



Virtual Trials

A Handbook for Attorneys



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Introduction

The District of Minnesota developed this handbook to guide attorneys using the ZoomGov platform for conducting virtual trials. The entire trial will take place using the ZoomGov platform and the Court's ZoomGov license. The parties, counsel, witnesses, and jurors (if applicable) will not be physically present in the courtroom.

The ZoomGov platform is a secure system that is separate from the commercial or free version of Zoom and is not prone to some of the security issues these platforms have experienced.

Professionalism and Conduct

All participants must act in ZoomGov as though they are in a courtroom. Please do the following:

- Only one person may speak at a time. Do not interrupt others. Stop for objections. The court reporter is creating the court record and needs to hear parties clearly.
- Mute yourself when you are not speaking.
- Limit your movements while on camera, to avoid distracting others.
- All participants are expected to follow the guidance provided in the Court's [Preparing to Participate in a Zoom Video Conference](#) document.
- Attorneys are expected to use the virtual background photos provided by the Court, which may be accessed on the [Virtual Hearings](#) page on the Court's website.
- Witnesses, counsel, and parties should be in locations that are suitable for trial:
 - In a quiet space where they can be alone with some level of privacy and free from distractions.
 - Sitting at an empty desk or table, so that the witness's face is clearly visible in the video.
 - Consider backgrounds carefully as they can be a major distraction. The court will provide a virtual witness-chair background and strongly encourages witnesses to use it.
 - Avoid backlighting.
- Use a PC, laptop, or large tablet for the video portion of the hearing.
- Consider using dual monitors and a good quality web camera.
- Attorneys should consider using a wired headset for the trial and, if possible, to have witnesses use the same. The Court, however, is open to whatever equipment configuration will produce the most accurate record. Attorneys may try different equipment configurations during the mock trial session.
- If possible, use an ethernet hardwire connection to the internet instead of Wi-Fi.



- During the proceeding, close all programs on the computer that are not in use to avoid popups.
- Cell phones should be on silent and be used only as a backup to the Zoom connection.

Additional Witness Instructions

To ensure an accurate record, counsel must inform all witnesses about the following testimony rules.

- Only ONE PERSON may talk at a time.
- The witnesses MUST pause before answering any question to make sure the full question is asked.
- The witnesses should avoid rustling papers or making other noise near their microphones during their testimony.
- The witnesses MUST immediately stop talking once they hear an objection being lodged to avoid overlapping conversations.
- The witnesses MUST talk slowly and clearly.

Failure to follow any of the above rules may result in the court reporter's inability to ensure an accurate record, or the insertion of (inaudible), (indiscernible due to audio distortion), and (overlapping conversation) parentheticals in the transcript.

Witnesses must also be instructed that:

- They may not use any other devices during their testimony.
- With respect to any hard copy exhibit provided to the witnesses, they are not to use an exhibit unless directed to do so.
- Counsel and the parties are not to communicate with the witness by other means while the witness is testifying.
- The witness's microphone should be muted at all times, including during breaks, unless the witness is testifying.

Counsel should confer regarding the following issues and advise the Court of any agreements or issues to be resolved:

- Whether the party, or parties, may be in the same physical space as their counsel.
- Whether witnesses may be in the same physical space as counsel for one of the parties.
- Does any witness need accommodations, such as space in the courthouse with access to Wifi?
- Time zone considerations.
- Interpretation/translation considerations.



Technological requirements

You will need a computer (Windows is highly recommended) or a tablet, with speakers or headphones, a microphone, and a camera. The Court has found that using wired headsets with a microphone can reduce noise and feedback, but the Court is open to the attorney using whatever equipment works best to capture the attorney's audio. If using a computer, you may be prompted to download and run Zoom (highly recommended). If using a tablet, you should download the free Zoom app before connecting to the Zoom meeting.

Internet Connectivity Speeds – minimum upload speed is 800kbps and minimum download speed is 1.0Mbps. For gallery view and/or 720p HD video you need 1.5Mbps upload and 1.5Mbps download. Using an ethernet hardwired connection instead of Wi-Fi, if possible, is highly recommended and will help ensure a stable Internet connection.

www.speedtest.net is a free internet connectivity speed test. It is critical to test connectivity in real world conditions such as internet use by multiple users and higher traffic during business hours.

You can find the technical support details at: <https://support.zoom.us/hc/en-us/articles/201362023Systemrequirements-for-Windows-macOS-and-Linux>.

Mock Jury Selection/Trial Session

Attorneys will be asked to participate in a mock jury selection/trial session. Attorneys are strongly encouraged to use the same equipment and space for the mock trial session(s) that they plan to use for the trial. At the mock session, attorneys are welcome to try different equipment configurations to determine with the Court which set-up will produce the best record and ensure that all participants can adequately see and hear them.

During that session it is strongly encouraged that you practice the following skills:

- Calling and examining a witness.
- Examining a witness about an exhibit as to which admissibility is stipulated. In that situation, the exhibit will be shared with the jurors by the screen share function in ZoomGov, using Box.com or another trial presentation program of the attorney's choosing.
 - Please take caution when sharing your screen to ensure that only the information you want shared with the courtroom participants is shared. For example, some screen sharing options may reveal your open applications and documents.



- The court recommends that another attorney or assistant be assigned the screen-sharing tasks, as this is difficult for the attorney presenting the evidence or examining the witness to handle.
- Laying foundation for an exhibit as to which admissibility is disputed. In this situation, the exhibit will be available to the witness, counsel, and Judge outside the ZoomGov platform (e.g., in hard copy form, on another electronic device, or in another screen on the same computer being used to participate in the ZoomGov session); if admitted, the exhibit can be published to the jurors using the screen share function in ZoomGov.
- Using the ZoomGov annotation tools, enlarging and highlighting an exhibit while examining a witness.
- Using the ZoomGov whiteboard feature, asking a witness to draw a diagram and offering the drawing as a demonstrative exhibit.
- Sharing a video recording.
- Impeaching a witness with prior deposition testimony.
- Posing objections.

Training Videos

Several training videos are available. These videos cover skills and knowledge which all participating attorneys must have:

[Zoom Videos](#) - The court recommends reviewing the following topics:

- Joining & Configuring Audio & Video
- Virtual Backgrounds
- Meeting Controls
- Sharing Your Screen
- Video Breakout Rooms

[Box.com Videos](#) - The court recommends reviewing the following topics:

- An Introduction to Box
- Getting Started with Box
- Five skills to get started fast with Box
- Demo: Using Box every day

Troubleshooting Zoom Issues

What to do when things go wrong



Preparation is key. Review Zoom’s FAQ and troubleshooting pages. Discuss in advance with counsel and witnesses how to address issues during the hearing. If you are experiencing audio issues, raise your hand to gain the court’s attention. If you are experiencing video issues, please communicate this via audio to the court. Be prepared to shift to a telephone appearance (if appropriate) or prepare to recess for in-person appearance following public health requirements (e.g., masks).

Be patient with yourself, the participants, and the court.

The ZoomGov platform has several pages available with troubleshooting tips.

General FAQ for using Zoom can be found at:

<https://support.zoom.us/hc/en-us/articles/206175806-Top-Questions>

Video/Camera issues: Varies depending on OS and device:

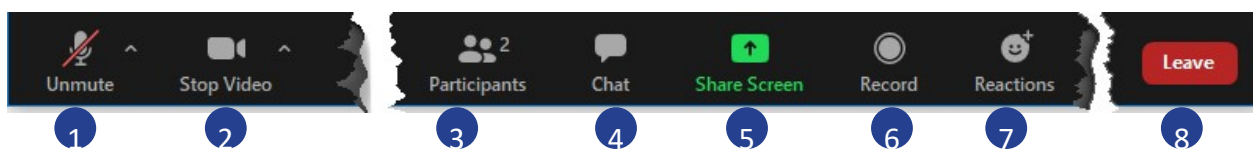
<https://support.zoom.us/hc/en-us/articles/202952568-My-Video-Camera-Isn-t-Working>

Audio issues: Only use one audio source per location. Echoes can be caused by a participant connecting to audio on multiple devices or multiple participants in one room or area using multiple audio devices:

<https://support.zoom.us/hc/en-us/articles/202050538-Audio-Echo-In-AMeeting>

Basic Zoom Controls

On a computer, a menu bar containing participant tools may appear and disappear as you mouse over the ZoomGov meeting, typically at the bottom of the screen. Mobile app interfaces will appear differently but contain most of the same functionality.



1. Mute/Unmute your microphone – Click the up arrow next to the microphone icon to open audio settings. Here you change your speaker and microphone settings.
2. Start/Stop your video feed (Turn on/off camera) – Click the up arrow next to the camera icon to open video settings. Here you can change your camera settings.
3. Participants – Click to open a pop-out screen that shows a list of participants in the meeting. From this panel, the host can mute/unmute all participants and more. Includes a “Raise Hand” button that you may use to raise a virtual hand.
4. Chat – Click to open the Chat panel where you can start or respond to a chat.*



5. Share your screen – Click to start sharing your desktop display or any window/application on your computer with others in the meeting. Click the up arrow to reveal sharing options.
6. Record – not available. No one, except the Court, may record any portion of a trial.
7. Reactions – These are disabled. To make an objection, counsel should instead raise their physical hand to be recognized.
8. Leave Meeting – Leaving the meeting will disconnect you.


On your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” shows the active speaker in a larger window. “Gallery view” tiles all the meeting participants.

**Note: The Court has configured Chat so that participants can ONLY send a chat message to the Host or Co-Host(s). Please be aware that the presiding Judge will always be a co-host so any chat messages sent will also go to him or her.*

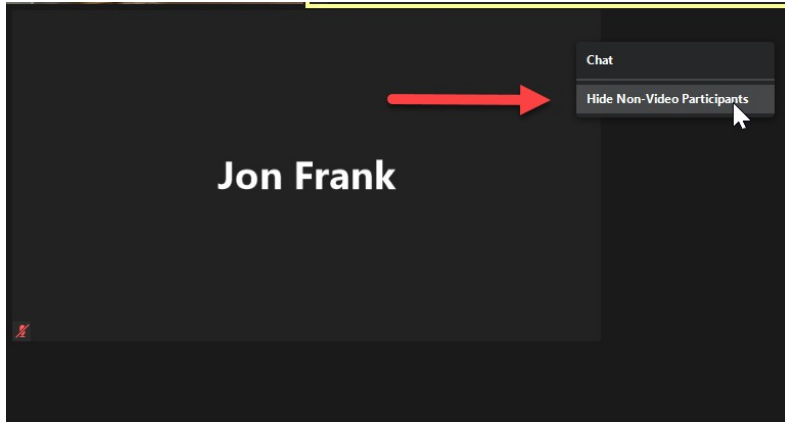
Zoom Settings

Turn off non-video participants

Zoom can only display a certain number of video participants on the screen at a time. If you are using an iPad, this number is smaller than what is available on a computer. It is important for you to be able to see and observe all the key participants during the trial. Participants who have video turned off consume space on your Zoom screen even though you cannot see them. Zoom only shows you a box with the name of participants only using audio. To maximize the number of video participants you can view, you can have Zoom only display participants who are using video.

Once you have joined your trial you will see all the participants who have also joined. If there are participants who have joined with their video off, you will see a box with just their name. Hover your mouse over this box and you will see an ellipses button .

Click this button and you can select **Hide Non-Video Participants**.




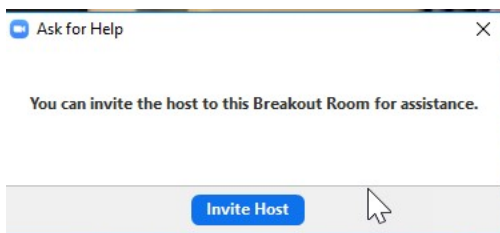
*This option is not available on an iPad.

Waiting Room & Breakout Rooms

The court has enabled a virtual waiting room in the Zoom platform. This means that when you join the ZoomGov meeting you are automatically placed in a virtual waiting room until court staff admit you into the trial. This allows for witnesses, for example, to log into the trial but not join the virtual courtroom until it is time for them to testify.

The ZoomGov platform allows for virtual breakout rooms. Breakout rooms can be used if counsel wishes to confer with their client privately or for sidebar conversations. If you need to confer with your client and have so indicated to court staff, court staff will move you into a virtual breakout room. A breakout room can only be created and assigned by the court staff who is serving as Host.

During a breakout room session, if you need help, are finished conferring, or have a question, use the  button. This will give you the option to invite the Host of the trial to the breakout room.



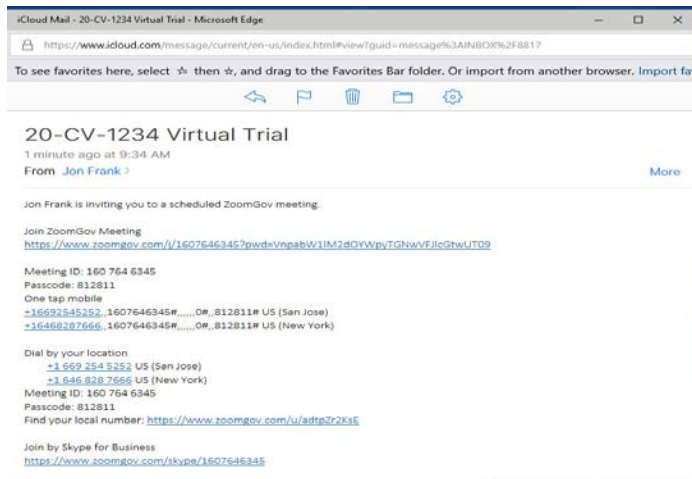
Court staff will then join your breakout room, where you can get help or indicate that you have finished and can now rejoin the trial.



Trial Invitation

The courtroom deputy will send a ZoomGov meeting request for your trial date. This request will include instructions and a link to join the Zoom meeting at the appropriate time. Once you have clicked the link to join, you can test your audio by clicking on “Test computer audio.” Once you have confirmed that your audio is working correctly, click on “Join audio by computer.”

Below is an example of what a trial invitation email could look like.



Trial Exhibits

The court uses a secure file sharing service, Box.com, for electronic exhibits. Each party will have their own folder on the system for their exhibits. However, the Judge for your trial may provide alternative instructions on exhibits.

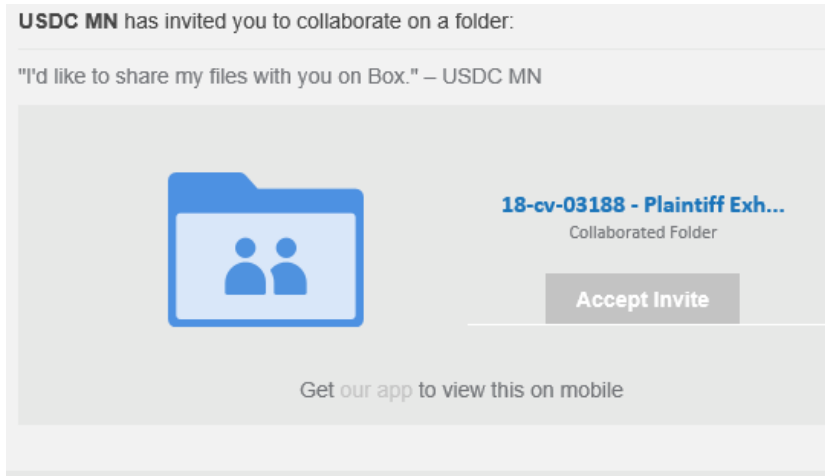
Counsel should confer regarding:

- The process of providing exhibits to witnesses for their testimony, including whether by hard copy in sealed envelope/container, or via download from Box.com immediately before their testimony with agreement not to access the exhibits until requested by examining counsel;
- Use of demonstrative exhibits;
- Use of physical exhibits; and
- The process for witness annotation of exhibits during testimony.

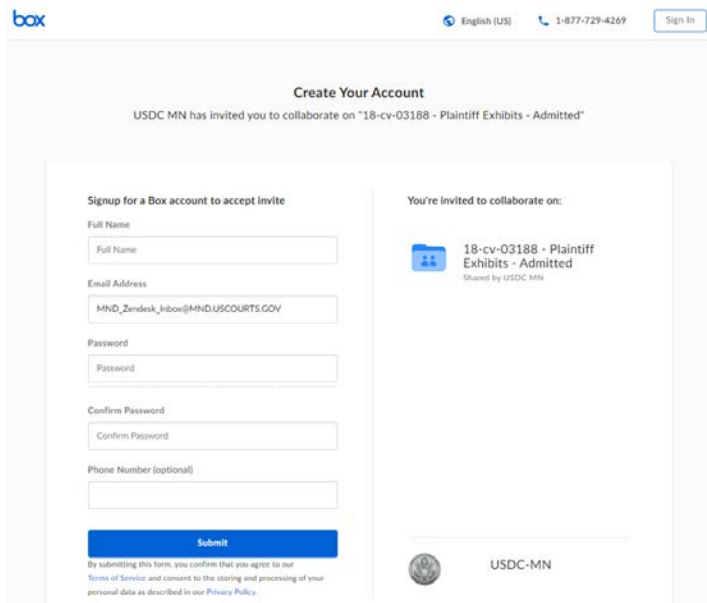
Before the start of your trial, the courtroom deputy for the Judge assigned to your case will email you a link to the Box.com folder assigned to you for exhibits. In order to upload documents to Box.com, you will have to create a free account if you do not already have one.



Below is an example email that you would receive. It may look slightly different than this.

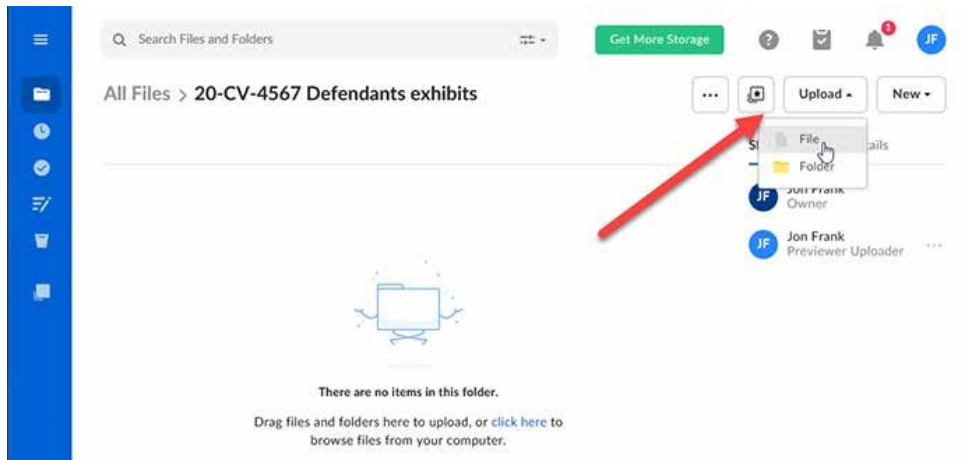


Clicking on the Accept Invite button link will take you to Box.com. You will be prompted to create an account the first time you access Box.com. This is a free account.



After that you will be prompted to log in. If you already have a Box.com account, click the Sign In button in the upper right corner.

Once you are logged in, you will have the option to upload PDF documents to your trial folder.



Navigate to where the files are stored on your computer or network and upload them. The courtroom deputy will automatically be notified by Box.com that you have added files to your folder.

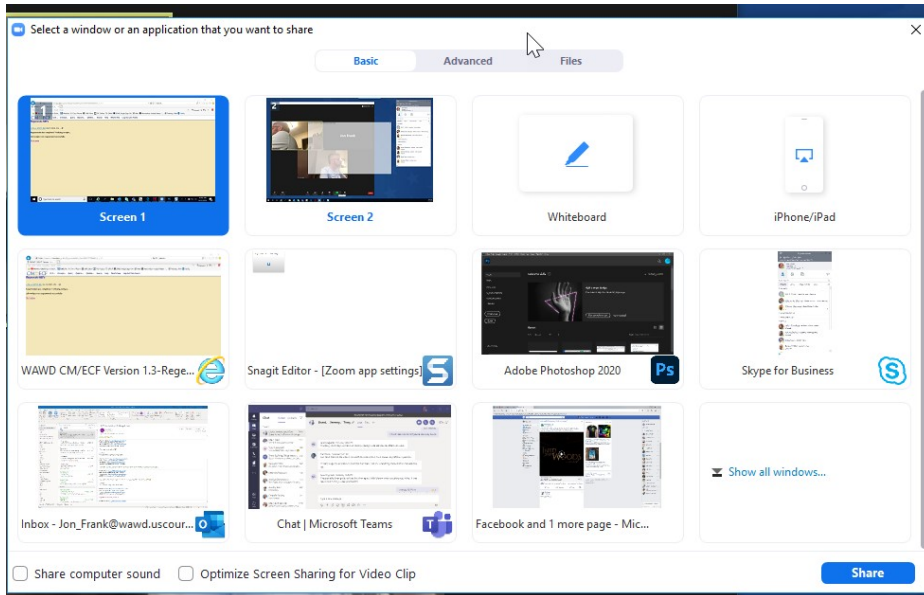
Displaying Exhibits During Trial

Exhibits can be displayed either through the Box.com system or, if you have them loaded on your computer, through your computer. If the exhibits are displayed via your computer, the court expects that those exhibits are identical to what was submitted to the court via Box.com. The Judge may require you to certify this before the trial.

If you use a display system that allows annotation and wish the annotated document to be an official exhibit, that system must allow you to save the annotation in a format that can then be loaded into the Box.com platform. Demonstrative exhibits are not subject to this requirement.

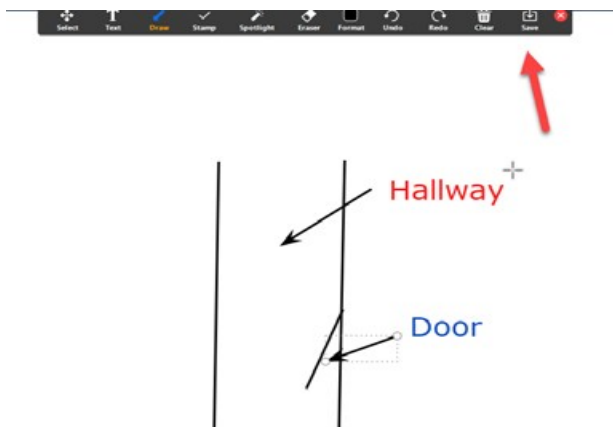
To display exhibits during trial you will open the exhibit, either through Box or on your computer, and then use Zoom to share your "desktop." You will need to make sure you have your system set to display the exhibits in one window to prevent needless delays.

Click Share Screen on ZoomGov controls.



ZoomGov will give you the option of screen(s), application, or whiteboard to share. If you are displaying video, you would want to check the boxes for Share computer sound and Optimize Screen Sharing for Video Clip.

If you use the Whiteboard option and want it to be admitted as an exhibit, you will need to save it when you have finished. Clicking the Save button in the annotation control bar will save the file to your computer. This will be in your Documents folder > Zoom > date/time/zoom meeting name.



If the other party is displaying their screen, make sure your view settings are set so that you can still see all participants.



At the top of your ZoomGov window, you will see a menu bar indicating screen sharing. Click on the dropdown for View and make sure it is set to Side by Side. This will maximize your view of participants by displaying them to the side of the screen share.

