



VERMONT JUDICIARY

Protocols for Remote Civil Jury Trials

August 2021

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Introduction

These remote civil jury trial protocols were developed for situations where both jury selection and trial will be held via the Webex platform. Only the court recorder will be required to be present in the courtroom during such remote proceedings.¹

These protocols were developed over the course of several months by a committee chaired by Associate Justice Karen R. Carroll. The committee included individuals from inside and outside the Judiciary. A mock trial was held in May 2021 as part of the committee's work. Judge Helen Toor presided over the mock trial. Committee members are listed below.

Honorable Karen R. Carroll, *Chair*
Associate Justice

Honorable David Fenster
Superior Court Judge

Tyler J. Bradley
Operations Assistant

Scott Griffith
Chief of Planning and Court Services

Daniel Burchard, Attorney
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Court Operations Specialist
Rutland Unit

Andrew Campbell
Digital Content Manager

James Levins, Attorney
Tepper, Dardeck & Levins

Sophie Conway
Operations Assistant

Honorable Helen Toor
Superior Court Judge

A Superior Court unit that is contemplating holding a remote trial must first obtain approval from the Chief Superior Judge and Chief of Trial Court Operations by filing a unit plan or amending a plan that has already been filed. Although the Judiciary will provide a laptop to jurors who do not have adequate equipment, the Unit Plan must address how jurors who may lack internet access will access the internet for both the jury draw and the trial. Jurors participating in this manner may be directed to report to a courthouse that has adequate space for the number of jurors needing accommodation or the plan may involve use of non-judiciary space available for juror use.² Jurors who are qualified for jury service will not be excused merely because they lack equipment or an internet connection.³

¹ V.R.C.P. 79.2(d)(5), which prohibits jurors from using devices during trials and deliberations, has been amended on an emergency basis to allow for use of devices by jurors participating in remote trials.

² For instance, a unit may work with a local college or university to provide dedicated space and internet access for jurors during jury draw and trial. See [Public WiFi Hotspots in Vermont | Department of Public Service](#) for a list of potentially available sites. (Site last checked July 16, 2021.) A chosen site, whether in the courthouse or a private building, must adhere to all applicable COVID restrictions, including all social distancing requirements in effect at the time.

³ Jurors who will borrow Judiciary-owned equipment will be required to sign a document agreeing to terms of use. RIS will develop this form with the help of legal counsel.

In ensuring public access to the proceedings, judges have the discretion to either provide the Webex link to interested members of the media or the public, open the courtroom for video viewing of the trial on the Webex screen where it is permitted by Covid restrictions, or order that the proceeding be livestreamed.

An Operations Assistant (OA) must be present on Webex and available throughout the remote jury trial. It would be helpful to identify a group of three to six OAs to be trained to provide support for remote jury trials. While the OAs are learning this process, it would be helpful to have two OAs participate in each of the first several remote trials. After a unit plan that contemplates a remote civil jury trial is approved by the Chief Superior Judge and the Chief of Trial Court Operations, the Chief of Trial Court Operations will work with the Chief of Planning and Court Services to arrange for the assignment of an OA to the trial(s).

Proceedings

Selection of Cases

The judge will determine which civil cases are trial-ready and will engage with attorneys in selecting cases suitable for remote trials.⁴ The first trial selected should be one involving no more than two trial days, not involve interpreters or non-documentary exhibits, and have a limited number of witnesses and exhibits.

Pretrial Conference

Once a case has been selected for a remote trial the court will hold a pretrial conference to review such things as the number of jurors needed, deadlines for the filing of motions *in limine* and proposed jury instructions, as well as remote trial procedures for jury selection, objections, advance submission of documentary exhibits in Odyssey,⁵ presentation of witnesses, handling communication between counsel and clients during trial, and handling bench conferences. The court will indicate when exhibits must be filed and provided to the opposing party. If possible, the OA who will participate in the trial should take part in the conference. The judge will discuss technical matters with the OA, including the screen “view(s)” that will be used during trial.

The court will decide on a case-by-case basis whether to meet the need for public access to the proceedings through a link to the Webex hearing made available to the public in a manner consistent with the prevailing Court Administrator’s Office protocols or by livestreaming the trial on a publicly accessible platform.

It is extremely important for the court to engage the parties in discussions regarding advanced stipulations to admission of testimony and exhibits. Stipulations will lessen the need for

⁴ Physical, rather than documentary, exhibits pose a challenge in a remote trial. While documents may be viewed on screen during trial and sent remotely to jurors before deliberations, jurors will not have real-time access to physical exhibits. In such cases, arrangements will need to be made to allow jurors to look at physical exhibits in person.

⁵ As of March 15, 2021, all courts now require the filing of documentary exhibits through the Odyssey system. Those protocols apply here. Media exhibits must be sent to the court separately.

bench conferences which will require that the jurors be removed into a breakout room during the conferences.

Where exhibits are voluminous the court will discuss the possibility of counsel providing jurors with hard copy notebooks in advance of trial. In such cases consideration should be given to the private nature of documents. Prior to trial attorneys must provide the witness with any exhibit which the witness will attest or refer to during trial.

The judge will seek counsel's views on choosing alternates due to the risk of jurors having technical difficulties during trial and will make clear how alternates will be determined. A plan for the presentation of any video depositions must be addressed. Lawyers must commit to testing Webex with their witnesses in advance of trial. An OA will be made available to the parties to assist with this. Counsel must also know how to use "share content" on Webex which will be used to allow jurors to view documentary evidence during trial, and they must be able to use a cursor to point to specific places in exhibits.

At the pretrial conference the judge will engage the attorneys in developing a case-specific juror questionnaire. Requiring that jurors answer case-specific questions prior to *voir dire* will shorten the time needed for jury selection and will allow the excusal of jurors for cause even prior to the jury selection process. Once the questionnaire is completed it will be provided to the Vermont Judiciary's Digital Content Manager who will develop a fillable form which jurors may access via the Judiciary website. When advised by a unit that a remote jury trial will be scheduled, the Digital Content Manager will also create a "jury specific" email address for the unit holding the remote trial and will email a compilation of the results in PDF format to the unit. All emails between the unit and jurors as noted in these protocols will utilize this jury specific email address. The unit will share the PDF file with the attorneys participating in the trial. The court will maintain the file and ensure that both the court and attorneys comply with current rules pertaining to public access to juror information.

Finally, the judge will direct attorneys to review the Webex video tutorial and written instructions for attorneys on the Vermont Judiciary [webpage](#) dedicated to this topic. These instructions are also attached to this document as **Appendix H**.

A proposed pretrial order is attached as **Appendix A**.

Summoning the Jury

Jurors will be identified in the usual course, by Jury Management sending a summons and questionnaire. When the unit receives the names of the jurors who have been summoned it will immediately send the jurors a letter explaining they will be participating in a remote jury trial. The unit will ask the jurors to answer additional questions, specific to a remote trial, such as whether they have access to a computer, tablet, or laptop, a reliable internet connection, and a quiet space from which to participate. That letter is attached as **Appendix B**. The jurors will be directed to respond to these additional questions in Part IV of the hardcopy questionnaire they received from Jury Management, or in the Comment Section of the online version of the form. It is imperative that this letter be sent by the unit immediately upon receipt of the juror names from Jury

Management so that the answers to the additional questions may be provided at the same time the juror is completing the questionnaire.

Once the court has ruled on the requests for excusal or deferment and determined the number of qualified jurors for the trial, the case-specific questionnaires for the next trial will be mailed to that group with a deadline for response. These jurors will be notified that the questionnaire may be filled out on paper and mailed back or filled out on the Vermont Judiciary website as described above.

Any requests to strike jurors based solely upon their answers to the questionnaire will be addressed at a second pretrial conference. Once that conference is complete, 36 jurors will be randomly scheduled for remote *voir dire* on the first case.⁶

These jurors will be sent notice of the dates for jury selection and trial. This will be accompanied by a “Help Sheet for Jurors Participating in Remote Trials,” attached as **Appendix C**. The help sheet will direct jurors to the Vermont Judiciary website so they may review a Webex video tutorial and written instructions for jurors participating remotely. The tutorial and instructions can be found on the Vermont Judiciary [webpage](#) dedicated to this topic. These instructions are also attached to this document as **Appendix G**.

If any of the 36 panel members indicate on their original questionnaires that they are unable to participate remotely due to lack of a computer or internet connection, they will be directed to report to the unit in which the trial will be held to retrieve a laptop and sign the terms of use document. RIS will make the laptops available to the unit upon notification from the court that they will be needed for a remote trial and the unit must make this request at least 10 days prior to the day they are needed. Jurors who do not have reliable internet access will be directed to a location with internet access consistent with the unit plan. The clerk will create and share with the judge and counsel lists of the members of the panel who will be participating at a site provided for in the unit plan. Each unit plan must address the possibility of needing more jurors to appear at the identified location than the space allows for due to distancing requirements.

Orientation

Each case should have a separate date for jury selection. On a date shortly before jury selection, jurors will be scheduled to log in and will receive orientation from the clerk and the judge. An OA will be present remotely and will briefly review with jurors the basics of logging in, muting and unmuting, adding juror names and numbers to their views, how breakout rooms work, how to enlarge exhibits on their screens, how to change screen views, and how to seek help. The OA will also explain to jurors how to “raise their hands” and let them know that the “chat” function will not be available to them during the proceedings. Counsel will be permitted, but not required, to log in to observe the orientation.

⁶ There may be a case which requires more or less than 36 jurors for *voir dire*. The judge retains discretion to make this determination.

Jurors will be told that, while they may participate in *voir dire* via a smartphone, the proceeding may be longer than reasonably comfortable for cell phone use. Jurors will be told that they may not participate in the trial with a cellphone because it would be difficult viewing exhibits on screen using that device. A desktop, tablet or laptop must be used during the trial.

The judge will give the jurors an introduction to participating in a remote trial. A sample remote trial introduction is attached as **Appendix D**. The judge will also explain the remote *voir dire* process. Specifically, jurors should be told, among other things, to keep their video on at all times and avoid interruption from others, to log off of all social media and other sites, and to silence phones while participating. The judge will explain the rules of proper decorum for the online proceeding. The judge will also explain the rules prohibiting the recording of any aspect of the trial proceedings. Finally, the judge will give the jurors the typical orientation around legal process and procedure, burden of proof, and related legal and procedural items.

The judge will explain to jurors the process by which evidence, instructions, and the verdict form will be emailed to them prior to deliberations.

The judge will explain that jurors will be questioned during *voir dire* in groups of no more than 18 and only those 18 will answer questions posed by the attorneys in each round.

Jury Selection

On the day of jury selection, all potential jurors will be checked in by the OA. During this process, the OA will explain to the jurors how to change their names and numbers as they appear on their screens. For instructions see **Appendix F**, “How To Change Your Webex Username.” Jurors will be placed in a breakout room after they are checked in.

The OA will inform the lawyers and judges when the jurors are ready. When brought into the courtroom, the first 18 jurors called by the clerk will be subject to the initial round of questioning and will appear within the first 25 cells in the view so that all jurors subject to that round of questioning are visible to the attorneys and judge. It will be important for each juror to respond “here” when called so that they automatically appear in one of the first 25 cells. In addition to the 18 jurors, 7 more participants will appear on the screen. The OA appears in one of the five cells by default and the OA will ensure that the attorneys, judge and clerk appear in the remaining cells. It is crucial that all other participants remain muted. The judge will advise the remaining jurors, who are not subject to the first round of questioning, to remain muted at all times.⁷ The judge will instruct the remaining jurors that they should pay attention to the proceedings but will not be expected to answer questions until they are individually called up after the first round. The judge will instruct the remaining jurors to mute themselves and not to unmute unless given permission to do so. A juror who is muted may use the hand raise function or physically raise a hand to alert the judge if a situation so requires. Each lawyer will then be given the usual

⁷ Currently Webex will allow only 25 participants to appear in the main view. The jurors who are not subject to the first round of questioning will appear on a separate screen. It is important for the judge to stress to these remaining jurors to remain muted because, if a person not appearing on the main screen speaks, he or she will automatically be moved to the main screen, complicating the *voir dire* process. The clerk and OA will monitor both the remaining jurors in case a hand is raised.

opportunity to question the panel. Lawyers will be permitted to take screenshots of the panel to use during *voir dire* and trial, but the judge will order attorneys to delete any screenshots after the trial.

When the attorneys are ready to exercise challenges, all of the jurors will be placed in a breakout room. The panel members will be instructed not to discuss the case. Only the judge and attorneys will remain on the record. Once the challenges are done, the jurors will be brought back into the courtroom. Those jurors who have been excused will be thanked, reminded of their continuing service obligations, and allowed to leave by logging off. The necessary number of new panel members will then be called by the clerk and placed again within the first 25 cells. The usual second round of *voir dire* will take place, and the remaining challenges will be exercised in the same manner as before. This process will continue until the number of jurors agreed to, is selected.

A juror who does not have an email account will have great difficulty participating in a remote trial because obtaining documentary evidence for deliberations, receipt of written instructions and correspondence will all involve use of a juror's email. Consideration shall be given to this issue when selecting jurors. The judge may consider requesting the OA assist a juror in setting up an email account if that juror is otherwise available to participate.

The jurors who have been selected will be informed of their selection and the others excused. They will be assigned juror numbers for reference during trial. Those selected will be reminded of the trial date and how to log in for trial. They will be given the opportunity to ask any technical or procedural questions before logging out. The judge will remind them not to discuss the case, and they will be given the jury phone number and jury email address to check on the trial status the day before trial or to ask any questions or seek help to solve technical problems. An email confirmation of the dates and times of trial, as well as the Webex login information, will be emailed to all jurors chosen for the trial.

Trial

Trial days should be limited to six hours per day to avoid video fatigue. An OA will be present remotely throughout the trial and all jurors will be provided with the OA's work phone number to call or text if necessary. Before the trial begins, the OA will create and name breakout rooms as needed.

On the first day of trial the OA will log in the jurors. The jurors will be reminded of the policies on distractions, communication with others, and the need for privacy during deliberations. The clerk will do a test of emailing a link to all jurors to ensure that they can access exhibits and other documents via email at the end of the presentation of evidence.

The judge will read any preliminary instructions and the lawyers will be given the opportunity for brief opening statements of ten minutes each, or more if the judge allows. Unless approved by the judge in advance, counsel may not share visuals during openings other than an exhibit that has been admitted into evidence by the judge. While exhibits are shared on screen, it will be necessary for the clerk and OA to monitor the jurors for questions or technical difficulties.

When a witness is called the OA will set the screen so that the lawyer asking the question, the witness, and the judge are visible in large profile “stage view” in Webex. The judge will ask each witness whether there is anyone else present in the room with them and instruct the witness not to refer to any documents in their possession related to the case unless directed to do so.

Lawyers may not show exhibits on “share content” until they are admitted and should ask permission of the court prior to sharing. As noted above, a lawyer calling a witness must provide the witness with marked exhibits in advance.⁸ Once an exhibit is admitted, counsel shall ask to share content if they wish the jury to see the exhibit at that time. The whiteboard and annotation functions may also be used with exhibits by permission of the judge. The OA will give an attorney who is conducting a direct or cross examination or a closing argument “presenter status” so that the attorney may share an exhibit while also appearing on screen.

If the judge permits the jurors to ask questions during the trial, the judge shall ask the jurors if there are any questions at the end of the testimony of the witness. If a juror has a question, the juror will be told to email the question to the clerk who will share it with the judge upon receipt. The judge will enter a breakout room with the attorneys, discuss the question and return to the courtroom in the presence of the jurors and advise them of the judge’s ruling on the question.

Pursuant to V.R.C.P. 39(e), jurors may take notes during the trial. At the conclusion of the trial, the judge will instruct the jurors to destroy their notes.

At the conclusion of the presentation of evidence the jurors will be told that they may take a break and will then be placed in the breakout room where they may mute their audio while the judge discusses the jury instructions with counsel. The judge will advise the jurors that the breakout room will be monitored. The OA must confirm on the record that no jurors remain in the hearing before the charge conference begins. If the closing arguments will be given the next day, the jurors may instead be told to sign out and log in the next day at a designated time. The judge’s instructions will be emailed to the lawyers.

Closing arguments should proceed in the usual course.

Final Instructions

In addition to the customary jury instructions, the judge will instruct the jury on the procedures related to deliberations, including to call or text the OA if technical problems arise and to email the clerk if the jury would like to take a break, ask a question, or alert the court when a verdict has been reached. Jurors should be told to isolate themselves during deliberations and not allow others to be present in the juror’s space while the jury is discussing the case. Sample final jury instructions are attached as **Appendix E**. Once it is confirmed that all jurors have received the written materials through email, the jurors will be placed in a breakout room to deliberate. The judge will remind the jurors that they may not discuss the case unless all of them are present. The

⁸ If a last-minute exhibit or rebuttal exhibit is needed, with the judge’s approval, the jury may be placed in the breakout room while the witness is shown the exhibit on “share content” so the judge can rule on admissibility out of the jury’s presence.

clerk will make sure a copy of the jury instructions, and any drafts as directed by the judge, are added to the official case file.

Sharing Exhibits with Jurors During Deliberations

At the conclusion of the judge's final instructions, the clerk will share the admitted documentary exhibits, instructions and verdict form with the jurors by email. If video or audio files have been admitted, these will need to be shown to the jurors again upon request, in the same manner the court would typically play back testimony, rather than emailing these to them (due to the likelihood of bandwidth issues and email content limits). Jurors can be shown how to "share content," and a juror may wish to volunteer to manage such sharing during deliberations if a particular exhibit is being discussed. The OA will remain available to assist with any exhibit issues upon request and with approval of the judge.

If any jurors are participating in deliberations in the courthouse, the judge must ensure that there is no audio or visual security surveillance of that location during deliberations.

Questions from the Jury

If jurors have questions for the judge during deliberations, they will be asked to submit an email from the foreperson to the clerk stating the question. The clerk must continuously monitor the email to assure timely receipt of any questions. The question will be given to the judge for review with the lawyers. A response will be emailed back to the foreperson, with a request to confirm receipt, or the jurors will be brought back into the hearing for an oral response from the judge. All such emails to and from the foreperson will be saved by the clerk as part of the record.

If the jurors ask to review testimony, the judge will inform the lawyers and determine what will be played back. The clerk, who must be familiar with how to play back testimony while recording, will review the FTR record to find the testimony and the jurors will be brought back into the hearing to listen to the playback. They will then be returned to the breakout room. The OA is solely responsible for moving jurors from room to room.

The Verdict

The foreperson will fill out the verdict form by "replying" to the email, filling out the verdict form within the body of the email, and sending it back to the clerk. The foreperson will also inform the clerk via email that the jury is ready to return from the breakout room. The clerk will share the verdict form with the judge and wait for the judge's approval before asking the OA to return the jury to the courtroom. If the judge needs to speak to the jury about a problem with the verdict form (such as a question being left blank or inaccurate calculations), the judge will first advise the lawyers and then have the jury brought back to speak with them. Otherwise, the judge will have the OA bring the lawyers and jury back into the hearing. The judge may read the verdict or ask the foreperson or clerk to do so. The form need not have a signature so long as the foreperson affirms the verdict on the record. The lawyers will be given the usual opportunity to poll the jury.

Once the verdict is read and any requests from the lawyers are addressed, the judge will thank the jurors and excuse them, reminding them of their next scheduled appearance, if any. If necessary, they will be reminded to delete any exhibits still in their possession, including exhibits containing sensitive information. Should the judge desire to speak with the jurors upon completion of the trial, the OA will place them in a breakout room for this purpose.

Once the clerk confirms for the record that no jurors remain, the lawyers will be given the opportunity to raise any final issues and the judge will assign the clerk or a party the task of drafting the judgment order.

A clerk will email to each juror the forms needed to request juror pay, indicating that it may be scanned back to the court, mailed, or physically dropped off.

Appendices

Appendix A: Proposed Pretrial Order for Remote Jury Trial

STATE OF VERMONT

SUPERIOR COURT

_____ UNIT

CIVIL DIVISION

Docket No. _____

_____,

Plaintiff,

v.

_____,

Defendant.

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PRETRIAL ORDER
FOR REMOTE JURY TRIAL

The Court hereby confirms that a jury trial in the above-captioned action shall commence on _____, at _____ a.m. Trial will occur between the following dates: _____ and _____, in accordance with the schedule in Paragraph F, below.

A. Trial Format

☐ Remote:

The entire trial will take place remotely via the Cisco Webex software platform (“Webex”). The parties, counsel, and witnesses will not be physically present in the courtroom. The judge may or may not be physically present in the courtroom. The proceedings may be livestreamed or those who request access to it may be given a Webex link.

In addition, the Court may order other accommodations required for public health.

B. Mediation

☐ Has been accomplished.

☐ Must be accomplished not later than: _____

☐ Is waived.

C. Pretrial Disclosures Between the Parties

1. Exhibits and Witnesses:

a. **Witness Lists.** By _____, the parties shall electronically exchange lists of the witnesses whom each party expects to call at trial, including experts (if previously disclosed in compliance with the operative ADR/Discovery Stipulation & Order or other case scheduling order). Lists shall include as much of the following information as is known to the party disclosing the list: full name and general topic area(s) of expected testimony.

b. **Exhibit Lists.** By _____, the parties shall electronically exchange lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment or rebuttal purposes.

c. **Documentary Exhibits.** By _____, the parties shall exchange electronic copies of all documentary exhibits, except for exhibits to be used only for illustrative, impeachment or rebuttal purposes.

d. **Non-Documentary Exhibits.** By _____, the parties' non-documentary exhibits, except those to be used only for illustrative, impeachment or rebuttal purposes, shall be made available for remote inspection by all other parties.

e. **Exhibits in Lieu of Live Testimony at Trial:** If deposition transcripts (including video-recorded depositions), designated parts of deposition transcripts, interrogatory responses, responses to requests for admission, or other discovery responses

are to be used at trial as substantive evidence in lieu of live testimony, the offering party shall provide a list of such evidence to the opposing party by email no later than _____. Counter-designations and objections shall be electronically transmitted to opposing parties by e-mail no later than _____.

f. **Failure to List, Exchange or Disclose.** Any witness or exhibit not listed, exchanged, or made available for inspection as required above may not be used at trial, unless the Court orders otherwise for good cause shown and subject to such conditions as justice requires. Good cause includes the receipt of information in supplemental response to discovery requests beyond the deadlines set forth above, in which event the requesting party should supplement that party's lists and/or exhibits in a prompt and timely manner.

g. **Remote Appearance of Witnesses.** All witnesses in this remote trial shall appear remotely by video, unless the Court otherwise directs.

2. Other: _____

_____.

D. Documents to be Filed With the Court

1. Exhibits and Other Evidence:

a. Exhibits will be filed through Odyssey.

i. Uploading Exhibits:

1. Parties must file and serve all of their exhibits and an exhibit list in Odyssey no later than ____ business days before trial.

2. Exhibits must be pre-marked by the parties and labeled according to the naming conventions required by the Court. Exhibits will not be pre-marked by the Clerk's Office.

ii. **Compliance:**

1. Failure to comply with exhibit filing deadlines and procedures may result in exhibits being excluded by the Court.

2. No later than _____ court days before trial, the parties must each deliver to the Court any exhibits that cannot be adequately filed electronically. However, they must be listed on the exhibit list and a photograph, reduced copy, or text description of the exhibit must be filed and served electronically.

b. **Exhibit certification:**

i. The parties must certify in writing when the exhibits are filed that the exhibits exchanged between the parties and provided to witnesses are and will be identical to the original set of exhibits provided to the Court and do not and will not contain notes, highlighting, or any material not contained in the original exhibits provided to the Court.

2. Stipulations

The parties shall confer in a good faith effort to reduce or eliminate their objections and disagreements about admissibility of exhibits so bench conferences during the remote trial can be avoided. At least ___ business days prior to trial, the parties shall file with the Court any stipulation as to the admission of exhibits.

E. Proposed Jury Instructions

All proposed jury instructions on issues apparent prior to trial shall be filed with the Clerk's office and served upon opposing counsel no later than

_____.

1. **Other:** _____

_____.

F. Motions *in Limine* shall be filed with the Clerk's office and served upon opposing counsel no later than _____. Any opposition shall be filed by _____. Replies shall be filed by _____ (note if replies are waived).

G. Other Requirements

- ☐ The following additional equipment is required:
- ☐ The following ADA accommodations are required:
- ☐ Interpreters are required as follows:
- ☐ Other special requirements:

H. Trial Schedule

This case will be tried over ____ days according to the following anticipated schedule:

_____.

I. Identifying Trial Participants to the Court

Unless the Court otherwise directs, all persons will participate in the trial of this action by video via Webex.

J. Remote Trial Access and Appearance

The Court will provide counsel for the parties with a remote access link, together with any passwords, identification numbers, and other information necessary to access the trial through Webex. Counsel are required to share the link and access information with their respective parties and witnesses. Counsel shall ensure in advance of witness testimony that witnesses have sufficient hardware and internet access to be able to testify remotely using Webex. Counsel shall test each witness's ability to access and use the Webex platform in advance of the witness's testimony. Counsel shall also ensure that, at the time of a witness's testimony, the witness is able to testify in a distraction-free setting.

Unless the Court otherwise directs, all parties, counsel, and witnesses shall appear remotely with video and audio enabled. No party, attorney, or witness may appear solely by audio (whether by Webex without video enabled or by phone) without prior permission from the Court.

K. Trial Attendance

1. Remote Attendance:

Only parties, counsel, judge, jurors and public observers, if any, may be present via the Webex platform ~~for~~ during the ~~entire~~ trial. Non-party witnesses will be allowed to remotely participate in the trial via Webex only at the time they are called to testify. A party may request that an expert witness be allowed to observe testimony of another witness through the Webex platform. No other individual will be allowed to participate in the trial remotely via the Webex platform without prior permission of the Court. Parties, counsel, and witnesses should not share the remote access information for the trial with anyone not authorized in this order to participate in the trial via Webex without prior permission from the Court.

This order governs how the Court, parties, counsel, and witnesses will conduct the trial via the Webex platform. Nothing in this order is intended to limit any public right to observe the trial.

2. Witnesses Excluded:

Pursuant to V.R.E. 615, all non-party witnesses are excluded from the trial until they are called. Until a witness is excused and is not subject to being recalled, or the Court has authorized their presence, a witness shall not observe, listen to, or otherwise access, through any means, the testimony of other witnesses or other proceedings for this case.

3. No Recording:

No one other than court staff is authorized to record the proceedings by any means without prior permission from the Court.

4. Security:

The Court will only allow parties, counsel, witnesses, and those with prior permission to access the remote trial. The Court has the ability to mute, remove, and block individuals not authorized to access the remote trial. The Court will consider livestreaming the trial or providing a Webex link.

L. The Court Record

The official record will be captured and maintained only through a means authorized and conducted by the Clerk of the Court. A clerk will be physically present in the courtroom, and will keep the official record and custody of any non-electronic exhibits, regardless of physical location.

Remote trial participants should not use Webex's chat feature, because such chats cannot be made part of the record . If remote trial participants have technical difficulties, they should contact the Court Operations Assistant (OA) by text or phone. The chat feature will be disabled during hearings.

M. Calling Remote Witnesses During Trial

Unless the Court directs otherwise, the party calling the witness is responsible for notifying the witness when the witness is to be called so that the witness can access the trial remotely. Any witness appearing remotely must appear with video and audio enabled, absent prior permission from the Court. During testimony, the witness shall not communicate with anyone other than the Court or counsel, and only through Webex. Witnesses shall not refer to any documents during their testimony unless and until the witness is directed to do so.

N. Handling Exhibits Remotely During Trial

1. Substantive Exhibits:

During the trial, witnesses should be examined using premarked copies (electronic or hard-copy) of exhibits provided to the witness in advance or shared with the witness using Webex's content-sharing function during examination, with the Court's permission.

Authenticating, establishing the admissibility of, and offering exhibits remotely should be done according to the Rules of Evidence just as in an in-person trial. The witness appearing remotely should be directed to access the witness's copy of the exhibit or counsel may share the exhibit with the Webex content-sharing function. If the exhibit is admitted, the Clerk will mark the electronic file copy as admitted.

2. Illustrative Exhibits:

Demonstrative exhibits may be marked and transmitted to the Court in advance or marked up during trial using the Webex annotation tool.

3. Playing Video Depositions During Trial:

Any party intending to offer video deposition testimony during the remote trial shall notify the Court and opposing counsel in advance. The offering party should be prepared to play the relevant portions of the deposition through Webex

4. Publishing Deposition Transcripts:

Any party anticipating the possibility of using a deposition transcript during trial must file and serve a copy of the deposition transcript in advance of trial. Counsel shall provide every witness called by that party a copy of that witness's deposition prior to trial if one was taken.

O. Professionalism During the Remote Trial

1. Cross-Talk and Microphones:

When the Court, a party, counsel, or a witness is speaking, all participants should avoid interrupting the speaker to the extent possible to ensure a clean record. During trial, generally, all participants other than the Court, the witness, and the examining and defending attorneys should mute their microphones. Remote participants using multiple devices in a single workspace to access the trial should avoid audio feedback issues by, e.g., only using the microphone and speakers on one device at a time, or by utilizing headphones. Participants using separate devices should be located in another room.

2. Objections:

When an objection is made, counsel should avoid stating more than a brief basis in the jury's presence. If a longer discussion is required, the jury will be placed in the breakout room during the discussion.

3. Disconnection:

In the event the Court, a party, counsel, a witness, or anyone else necessary to the proceedings becomes disconnected from the remote trial, the trial will stop while the Court works to reconnect the individual. Counsel must ensure that a witness has an alternative means of contacting and communicating with counsel in the event of disconnection.

4. Limiting Distractions:

To the extent possible, remote trial participants should conduct themselves the same way they would if they were physically present in a courtroom. Remote participants should silence electronic devices other than devices necessary for remote participation, and generally take steps to minimize anything in their remote workspaces that would distract from the integrity of the proceedings. The Court understands that conducting trial from one's home, for example, presents many challenges. The Court asks all remote participants to do their best to maintain decorum in order to conduct an orderly, fair and efficient trial.

5. Webex Display Names:

When accessing the trial, remote participants should ensure their Webex display name is their actual name unless directed otherwise by the Court.

P. Post-Trial Evidence Handling

Electronic exhibits not offered during the remote trial remain in the public electronic record unless the Court authorizes their sealing.

Q. Technology Support

Counsel and witnesses should call the court staff for technical assistance with Webex. During remote *voir dire* and trial, counsel may contact the Operations Assistant.

R. Notice

Noncompliance with the terms of this order may result in sanctions, including the exclusion of evidence, dismissal, entry of default, fee awards, or such other sanctions as the Court deems appropriate.

IT IS SO ORDERED.

DATED this ____ day of _____, 2021.

Superior Court Judge

Appendix B: Letter to Jurors Regarding Participation in a Remote Jury Trial

Name of Unit
Address
Email (assigned for remote trial)
Phone number

Summoned Juror:

You have been selected to serve as a prospective juror for the Vermont Superior Court as outlined in your Summons. **You will be participating in a remote trial.** This means that, despite the indication on your summons, you will not be required to report directly to the courthouse, unless you cannot participate remotely. To that end, please indicate **on the jury questionnaire you have already received** whether it would be difficult for you to participate in a remote jury trial for any of the following reasons:

- Lack of access to a computer, i.e. laptop, desktop, or tablet (a cell phone may not be used during a remote trial)
- Lack of a reliable internet connection
- Your data plan will not support remote participation in a trial
- Lack of a quiet, private space in your home or another location from which you can participate

Please be specific in explaining which issues above pose a problem for you.

If you are filling out the jury questionnaire you have received in paper form, please respond to the above questions in Part IV of that questionnaire. If you are filling out the questionnaire online, please answer the questions in the Comment Section.

NOTE - Even if you have indicated that you do not have the equipment, internet connection, or quiet space, you may still be required to participate in the remote trial. In such instances, the Judiciary will provide you with the equipment, internet connection and quiet space from which to participate.

You must answer these questions in the jury questionnaire by_____.

Thank you.

Appendix C: Help Sheet for Jurors Participating In a Remote Trial

Welcome to Jury Duty. You will be participating in a remote trial which means that you may not have to appear at a courthouse and may participate from another location.

We appreciate your patience with this new remote method. It is different for all of us, and we appreciate your patience and participation.

To familiarize yourself with Webex, which is the platform the court will use to connect all those participating in the trial, please visit the Vermont Judiciary's Website here: (link to jury specific page on JUD website that we will create.) There is a video tutorial for your review and written instructions that will help you learn how to work with Webex.

Please pay particular attention to the following areas:

- Logging in
- Using the Mute Button
- Viewing documents

While participating, if you have trouble connecting, are disconnected from the jury draw or trial or lose audio/video, immediately call or text the Operations Assistant at _____.

The Operations Assistant is available by phone at the above number during the hours of the trial only.

If you have non-Webex or non-technical questions, please contact the court at _____.

Appendix D: Sample Remote Jury Trial Introduction

Hello, and WELCOME to jury service and jury selection for _____ County Superior Court.

Due to COVID-19, we will be doing this ENTIRE jury selection and trial remotely through an internet program called Webex. Your care and attention to the instructions I am about to give you are critical to the success of this jury trial.

As you know, our community and nation are in the midst of a pandemic. We are attempting to balance the health risks versus the need to operate the court system. Trial by jury is an ESSENTIAL part of our democracy allowing for the peaceful resolution of disputes between neighbors, parties, the State and its citizens.

We thank you for participating in this process. Without your participation, the Judicial Branch of our government would not be able to function.

I'll be talking to you in a minute more about the trial and how it will proceed, but there are a few general things I want to emphasize.

As you can see, we are using Webex for all aspects of this trial. In general, we all should conduct ourselves as if we are in a courtroom. You must keep your video on at all times unless I tell you to turn it off so that the court and participants can see you. If selected, you will appear each morning for court by joining the Webex meeting reserved for this trial. While you are participating in the proceedings, no other member of the household should interrupt or influence your service. You should try to be isolated if you can. There may be times when our technology fails. If for any reason you are unable to hear the proceedings, please let us know immediately. Often a hand gesture works to get our attention if audio does not work. You will also have the Operations Assistant's (also referred to as an "OA") phone number, which you can call or text to let us know of the problem. I will give you that number now _____. Similarly, if during the trial you are not properly excluded during private conferences between the court and counsel, immediately raise your hand to alert me. I will direct you to mute or disconnect yourself from those proceedings.

Everyone, the court, the parties, the lawyers, and jurors will likely be participating in this process completely remotely through Webex.

A smartphone is a perfectly good way to participate in this jury selection process. However, for the trial itself, a larger screen is needed, such as a laptop, computer display or tablet. This will allow you to better see the participants and to look at documents and other exhibits. Let us know if that is an issue. I ask that no one else use the same Wi-Fi while you are participating in this process if possible, as this can make the connection unstable. We understand that there may be others in your home working or attending remote school so this may not be possible. It may be helpful to use earphones to better hear the trial and to block out other noise.

If you are using your smartphone during jury selection, we would like you to turn off your ringer, and turn on the “do not disturb” function, so that distracting messages do not come through. The phone notifications should be turned off completely and not used for any other function when court is in session. The vibrate function should also be turned off. If you are using a computer or tablet, it is best to leave your phone in another place or turn it off completely. If you have a landline, set it to receive messages, and answer only when we have a break. Also, please turn off any notifications on your computer so there are no distractions. While court is in session, do not use the internet, text, or participate in any other activity while jury selection is under way. However, if you have an emergency, or need to be available to a child or someone with a medical issue, please let us know.

As with any trial, we are being audio recorded by the court clerk to create an official record of the proceedings. Jurors are not permitted to record the proceedings or any part of them. That includes your cell phone, tape recorder, computer, or any other method.

To reduce fatigue caused by this remote process, we will conduct a three-hour session in the morning and a three-hour session in the afternoon. We will take a lunch break and morning and afternoon breaks to minimize what has been called “Zoom fatigue.” Do not leave the Webex meeting or leave the room you are in without permission. If you need a break, please ask me.

Attorneys will ask questions in this selection process. For example, they might ask, “Please raise your hand in Webex or on the screen if you know any of the parties, attorneys or witnesses

we just named” or “Please raise your hand if you agree or disagree with this statement....” If you did raise your hand and the attorney did not get to you, please keep your hand raised.

During the jury selection process, or any other portion of the trial, if you are having difficulty hearing or seeing, please get our attention immediately, by raising your hand, or contacting the Operations Assistant. It may be necessary to make other arrangements if your personal technology is not working, or your internet connection is not reliable. Reliable connection to the internet is essential to your participation.

There is a chat function in Webex which will be disabled during hearings. If you have technical difficulties, you should call the Operations Assistant.

We ask that you MUTE your microphone when not speaking. This avoids echoes and unwanted noise. When you are required to speak, unmute your microphone. This may take some getting used to. Take your time when speaking. When people speak over each other generally neither can be understood. This can also compromise the quality and clarity of the recording that is the source of the court record.

We will be using “breakout rooms” which are virtual rooms that are separate from the main virtual courtroom. For example, when you logged on this morning, you may have been placed in the “jury breakout room” and then brought in with me and the parties to begin jury selection. After your group of potential jurors have been questioned, you will be placed in a breakout room while I speak with the parties. You will be returned to the virtual courtroom and those who have been excused will be allowed to leave. We will bring in new people to replace any of you who are excused and the selection process will continue until we have chosen 12 jurors and 2 alternates. While waiting in the breakout room at any point during jury selection, you must not discuss the case. As I said earlier, you may only discuss the case after all the evidence has been presented, the attorneys have given their summations, and you begin your deliberations.

The Court understands that conducting the trial from remote locations may present challenges. To the extent possible, all participants should conduct themselves in the same way that they would if the trial were being conducted physically in a courtroom. I ask that all of you do your best to maintain professionalism in order to conduct a fair and efficient trial.

Courtrooms are public, and trials may be observed by the media or by members of the public. However, court rules prohibit the media from showing jurors' faces in any photos or videos they take. Other members of the public are barred from making any audio or video recordings when a jury is present. In addition, although the court makes an audio recording of jury selection and of all trials, and parties to the case are allowed to make audio recordings, no video recording is made.

There may occasionally be trials that are "livestreamed," meaning that they can be watched on YouTube while they are taking place. However, a YouTube broadcast typically does not get recorded or posted, meaning that the proceedings that are livestreamed only available in real time. If a trial you are selected for is going to be livestreamed, we will inform you. If you have any concerns about the livestreaming, you will have the opportunity to raise those concerns with me.

If during jury selection you are asked any questions that you feel are too personal to answer in front of other jurors or any observers, you will always be able to tell me that you would like to answer privately, meaning that only I, the courtroom clerk, and the lawyers would hear your answers and they would be kept confidential on the recording.

Appendix E: Remote Jury Trial Final Instructions

We are at the stage of the trial in which you will begin your jury deliberations.

I will get into the specific instructions that pertain to this case in a minute, but I wanted to review a few things that are important to know because this is being done via Webex.

Generally, you must still conduct yourselves as if you were in court. All the other instructions are still in place, except I will soon tell you that you may discuss this case.

During deliberations, you will remain in Webex and we will place all jurors in a breakout room that will be called the Jury Deliberation Room.

When in deliberations with your fellow jurors, you must be alone at your physical location. No other person may be in the same room that you are in or be able to hear or listen to the conversations and discussions among you and your fellow jurors. You may not engage in any other tasks, including phone calls or responding to email.

All jurors must participate in the deliberations. No juror may be excused by the Jury Foreperson or by the other jurors, even momentarily, to do any other work or perform any other activity while jurors are deliberating.

If any juror needs to take a short break – to go to the restroom, answer an urgent knock at their door, respond to any emergency, or for any other reason step away, notify your fellow jurors and deliberations must pause. All 12 of you must be present together in the virtual Jury Deliberation Room to discuss this case. The rest of you may remain and talk about other things, but not about the case.

You may as a group decide to take a break to have lunch, get a snack, take a rest or for any other reason. If you plan to take a break, notify the clerk via email. If taking a break, we recommend that you stay logged on, but that you mute your microphone and turn off your video. If you wish to end your deliberations for the day and return in the morning, the Foreperson should send the clear a note by email. I will consider the request and decide the best course of action. Do not end deliberations for the day until I have responded to you.

If any juror loses connection or has other problems with the technology, please immediately call or text the Operations Assistant. If a juror is disconnected during your

deliberations, pause deliberation until that juror is able to reconnect. The Operations Assistant will re-admit the juror to the Jury Deliberation Room as soon as possible. If you have other reasons to reach us, you have a verdict, you wish to ask me for permission to break for the day and return in the morning, or you wish to have testimony replayed, please have the Jury Foreperson email the clerk.

Instructions Regarding Evidence

Once my instructions are done, each juror will receive an email with (1) a verdict form; (2) the exhibits; and (3) the jury instructions. We will email the official verdict form to the Foreperson.

DO NOT screenshot, use a snipping tool, photograph or otherwise copy or print any of the exhibits.

If there are problems accessing these documents, please contact the Operations Assistant.

If there is testimony that you would like to have played back to you during deliberations, notify the clerk via email. Please be ready to describe as well as you can the portion of testimony that you would like to have replayed.

Instructions When a Verdict Has Been Reached

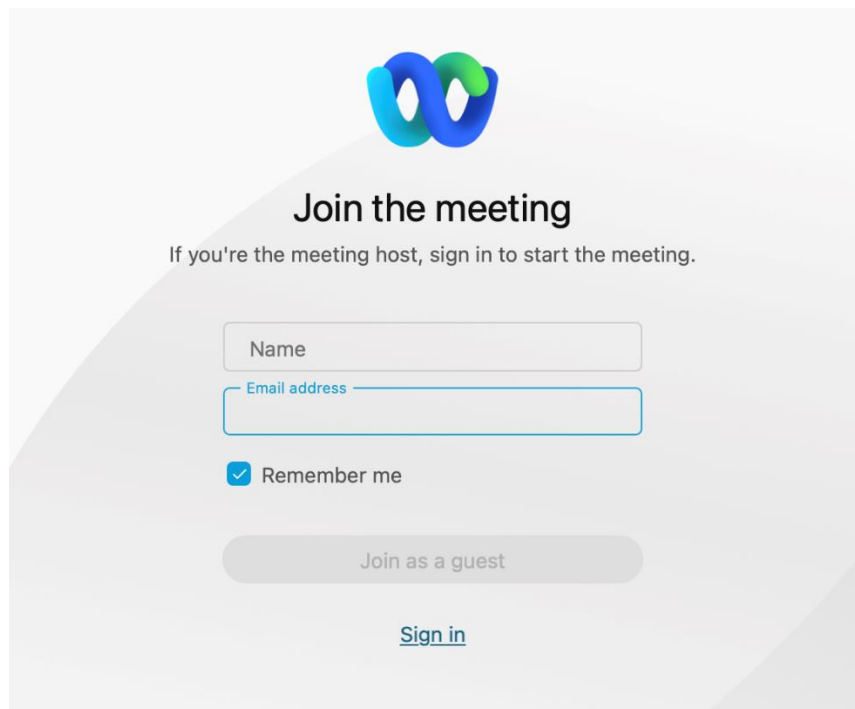
After you have reached a verdict, your Jury Foreperson should complete the verdict form by replying to the email, filling out the verdict form within the body of the email, and sending it to the clerk, who will then inform me. You must then await further instructions from me or court staff. Before you are free to leave, you will be brought back into the virtual courtroom and I will speak with you. I will ask the foreperson whether the verdict form represents the verdict of the jury. If needed, the Operations Assistant can be called to assist in emailing the jury verdict form and having you returned to the courtroom. Remember, if you have any technical issues, call the Operations Assistant.

How To Change Your Webex Username

1. Leave the Webex session
 - a. If you get stuck on any step call or text the Operations Assistant.
2. Find your Webex Invite and click the green join meeting button

Join Meeting

- a. Type in your Jury number and name in the “Name” box.
a. 1-Firstname Lastname Example: 1-Sam Smith

The image shows the Webex 'Join the meeting' interface. At the top is the Webex logo, a stylized 'W' in blue and green. Below it, the text 'Join the meeting' is displayed in a bold, black font. Underneath, a smaller line of text reads 'If you're the meeting host, sign in to start the meeting.' There are two input fields: the first is labeled 'Name' and the second is labeled 'Email address'. Below these fields is a checkbox labeled 'Remember me' which is currently checked. At the bottom of the form is a button labeled 'Join as a guest'. Below the button is a link that says 'Sign in'.

4. Click join as a guest
5. Click the join meeting button and join the meeting with new name

Appendix G: Remote Jury Trial Webex Instructions for Jurors

Requirements

Participants will need one of the following devices, in addition to an invitation link or the meeting ID:

1. A desktop or laptop with a camera, the Webex Meetings App downloaded on the device, and an internet connection sufficient to reliably support video conferencing.
 - Click [here](#) to download the Webex app on your device.
 - You will be prompted to enter your name. Please enter your first and last name in the fields provided (this step is important because this is how your name appears in the trial)
2. A smartphone or tablet with a camera, the Webex Meetings App downloaded on the device, and an internet connection sufficient to reliably support video conferencing.
 - The app is available to download for free through your phone's app store.
 - You will be prompted to enter your name. Please enter your first and last name in the fields provided (this step is important because this is how your name appears in the trial).

Preparation checklist

1. Watch the instructional video on joining and participating in a remote trial as a juror.
2. At least a day before the trial, choose how you will join Webex and test it out. If you are using the computer app, you can test out Webex [here](#). Be sure to test both the device you intend to use and the internet connection you intend to use.
3. Make sure you are in a quiet, private location for the trial.
4. Make sure you have a good internet connection, sufficient to reliably support video conferencing and good phone service.
5. Join the Webex 15 minutes before the hearing starts.
6. Do not have a light source behind you – instead, light can be in front, to the sides, or above you. (Having light, like a window, behind you will make it very hard for you to be seen.)
7. Use video and position your webcam/video at eye level.
8. Make sure the view behind you is not cluttered – consider sitting in front of a wall, in an office, in front of curtains, etc.
9. Remember that you are in court, in a formal trial. The same expectations of appropriate dress and behavior apply.
10. If possible, use an external microphone, or headphones with a built-in microphone (to prevent echoes and feedback).

During jury selection

1. **If you get disconnected, immediately text or call the Operations Assistant (OA). You will be given the OA's contact information when you first log in for the start of jury selection.**

2. Keep yourself muted and only unmute when you need to speak. Mute when you are finished.

Webex controls



How do I join remote jury selection using Webex?

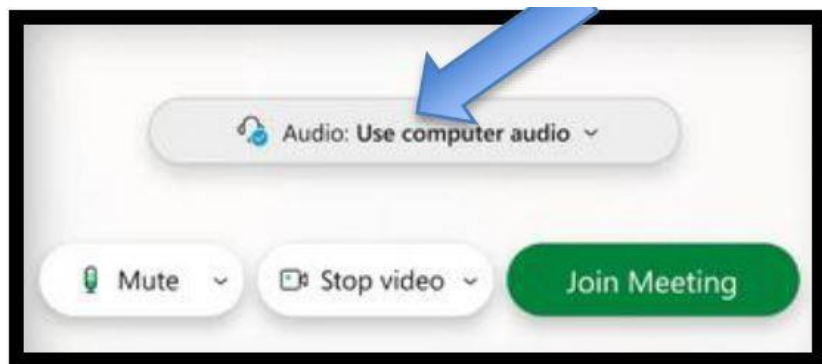
There are multiple ways to join:

1. Desktop App (Computer, Laptop) - Click [here](#) for detailed instructions
 - This is the recommended method. You will need to download the app prior to joining. Download the app in advance of the trial.
2. Browser (Computer, Laptop) - Click [here](#) for detailed instructions
 - Useful if you cannot download or install an app on your device.
3. iOS or Android App (Smartphone, Tablet) - Click [here](#) for detailed instructions
 - Join by using the Webex phone app. You will need to download the app prior to joining. Download the app in advance of the trial.

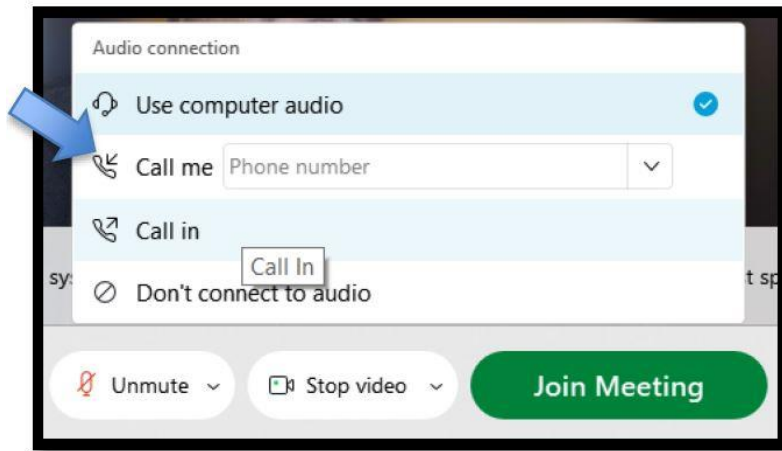
What if I do not have a microphone, or poor internet makes my voice sound choppy?

You can join using either the desktop app or browser and have Webex “call” your phone. You will still see all the participants on your screen, and they will hear you, but the audio will go through your phone line.

- In the pop-up window before you Join the meeting, click Use Computer Audio for a list of options.



- Choose the “Call Me” option, and type in your phone number.



- You will receive a call prompting you to press “1”, and your audio will be connected to the trial.

How do I make sure I can connect to a remote jury trial via Webex before it starts?

Webex allows you to test your equipment prior to joining a call. Ensure that you have the Webex meeting application installed.

Visit the “Try out a real Webex online meeting” [link](#) with your mobile device, laptop or desktop to do a trial run within the platform.

- You will be prompted to provide your name (use your first and last name) and email address.
- Then click “join,” by hovering over the bottom right-hand corner on the speaker icon, it will turn into ‘settings,’ where you are then able to test your speakers and microphone.

What if I see “You can join the meeting after the host admits you”?

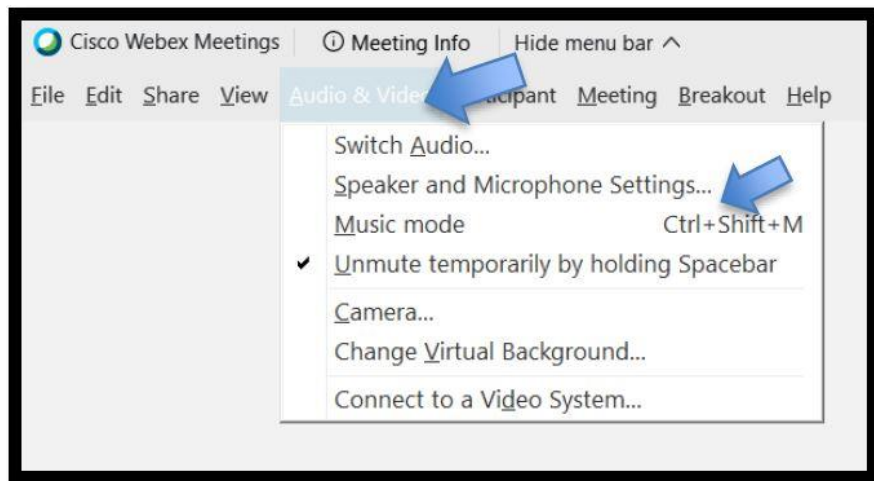
This message means you have been temporarily placed in the lobby by the meeting host. You will be readmitted to the hearing at the Judge’s discretion.

If you lose audio *during* a hearing, text or call the Operations Assistant immediately.

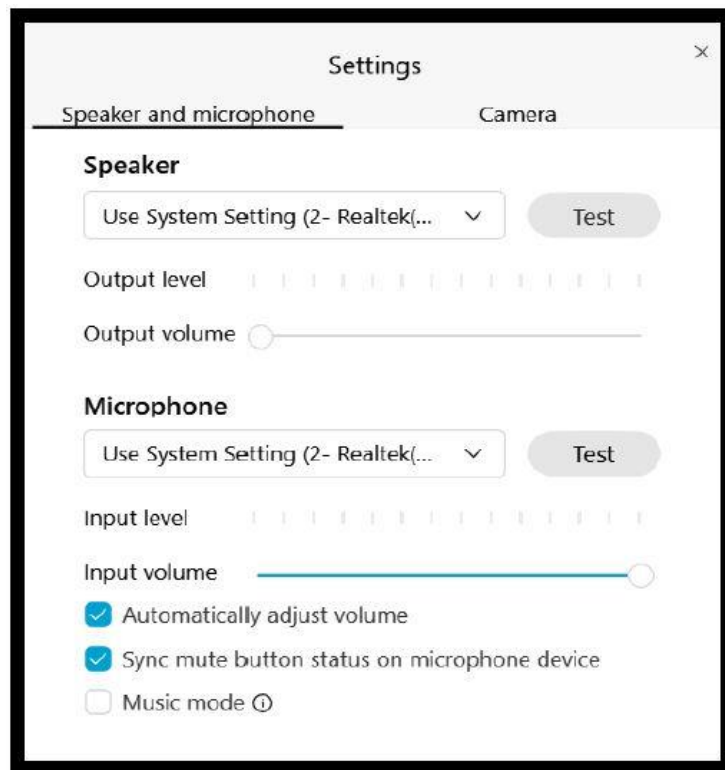
When you first join the hearing, if you cannot hear other participants or they cannot hear you, try these steps before calling the Operations Assistant.

Is your volume up? Are you sure you are not muted? If these are ok, then do the following:

- Open the Audio & Video menu on the top menu bar.



- Click the “Speaker, Microphone, Camera” button.



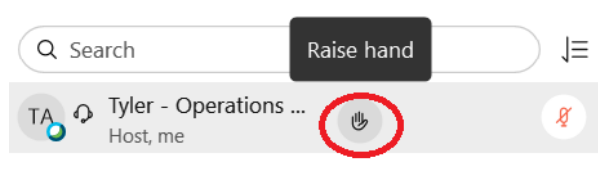
- The pop up will provide you with an opportunity to change your speaker (where you hear the meeting), microphone (how people hear you), or the video you use.
- If this does not fix your issue, please text or call the Operations Assistant for help.

How do I raise my hand in Webex?

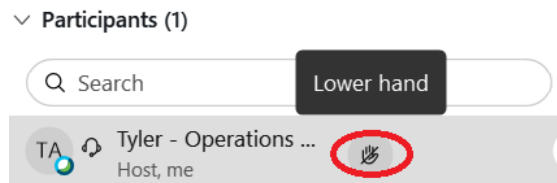
- Click on the “participants” button.



- Next to your name, click the “raise hand” symbol.



- To lower your hand, click the same symbol again.



Appendix H: Remote Jury Trial Webex Instructions for Attorneys

Requirements

Participants will need one of the following devices, in addition to an invitation link or the meeting ID:

1. A desktop or laptop with a camera, the Webex Meetings App downloaded on the device, and an internet connection capable of video conferencing.
 - Click [here](#) to download the Webex app on your device. Enter your first and last name in the fields provided (this is how your name will appear in the trial).
2. A smartphone or tablet with a camera, the Webex Meetings App downloaded on the device, and an internet connection capable of video conferencing.
 - The app is available to download for free through your phone's app store.
 - Enter your first and last name in the fields provided (this is how your name will appear in the trial).

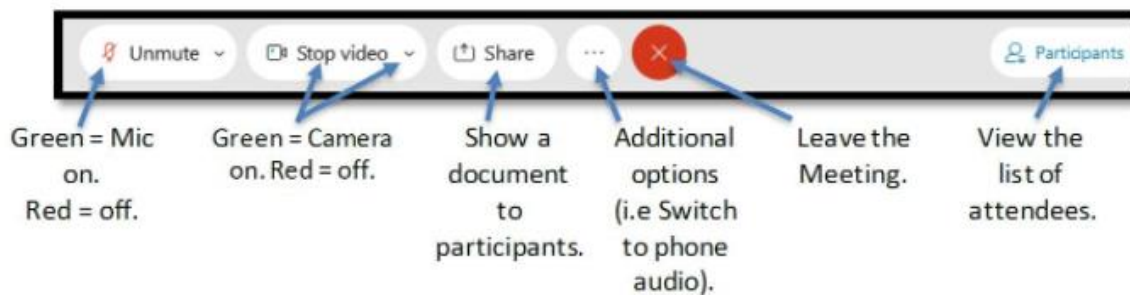
Preparation checklist

1. Watch the instructional video on joining and participating in a remote trial.
2. Well in advance of the trial, test out Webex [here](#). Be sure to test both the device you intend to use and the internet connection you intend to use.
3. Make sure you are in a quiet, private location for the trial to reduce background noise.
4. Make sure you have a good internet connection and good phone service. If possible, use an ethernet cord to plug into your modem directly – this will give you a much better connection than Wi-Fi.
5. Join the Webex 15 minutes before the hearing starts.
6. Do not have a light source behind you – instead, light can be in front, to the sides, or above you. (Having light, like a window, behind you will make it very hard for you to be seen.)
7. Use video and position your webcam/video at eye level.
8. Make sure the view behind you is not cluttered – consider sitting in front of a wall, in an office, in front of curtains, etc.
9. Remember that you are in court, in a formal trial.
10. If possible, use an external microphone, or headphones with a built-in microphone (to prevent echoes and feedback).

During the trial

1. **If you get disconnected, immediately text or call the Operations Assistant (OA). You will be given the OA's contact information at the start of the trial.**
2. Keep yourself muted and only unmute when you need to speak. Mute when you are finished.

Webex controls



How do I join a remote jury trial using Webex?

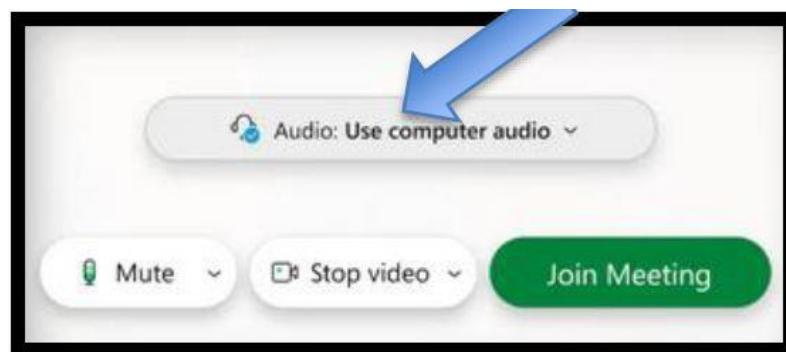
There are multiple ways to join:

1. Desktop App (Computer, Laptop) - Click [here](#) for detailed instructions.
 - This is the recommended method. You will need to download the app prior to joining. Download the app in advance of the trial.
2. Browser (Computer, Laptop, Chromebook) - Click [here](#) for detailed instructions.
 - Useful if you cannot download or install an app on your device. We do not recommend using the browser, especially if you intend to share content.
3. iOS or Android App (Smartphone, Tablet) - Click [here](#) for detailed instructions.
 - Join by using the Webex phone app. You will need to download the app prior to joining. Download the app in advance of the trial. We do not recommend that attorneys use the smartphone app for a trial.

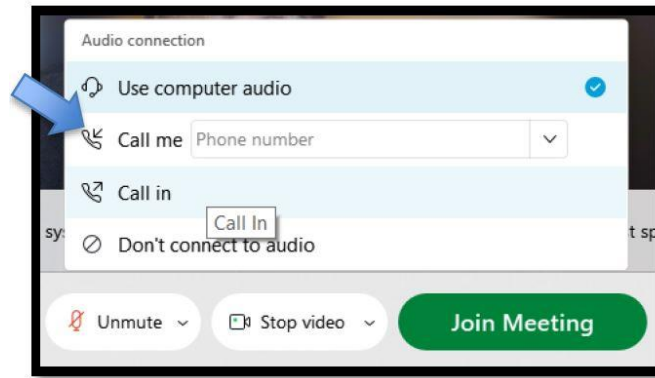
What if I do not have a microphone, or poor internet makes my voice sound choppy?

You can join using the desktop app and have Webex “call” your phone. You will still see all the participants on your screen, and they will hear you, but the audio will go through your phone line.

- In the pop-up window before you Join the meeting, click Use Computer Audio for a list of options.



- Choose the Call Me option, and type in your phone number.



- You will receive a call prompting you to press “1”, and your audio will be connected to the meeting.

How do I make sure I can connect to a remote jury trial via Webex before it starts?

Webex allows you to test your equipment prior to joining a call. Ensure that you have the Webex meeting application installed.

Visit the “Try out a real Webex online meeting” [link](#) with your mobile device, laptop, or desktop to do a trial run within the platform.

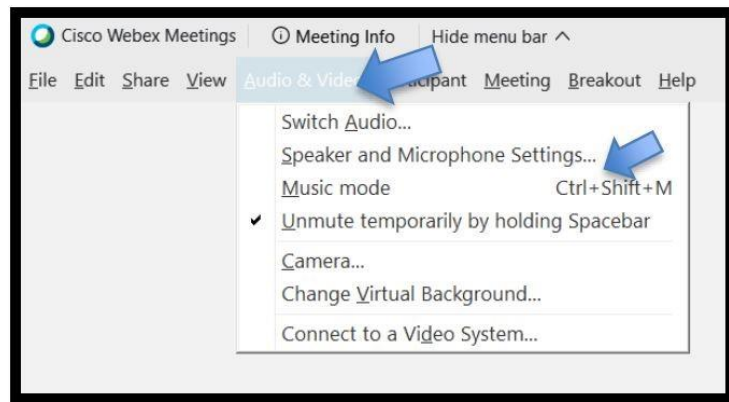
- You will be prompted to provide your name and email address. The way you enter your name is the way it will be displayed in the trial.
- Then click “join,” by hovering over the bottom right-hand corner on the speaker icon, it will turn into ‘settings,’ where you are then able to test your speakers and microphone.

If you lose audio *during* a hearing, call the Operations Assistant immediately.

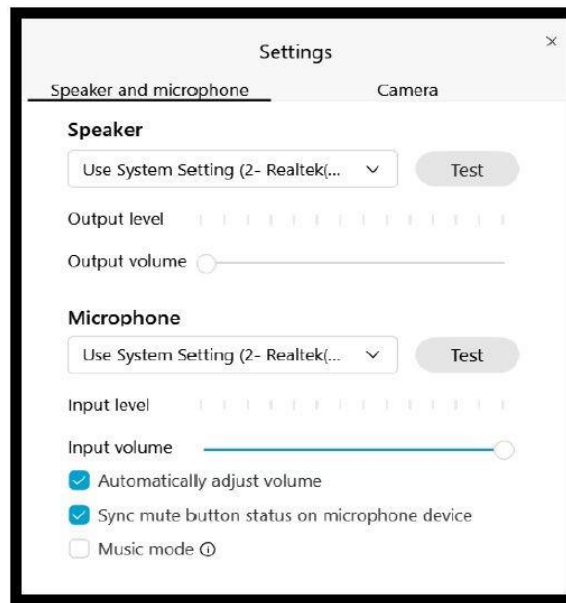
When you first join the hearing, if you cannot hear other participants or they cannot hear you, try these steps before calling the Operations Assistant.

Is your volume up? Are you sure you are not muted? If these are ok, then do the following:

- Open the Audio & Video menu on the top menu bar.



- Click the “Speaker, Microphone, Camera” button.



- The pop up will provide you with an opportunity to change your speaker (where you hear the meeting), microphone (how people hear you), or the video you use.
- If this does not fix your issue, please text or call the Operations Assistant for help.

How can I have a private conversation with my attorney, client, or colleague?

Breakout rooms allow individuals to temporarily leave the meeting to join a ‘smaller,’ more personal meeting. (At this time, breakout rooms are available for people who are participating via the Webex app on a computer or with the Webex app on a smartphone. In the coming months people who have called in on a phone line will also be able to use breakout rooms.)

You will receive a pop-up window that notifies you when you are able to join a breakout session, which you can accept or deny. When leaving the breakout session, navigate to the red icon that looks like a door. This will allow you to return to the main meeting.

How do I share files using Webex?

There are multiple ways to share in Webex. The instructions below cover the most straightforward methods. These instructions are for the Webex app on a computer. All other sharing methods will have limited functionality. Download the Webex app [here](#).

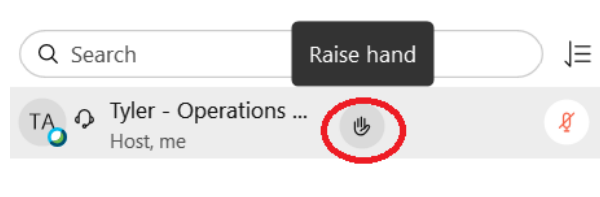
View the [External Webex Users Sharing Guide](#).

How do I raise my hand in Webex?

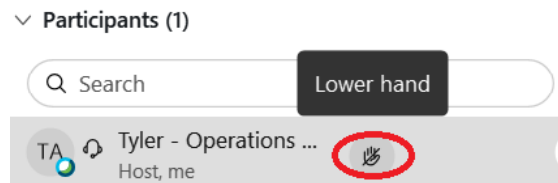
- Click on the “participants” button.



- Next to your name, click the “raise hand” symbol.



- To lower your hand, click the same symbol again.



Are Webex trials recorded?

Currently, hearings are being audio recorded in the courtroom, just like in-person hearings. If the court switches to video recording, you will be notified.

If you have any questions about Webex that are not answered here, please review the instructional video, and contact the Operations Assistant is needed.

If you have any questions about anything else pertaining to the trial, contact the court for assistance. Click [here](#) for a directory of courts around the state.