

OLPR Best Practices, Protocols and Etiquette for Remote Hearings For Participants

Until social distance requirements are lifted, attorney discipline proceedings will likely be conducted remotely. The Office of Lawyers Professional Responsibility (OLPR) has chosen to conduct remote hearings using the Zoom Application. Below are various best practices and points of etiquette that the OLPR has compiled from various resources that will help ensure OLPR proceedings conducted remotely run as smoothly and efficiently as possible. They are not exhaustive and the directions of the panel or referee judge conducting the hearing should always be followed.

- **Remember a remote hearing is still a hearing.** All participants should dress and act at a remote hearing as you would at a live hearing. These are formal proceedings and parties should be mindful to treat them as such. It is recommended that you dress in business attire and be mindful of what is behind you. Here are some other protocols that are practiced in live hearings that should also be followed in remote hearings. These protocols apply to everyone, including the parties, witnesses, and public observers. Attorneys may wish to discuss these protocols with their clients and witnesses so they also understand what is expected.
 - Turn off or silence your cell phone.
 - Refrain from speaking to or otherwise distracting participants in the hearing.
 - Hats or head coverings are not permitted, except for religious reasons.
 - Sunglasses are not permitted, except for medical reasons.
 - Photography, video, or audio recording of the hearing is not allowed unless the panel or referee has given permission.
 - Refrain from eating during the hearing.
 - Always obey the instructions from the panel members or referee.
 - The hearing will be transcribed by a court reporter in attendance. Everything you say in the hearing will be on the record.
 - All behavior during the hearing must be courteous and respectful.
 - Public proceedings are open to the public unless ordered otherwise by the panel or referee. If you would like information about how to attend a remote public hearing, please call the Office at 651-296-3952. If the panel or referee has ordered that the proceedings or part of the

proceedings not be public, members of the public in attendance will be removed from the hearing. Some panel proceedings are private and may not be attended by individuals not a party to the proceedings.

- **Be prepared.** Prior to the hearing, the parties should have discussed how exhibits should be exchanged and introduced, witness order, sharing exhibits with witnesses, the need for interpreters and other hearing logistics. Make sure you follow the procedures agreed upon by the parties. For example, if the parties agree that all participants should have access to exhibits prior to the hearing, make sure all exhibits are provided. Any accommodations needed at the remote hearing should be raised and addressed ahead of time, including whether parties will need to be granted permission to share screens during the hearing.
- **Find an appropriate space.** Find a quiet, well-lit place for clear and distraction-free audio and video. Turn off TVs, radios, and phone notifications. If there are others around you, try moving to a room with a door you can close. It is best to participate from a private, quiet space.
- **Test your equipment.** Before the hearing, familiarize yourself with your microphone, camera and speakers. You may wish to do a practice run with your client and your witnesses to make sure their equipment is working properly. Before the hearing, test your technology from the place where you plan to participate in the hearing. This will indicate whether your Internet connection is strong enough in that location. A videoconference can use a lot of bandwidth.
- **Familiarize yourself with the Zoom application.** If you have never participated in a Zoom meeting before, you may wish to test out the application so you are comfortable with all its functions. The Minnesota Judicial Branch has prepared a one-page “cheat sheet” that allows you to familiarize yourself with the Zoom App. That sheet is attached.
- **Take steps to avoid internet disruptions and other technical issues by doing the following (and lawyers should advise your client and witnesses to do the same):**
 - Ensure that your phone, computer or device is plugged in or that the necessary charger is handy. Hearings can go longer than you think and the technology can use up a lot of power.
 - To the extent possible, reduce the number of other devices using your Internet connection during the hearing.
 - Close any applications that you are not using during the hearing.
 - If you have one, consider using an external microphone and headphones. External microphone may pick your voice up more clearly than

the microphone built into your device. Headphones will provide the best sound quality and the fewest background noises. Some headphones include an external microphone, which is ideal.

- If joining by video, find your device's video camera and make sure it is uncovered. Position the camera at eye level so others can see you clearly.
- **Log into the hearing 15 minutes before the scheduled start time.** This will give you an opportunity to address last-minute technical issues and ensure that you join the hearing as soon as it begins.
- **Mute notifications on your computer/device.** These can interrupt the hearing and be distracting to you and others.
- **Exchange contact information.** No matter how much we plan and prepare, not all disruptions can be prevented and things can go wrong. Make sure all parties have each other's contact information and know who to contact should they face technical problems. Be sure to exchange contact information with your client and witnesses so that you have a means of communication outside the hearing. The OLPR has assigned a hearing host/administrator who is the contact person for hearing-related issues such as access to the hearing or accessing a break out room. Make sure you have her contact information (and give her yours) before the hearing. You can reach the remote hearing host by calling the OLPR at 651-296-3952. Please note: the hearing host cannot assist with any technical problems you may have with your computer, speaker, video or internet. You must secure your own tech support if you have such issues.
- **Your screen name should be your given name and surname.** You will be asked to provide a screen name upon signing on to the hearing. Please use your given name and surname for proper identification. All participants on the call, including the presiding panel members or referee, can see your screen name. Lawyers should remember to also instruct your client and witnesses to identify themselves properly in their screen name. The host may change any participant's screen name if it is incorrectly entered.
- **Speak slowly, clearly and one at a time.** Some participants' Internet connections and/or speakers might not allow them to hear others clearly. Speaking slowly and clearly will help everyone follow what you are saying and will assist any interpreters. Speak one at a time and pause before speaking in case there is audio or video lag. This also makes it easier for the court reporter to record the proceedings and provide a clean and clear record.
- **Mute your microphone when not speaking.** This reduces echo and background noise. But also, remember to unmute when you want to speak. Pay attention to the

mute icon so you know when you are on mute. Be aware of where that icon is so you can quickly access it as necessary.

- **Objections.** You should be on mute when not speaking. For counsel representing a party during the hearing, if you have an objection, response or comment, be sure to remember to unmute before you object. Because parties often forget to unmute or may have difficulties with the mute button, you should also raise your hand to show the panel chair or referee that you wish to speak. This way the panel chair or referee can both see and hear that you wish to object.
- **Avoid using Chat function to communicate.** The Chat function will be disabled during OLPR remote proceedings. It is important to have a clean and clear record and the court reporter's record is the official record. Side comments using the Chat feature can be distracting and confusing. If you need to communicate with your client during proceedings, you could ask for a recess and a breakout room. The Chat function may only be used to communicate with the meeting host/administrator should you have issues during the hearing and cannot contact her by telephone or through other means.
- **Be patient.** For many participants (including the panel members and referees), this may be their first time participating in a remote hearing. Anything can happen at a hearing that may disrupt the proceedings. Working through problems and disruptions can take time.

Participating in Court Hearings with Zoom



Active speakers are indicated by a yellow box or underline.

Use options at the top to modify your screen view. Gallery View is preferred.

View participants of the hearing in the right panel. From there, mute or pause your personal audio and video. Hover over your name to rename or update your title.

Click Raise Hand to grab the host's attention.

- Use the Mute button to mute or unmute yourself.
- Use the Start Video button to pause or resume personal video.
- Do not use the Invite button to invite additional participants.
- Click the Participants button to view participants in the right panel.

Only hosts should use the Record button to start and stop recordings of the meeting or court hearing.

From the Participants view, click Unmute Me to ask the host to unmute you.

- Use the Share Screen button to share your screen or files with the host's permission.
- Avoid using the Chat or Reactions features in court hearings. Chat appears in the right panel.
- Click Leave Meeting to leave the court hearing.