Prepare for remote interpretation, if necessary:
 - **Confirm language match** with limited English proficiency (LEP) client/witness and court interpreter coordinator. If the Court does not confirm a language match, plan to conduct a brief test with the interpreter and client during the hearing to confirm understanding, and to identify potential conflicts of interest.
 - **Confirm if interpretation will be available** via video and over the telephone. Lack of access to high speed Internet may limit the access options for LEP individuals.
 - If using Zoom, note that the platform has a separate audio channel which allows for simultaneous interpretation. **Confirm the availability of interpretation** through the Zoom platform.
 - If the platform allows, **request the Court set up a private break-out room with an interpreter** to allow you to speak with your client.

address any questions they may have. Inform clients about the potential public access of the hearing and discuss what this could mean for them.

- ▶ **Safety plan with them as necessary.** Discuss who, if anyone, will be with them at the location where they are participating in the hearing.
- ▶ Ensure you have your clients' and witnesses' **cell phone numbers** and **email addresses** in the event they are dropped from the hearing. Determine beforehand what you, your client, and witnesses should do if someone drops off the platform or if there are other technical difficulties.
- ▶ If any of your clients/witnesses will need an **interpreter**, communicate with them and/or the Court regarding protocol well in advance of the hearing. If using an interpreter, prepare a backup plan for interpretation if there are problems with the Court interpretation.
- ▶ If any of your clients/witnesses will need **live captioning**, communicate with them and the Court regarding protocol well in advance of the hearing.
- ▶ **Ask your client** what they believe you should expect from the opposing party, including where they might be appearing from, who else may be in the room, technology issues they may have, etc.

Communicate

- ▶ Provide clients the **Preparing for Virtual Hearings: Client Tip Sheet** and review it with them.
- ▶ **Explain the hearing process**, including the unique elements of a virtual hearing, and

Practice!

- ▶ **Become comfortable with your virtual set up.** Conduct any preparatory meetings or practice direct examination with your client in your virtual set up.

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