



LTBB Tribal Court Virtual Courtroom Guidelines for Hearing Participants

May 12, 2020

Virtual court hearings have become a routine part of legal proceedings. In order to ensure that virtual court hearings run as smoothly as possible, the Tribal Court has developed guidelines for participating in virtual court proceedings via Zoom. Zoom is the platform that the Tribal Court has adopted for the conduct of virtual proceedings.

Virtual Hearing Procedural Guidelines

1. Use your legal name when you enter the hearing.
2. When initially joining the proceeding you will be placed in a virtual waiting room. If you are appearing as a witness you will remain in the virtual waiting room until admitted to the hearing by the Court.
3. When you join the hearing, please mute your microphone. If you fail to mute your microphone, it may be muted by the Court. Limiting the number of people speaking at the same time helps ensure that the record and any subsequent transcripts are as accurate as possible.
4. Once the hearing is called to order, the presiding judge will ask all of the parties, counsel of record, and other individuals present in the hearing to identify themselves. Do not respond until the presiding judge addresses you.
5. Hearing participants should identify themselves prior to speaking, and need to do so every time they are going to speak. This ensures that the record and any subsequent transcripts are as accurate as possible.
6. During the hearing, hearing participants should remain muted unless: 1) they are called upon by the presiding judge, 2) they are testifying, 3) they are making opening or closing statements, or 4) they are making an objection to the testimony of a witness.
7. When seeking to enter an exhibit, parties should proceed as they typically would with respect to moving for the entry of the exhibit. After the exhibit is proffered, the presiding judge will individually ask each of the parties and/or counsel of record if they have an objection to the Court entry of the exhibit.
8. Objections to witness testimony present a unique challenge in virtual hearings. During witness testimony, if counsel of record, or a party if unrepresented, has an objection they should unmute themselves and clearly state objection. Witnesses should immediately stop testifying when an objection is made, and should refrain from continuing until the presiding judge has ruled on the objection and provides instructions to the witness.
9. If at any time a party would like to confer privately with their attorney, or with another party, they may request that the presiding judge allow them to meet in a breakout room. The request can either be made orally, or in the "Chat" function. The presiding judge may grant or deny a request.
10. Virtual court proceedings are still court proceedings. Participants in virtual court proceedings should be dressed appropriately and should refrain from engaging in conduct that would otherwise be prohibited at an in-person proceeding, e.g. chewing gum, eating food, swearing or utilizing inappropriate language, engaging in behavior that is disruptive or disrespectful. Participants should ensure that they are prepared for proceedings.
11. Court proceedings are recorded, both via the Zoom recording function and through court recording equipment.
12. Participants are prohibited from making their own recordings of virtual court proceedings.

13. Participants may be removed from the virtual court room for behavior or conduct that would otherwise not be permitted in an in-person proceeding. Participants engaging in this type of behavior may be held in contempt of court in the same fashion as in-person proceedings. Contempt of court is punishable by fine, community service or incarceration for up to seven days. See WOTC 9.1305(C).

Technical Recommendations

1. Mute your phone, and mute all sounds from all other applications (email notifications, chat messaging, etc.).
2. Avoid using a mobile device if possible. Although tablets (iPads) and smartphones can be used, they are very limited, and the performance is inferior.
3. Avoid using battery power only (laptops, etc.). Plug into a good power source while in a Zoom meeting.
4. Unless you've confirmed the quality is sufficient, avoid using an open microphone and speakers, such as those that are built-into laptops or a webcams. Using a good quality headset (headphones with mic) will often help ensure you can be heard, and can hear others with maximum quality.
5. Avoid noisy and echoing locations. Use of a headset will improve audio quality when this is unavoidable.
6. Avoid distracting real or virtual backgrounds. Suitable example: [ZoomGrey01.jpg](#)
7. Avoid poor camera positioning (if possible). Try to frame yourself so you take up most the screen, at eye level.
8. Avoid using WiFi if possible. Connection via a hard-wire Ethernet cable will always be faster and more reliable than WiFi. If you must use WiFi, make sure you're in close range.
9. Avoid running any unnecessary applications besides Zoom, to conserve your computer's processing power and networking.
10. For home networks, if possible, avoid sharing your internet service with others during the session.

Before Every Court Session using Zoom

1. Connect your device to power.
2. Make sure your internet connection is good:
<https://www.pcworld.com/article/2048594/how-to-test-your-home-internet-speed.html>
3. Test your video.
4. Test your audio.
5. Turn off all audio disruptions (phones, messaging alerts, email alerts, etc.)

6. Run a quick test to connect with another Zoom user, or use the Zoom test:
<https://support.zoom.us/hc/en-us/articles/115002262083-Joining-a-test-meeting>