

A BLUEPRINT FOR THE VIRTUAL CIVIL JURY TRIAL WITH SOCIAL DISTANCING USING THE ZOOM PLATFORM (EXCLUDES JURY SELECTION)

PRE-TRIAL PROCEDURE; TECHNICAL, PERSONNEL AND OPERATIONAL ASPECTS USING ZOOM FEATURES

The Virtual Jury Trial process is, at present, best suited to a 2 party proceeding.

Attorneys stipulate in writing, for the record, to the Virtual Jury Trial Process (VTP). Client consent forms should be required.

A virtual trial Order is issued by the Judge with special instructions on the trial process. Possible topics: Equipment; Hard wired ISP and fast internet connection; Virtual Backgrounds.

Parties are directed to appear at a Pre-Trial Conference to formalize as much of the documentary and object exhibits as possible. (This is after any hearings on Motions In Limine; Daubert).

Those items stipulated into evidence are marked in evidence by the In-Court Clerk before the trial.

Contested exhibits are left for determination at trial.

The parties upload on their devices, and have ready for screen sharing, those exhibits which are entered into evidence.

Videos (e.g. Approved demonstrations, Day in the Life, and surveillance) can be shown on the Zoom platform. Video sharing via Zoom is an option.

Lighting is optimized for all witnesses and parties. Image framing, clothing, virtual background and camera angles are considered for "Best Practices."

3 monitors recommended for the Judge to allow for Gallery, Dual Monitor features and use of the Court's information system when needed. Each juror, all attorneys, Court Reporter, Interpreter should have 2 monitors with the Zoom "Dual Monitor" feature enabled. This allows for close-up assessment of witness credibility.

Participants are introduced to "Speaker View" vs. "Gallery View."

After the Jury is selected, a brief video explaining the importance of the Virtual Jury Trial Process and the duties of jurors can be shown.

To insure process integrity, Jurors, witnesses and expert witnesses should not be permitted to use virtual backgrounds and can be instructed regarding camera placement to make sure no distractions or improper actions are being taken. Standard Court backgrounds should be used to prevent background distractions; Chat function can be disallowed for Jurors & all witnesses including experts

The parties have their own IT person to facilitate the screen sharing process with exhibits

In -Court Clerk has exhibits electronically and conducts his or her normal duties

Prior to the commencement of the trial, the In-Court Clerk establishes Zoom Breakout Rooms for: 1. Sidebar conferences. 2. Juror rest periods including lunch. 3. Prolonged in-trial sessions with the attorneys not intended to be heard by jurors. 4. Witnesses excluded due to invocation of the Rule.

Court Reporter is required. Also, the Court can also ask for consent to record the proceeding for record purposes, to back up any problems the Court Reporter or Interpreters have in hearing responses.

Until Zoom enhances its features, each juror, the Court Reporter and interpreter are allowed to use an audible signal (e.g. Finger tap) to alert the Court to any questions. This is helpful if the Court is not looking at the juror screen when a question or issue arises.

Court Deputy is in charge of monitoring the jurors to ensure the security of the trial process.

When possible, the "Dual Monitor" feature of Zoom is used to allow for witness close-up viewing.

If residence-based, jurors can take notes, but such notes are mailed to the Court for destruction after the trial ends. Jurors are instructed not to make copies.

If the Court invokes the rule to exclude witnesses from viewing the trial, the witness can be placed into an individual breakout room for just that witness until invited back into the trial for testimony. Other witnesses can be placed into their own virtual breakout rooms as needed.

During trial, Court can allow "publishing to the Jury" through screen sharing

Zoom Chat is disabled, as is participant screen sharing except when permitted by the Judge. The Zoom conference is locked by Judge and is protected by other security measures, such as passwords. New passwords can be issued each day as a security option.

During the trial, if a juror has questions, she or he "raises their hand" manually or with the Zoom tool. They can also use a sound. Court Deputy waits for jury to notify of questions or verdict.

For contested evidence and long objection issues, Judges go to Attorney breakout room to review proposed Exhibits and rule on admissibility; Screen sharing is enabled for attorneys and Judge only to share same.

Lawyers are placed into their own Zoom Breakout Room to be available to talk to the Judge if Juror questions arise

Attorney sidebar conferences with Judges are conducted in a Court-enabled breakout room with Court Reporter the Clerk, if necessary.

During trial, an Attorney/Client breakout room can be used for discussions when breaks take place.

Demonstrative exhibits used during trial are controlled by Judge for visibility to Jurors

After all marked and admitted exhibits are ready, they are placed into a secure Drop Box or Box account with the link sent to the Jurors during deliberations

After closing arguments are completed, and the Jury is given instructions, the Jury is placed into a Zoom Breakout Room for deliberations

Verdict Form is sent to jurors by electronic signature service such as Docusign or HelloSign.

Foreperson signs verdict form and emails it back to the Judge's Judicial Assistant.

Verdict Announced; Jury poll can be taken if requested