

# What We Know

## ARTICLES & INSIGHTS

### ABOUT THE AUTHOR



Jeriel Thomas is an associate in the firm's foreclosure group, representing creditors in foreclosure and collections matters. She ran a private practice in Greenville, South Carolina, providing clients with legal advice and representation on business formation and contracts, domestic relations, and estate planning matters.

## 10 Practical Tips for Remote Video Hearings and Trials

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While most lawyers are accustomed to attending hearings and trials in a traditional courtroom setting, social distancing has forced the judicial system to utilize non-traditional methods, such as remote hearings, to conduct court proceedings.

Although complying with social distancing guidelines served as the main impetus behind the use of remote hearings, remote hearings are proving helpful in other ways as well, for example, giving the courts an efficient way to move through the massive backlog of cases they accumulated during the shutdown.

As for the platform of choice for remote hearings, both WebEx and Zoom seem to be the most popular. If you were at one point unfamiliar with either of these interfaces, don't be embarrassed or intimidated. Most everyone, lawyers and judges alike, are having to adapt rapidly. Besides, no law school or bar exam prepared us to practice law in this form, amid a global pandemic.

**If you are preparing to appear in a remote hearing, here are few pointers to start:**

### **1. Make sure that you have a good quality webcam.**

If your computer comes with a built-in webcam, you may be good to go. However, built-in webcams can sometimes produce poor quality video. It may be worth it to purchase a separate webcam from your local or online computer store – one that you can affix to your laptop or desktop as an accessory.

### **2. If possible, set up your remote hearing in a room free from any noise or visual distractions.**

If you're working from home, identify the best space for minimal ambient sound and maximum picture quality. Keep in mind that there can be as many as ten or more attendees in a remote hearing. And they will all be able to hear and see you. More importantly, court reporters may be in attendance and will need to accurately transcribe everything you say, just as they would in an in-person proceeding.

### **3. Wear appropriate courtroom attire as if you were physically in court.**

Avoid the temptation to appear in casual attire just because the proceeding is happening online.

### **4. Make sure you have received the invitation to your remote hearing no more than 48 hours before the hearing is to take place.**

This invitation should include a meeting number/ID (10-digit access code) and a meeting password.

### **5. Observe any additional instructions or guidelines provided by the court.**

Observe all instructions or guidelines included in your invitation (i.e., emailing sworn affidavits and exhibits to the clerk at least 48 hours before the scheduled hearing; some judges request that you join the meeting by computer or call-in by phone, but not both).

### **6. Test all audio and video settings using your application's preview function before the remote hearing.**

While this should be done far in advance of the remote hearing, the preview function provides for one last glance before you officially enter your meeting. Think of it as one last look in the mirror before you head out the door in the morning to start your workday. Ask yourself: *How do I look? Do I have something in my teeth? Do I look professional? Am I speaking clearly and loudly enough?* Both WebEx and Zoom have a preview function that precedes each meeting. Ensure that the preview function is enabled by reviewing the settings in your remote hearing application.

### **7. Observe traditional courtroom decorum.**

Be courteous to others in attendance. Don't speak out of turn or while the judge is speaking. Be familiar with the raise hand function should you need to do so. Be friendly to the court staff, clerks, and hearing coordinators. They are often the first people you'll see upon entering your meeting. If you find it difficult to identify the judge without the traditional "All Rise!" we are accustomed to hearing, he or she is usually the last person to enter or appear before the meeting officially begins.

### **8. Be in your desired room and ready for your remote hearing at least thirty minutes to an hour before the scheduled time.**

As soon as you are able, manually enter the meeting number/ID and password included in your remote hearing invitation. Alternatively, you can click the link in your invitation, which will pre-populate the meeting number. At that point, you will only need to enter your meeting password. If you are having problems during this time, know who to contact for troubleshooting and technical support. The contact information for the court staff responsible for hearing coordination can often be found in the meeting invitation. Jot down this information and have it with you throughout the duration of the remote

hearing.

**9. Become familiar with the screen share function on WebEx and Zoom.**

As a matter of course, you should submit your hearing materials to all parties in advance of the remote hearing. However, if you are unable to do so, some courts will allow you to share your hearing materials using the screen share function. This also comes in handy should the judge, arbitrator, or opposing party not have the hearing materials you submitted accessible to them during the hearing. Be sure to have your hearing materials conveniently located on your computer for quick and easy access during the hearing.

**10. Monitor your audio and video status.**

Before entering the meeting, make sure your video mode is in the 'ON' position, and your audio indicator shows your audio is muted. Remember to un-mute yourself when it is your turn to speak. Unless your matter is the first hearing scheduled for the day, feel free to mute yourself and turn off your video until your case is called. Once your case is called, turn your video back on, un-mute yourself, and proceed with your hearing.

Follow these tips and you, too, can confidently navigate the world of remote hearings. Who knows? This may be the wave of the future!

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CONTACT US

919.250.2000  
mail@smithdebnamlaw.com

RALEIGH OFFICE

The Landmark Center  
4601 Six Forks Road, Suite 400  
Raleigh, NC 27609  
  
Phone: 919.250.2000  
Fax: 919.250.2100

CHARLESTON OFFICE

171 Church Street  
Suite 120C  
Charleston, SC 29401  
  
Phone: 843.714.2530  
Fax: 843.714.2541