

District of Columbia Court of Appeals
Board on Professional Responsibility
Remote Videoconference Oral Argument Protocols for Participants

Introduction:

The District of Columbia Court of Appeals Board on Professional Responsibility will conduct remote Board oral arguments and hearings before Hearing Committees via video conferencing using the Zoom platform. These remote proceedings are intended to facilitate the fair and timely resolution of disciplinary proceedings, while protecting the health and safety of the volunteer adjudicators, the parties, the disciplinary system staff and the public. These remote proceedings are formal disciplinary proceedings. Appropriate conduct and attire are required, as if these proceedings were conducted in-person.

We are providing these participant protocols for your review and encourage you to prepare, practice, and when the inevitable glitches arise, exercise patience. This is new technology and there will be a learning curve for all of us.

Technical Instructions:

A Staff Member of the Office of the Executive Attorney will serve as the “Zoom Host” of all remote proceedings, and will act at the direction of the Board or Hearing Committee Chair.

You may connect to the remote proceeding using a device with a camera—desktop or laptop computer, tablet, or smart phone.

If you are unfamiliar with Zoom videoconferencing software, please review the Zoom Quick Start Guide, which explains how to register for a zoom account and how to join a test meeting to check your audio and video. <https://support.zoom.us/hc/en-us/articles/360034967471-Quick-start-guide-for-new-users>

Additional Zoom training and support materials are available at <https://www.Zoom.us>

You should have a good LAN (wired), Wi-Fi, or substantial LTE connection to ensure a quality connection. A LAN (wired) connection is preferred.

You must test your equipment's microphone and speaker controls and your internet connection prior to the remote proceeding. Directions may be found at <https://support.zoom.us/hc/en-us/articles/201362313-HowDo-I-Test-My-Video>

Technical Problems

If the Board or a Hearing Committee conducting the remote proceeding determines at any time that the audio or video connection is so poor as to interfere with the fair administration of justice, the remote proceeding shall be postponed until such time as a better connection can be obtained or the matter can be set for an in-person proceeding.

It shall be the responsibility of a party or counsel for a party to promptly inform the Zoom Host if there has been a disruption at their end of the communication that substantially interferes with his or her ability to see or hear what is occurring during the video conference. An objection to the quality of an audio conference or a video conference should be made at the time the connection is substantially impaired but must be made to the Board or Hearing Committee on the record before the remote proceeding has concluded.

Participating in the remote proceeding

Respondent and all counsel must join the remote proceeding no later than ten minutes before the scheduled start time. Please configure your name to display appropriately (i.e, your name, and not the name of your computer). Instructions for changing your display name are available at: <https://support.palcs.org/hc/en-us/articles/226794367-Changing-YourDisplay-Name-in-Zoom-Rooms>

All participants will initially be placed in a Waiting Room and will be unable to communicate with anyone. The Zoom Host will bring all participants into the remote proceeding at the appropriate time.

For oral arguments before the Board, the respondent, counsel arguing the case and counsel sitting as second chair may participate in the remote proceeding, each person's name and email address must be provided to the Board's Case Managers. (As in an in-person oral argument, only one person may present argument, the others will not have an opportunity to speak and should have their microphone and camera off for the duration of oral argument.)

For Hearings, any counsel representing a respondent or Disciplinary Counsel may participate in the remote proceeding, but only one may speak at a time (the others should have their microphone and camera off when not speaking).

Respondent shall keep his or her camera on throughout the hearing.

Preparing a witness for appearing at the remote proceeding is the responsibility of the party calling the witness. If the witness is unable to appear from their own home with their own technology, the party must inform the witness of a location from which they can participate on the date of the remote proceeding.

Exhibits will be displayed using Zoom's "Share Screen" feature. Further information on screen sharing may be found here: <https://support.zoom.us/hc/en-us/articles/201362153-Sharing-your-screen>. We recommend that you practice screen sharing before the hearing.

Upon request of a party, the Zoom Host will assist in the presentation of evidence during the hearing by using the Screen Share feature to display evidence, as directed by a party, *if* the exhibits had been filed with the Office of the Executive Attorney with bookmarks identifying each exhibit, and *if* the party requesting assistance identifies the specific page of the pdf which is to be presented.

It shall be the responsibility of the party offering the exhibit to make certain that it is clearly identified for the record.

Confidential Communication

If any participants in the remote proceeding need to confer confidentially, the party shall ask the Hearing Committee Chair to be placed in breakout room for a certain length of time. The Zoom Host will place the appropriate participants in a

room that is both private and unrecorded. At the end of the time, the Zoom Host will begin the closing of the breakout room session and the parties will be afforded 60 seconds to wrap up any conversation, without prejudice to seeking another breakout session as may be appropriate.

Best Practices:

You should participate from a private, quiet room that is free of disruptions. When not participating in the proceeding, please put your microphone on mute.

Lighting in the room should be overhead or in front of you; warm-hued lights look best. Avoid side lighting, backlighting, and sunlit windows that illuminate surfaces unevenly.

Zoom has a virtual background feature by which you may use a photograph as your background. The Case Managers will provide a background of the courtroom that we encourage participants to use if possible. For best results and to avoid blurring between the litigant's features and the background, have a blank wall/surface immediately behind you. Please test this feature. Zoom provides instructions for using virtual backgrounds at <https://support.zoom.us/hc/en-us/articles/210707503-Virtual-Background>. If you are unable to use the court provided virtual background, please choose a simple background.

Place the camera on your computer, laptop, or mobile device at eye level and at approximately an arm length's distance. If you use a mobile device, it should be mounted on a stationary, upright surface. You are not required to stand during your argument.

An example of a videoconference oral argument from the D.C. Court of Appeals is available at https://www.youtube.com/watch?v=_V9OS7dkLgc