**Attorney Discussion Points: Client Consultation Worksheet**

**for Considering Consent to Virtual Civil Jury Trials**

*This briefing page is designed to allow attorneys to cover the pros and cons of informed Client consent for remote jury proceedings by using the Zoom video conferencing platform. It is offered as a suggested tool to help Clients make informed written consent when considering Virtual Jury Trial Proceedings (VJT) during the COVID-19 health crisis.*

**­­­Advantages of a Virtual Jury Trial**

\_\_\_ All parties appear by Zoom to safeguard health concerns considering COVID-19.

\_\_\_ All participants in the VJT procedure do not have to wear masks and practice virtual social distancing in Courtrooms and public Courthouse areas such as security checkpoints and rest rooms.

\_\_\_ Parties, Court Personnel and Jurors do not have to travel to the Courthouse each day. Trials can get underway without participants navigating traffic and weather conditions and crowded elevators.

\_\_\_ Participating in a VJT can mean your trial may not be delayed for several months to a year or more. Circuit Civil Judges have time on their dockets available to set your case for trial much sooner than in-person jury trials.

\_\_\_ Expert witnesses appear from their offices, saving significant charges for travel and waiting time. This helps to lower the cost of legal services and Client expenses.

\_\_\_ Jury selection can be done very effectively, perhaps providing more insight into juror reactions than in an actual Courtroom.

\_\_\_ Court Reporters can make official transcripts, just as in an actual in-person proceeding.

\_\_\_ Experience shows jurors are enthusiastic, and appreciate, the VJT procedure.

\_\_\_ Judges have total control over the proceedings, just as they do in trials physically held in the Courthouse.

\_\_\_ The Florida Supreme Court has approved the use of virtual jury trials during the COVID-19 emergency if all parties to your case agree in writing to proceed with the VJT process.

\_\_\_ The rules of Court still apply in remote proceedings. This includes the rules of evidence and traditional Court procedures.

\_\_\_ Juror questions can still be taken by the Judge.

\_\_\_ Jury deliberations are held in a secure breakout room, with complete confidentiality.

\_\_\_ All participants can be seen closer during the trial than in a normal Courtroom. This assists in understanding body language.

\_\_\_ Jurors can see Court approved video presentations on their own screens.

\_\_\_ In the Seventeenth Judicial Circuit, Judges are ready, right now, to proceed with the VJT process.

\_\_\_ A VJT avoids courtrooms with multiple plexiglass dividers and possibly inadequate ventilation. Such proceedings also avoid the necessity for witnesses, jurors, attorneys, and Court personnel with masks that hide facial expressions.

\_\_\_ Virtual jury trials may encourage certain segments of the population to participate in their civic responsibility. For example, potential jurors with pre-existing medical conditions and disabilities may want to serve, without the challenges of going into the Courthouse to participate.

\_\_\_ Virtual proceedings can ease potential juror stress and distractions about COVID-19 and create an eco-system of greater focus on the trial process.

\_\_\_ Virtual jury proceedings do not take up the physical Courthouse space required in the era of COVID-19, and in that view, can be considered more cost-efficient.

**Disadvantages of a Virtual Jury Trial**

\_\_\_ Selection of the VJT procedure cannot be appealed because it requires your consent. However, selection of a remote virtual proceeding does not affect any other appellate rights.

\_\_\_ Judges are aware technology can sometimes cause interruptions and are patient when technical issues arise. VJT proceedings rely on technology. There can be problems with audio and video, along with internet connectivity. While these types of interruptions are infrequent and may not occur in your trial, if such events take place there are backup procedures available to smoothly continue the proceedings.

\_\_\_ Juror distractions can occur and must be minimized and eliminated when possible. Judges have determined strategies to avoid such distractions when on video conferencing.

\_\_\_ Procedures must be employed to make sure jurors are not influenced by others in their presence when participating in the virtual jury trial.

\_\_\_ You and your attorney can be in two different locations but will be able to communicate at different times during the proceedings.

\_\_\_ Some potential jurors may not have the necessary equipment to participate. For example, they may not have sufficient Wi-Fi or broadband capabilities.

\_\_\_ While a virtual jury trial does not exactly emulate the grandeur of the Courtroom and the physical presence of the Judge, the parties, and their Counsel, it is the next best method of delivering justice in a system which will otherwise wait indefinitely until health conditions improve to resolve a backlog of thousands of cases.

All Clients signing below have consulted with their attorney to discuss the above considerations.

***Please select one of the following options:***

\_\_\_We agree to a Virtual Jury Trial and understand that choosing this option is not grounds for an appeal that the trial proceedings are virtual.

\_\_\_We disagree to a Virtual Jury Trial.

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**CLIENT SIGNATURE**

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**CLIENT SIGNATURE**

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**ATTORNEY SIGNATURE**