



# Virtual Trials

Bench & Jury

A Handbook for Court Staff

# Contents

<b>Introduction</b>	<b>4</b>
<b>Training Videos</b>	<b>5</b>
<b>Technology Check</b>	<b>5</b>
<b>Zoom Settings</b>	<b>6</b>
<b>Waiting Room Settings</b>	<b>6</b>
<b>Sound notification when someone joins or leaves</b>	<b>7</b>
<b>Creating a Zoom Meeting Invitation</b>	<b>8</b>
<b>Zoom Desktop App</b>	<b>8</b>
<b>Basic Zoom Controls</b>	<b>11</b>
<b>Zoom App Settings</b>	<b>12</b>
<b>Turn off non-video participants</b>	<b>12</b>
<b>Roles</b>	<b>14</b>
<b>Co-Hosts</b>	<b>14</b>
<b>Alternative Host</b>	<b>15</b>
<b>The Waiting Room</b>	<b>16</b>
<b>Breakout Rooms</b>	<b>18</b>
<b>Trial Exhibits</b>	<b>21</b>
<b>Attorneys</b>	<b>21</b>
<b>Jurors - Preliminary &amp; Final Instructions and Verdict Form</b>	<b>24</b>
<b>Jurors - Exhibits</b>	<b>27</b>
<b>Zoom Settings for Viewing Exhibits</b>	<b>29</b>
<b>Virtual Jury</b>	<b>30</b>
<b>Renaming Jurors, Attorneys, Witnesses, etc.</b>	<b>30</b>
<b>Appendix A</b>	<b>33</b>
<b>Virtual Trials Checklist</b>	<b>33</b>
<b>Appendix B</b>	<b>39</b>
<b>Sample Order For Remote Civil Bench Trial</b>	<b>39</b>
<b>Appendix C</b>	<b>44</b>
<b>Sample Order for Remote Civil Jury Trial</b>	<b>44</b>
<b>Appendix D</b>	<b>49</b>
<b>Example Jury Instruction - Questions to Witness</b>	<b>49</b>
<b>Appendix E</b>	<b>50</b>

<b>Example Jury Instruction - Electronic Evidence</b>	<b>50</b>
<b>Appendix F</b>	<b>51</b>
<b>Sample Email to Counsel RE Links for ZoomGov.com sessions</b>	<b>51</b>
<b>Appendix G</b>	
<b>Certification RE Exhibits form</b>	<b>52</b>
<b>Appendix H</b>	
<b>Sample Email to Jurors</b>	<b>54</b>

## Introduction

This handbook was developed by the Western District of Washington to guide court staff through the use of the ZoomGov platform for conducting virtual trials. The entire trial will take place using the ZoomGov platform. The parties, counsel, witnesses, and any jurors 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.

## Training Videos

The Western District of Washington has added several training videos to its YouTube channel. These videos cover several topics of interest to attorneys and staff:

### [Zoom Videos](#)

- Excerpt conducting remote bench trials in King County Superior Court
- Joining & configuring audio and video in Zoom
- Zoom virtual backgrounds
- Zoom meeting controls
- Zoom sharing your screen
- Zoom Video breakout rooms

### [Box.com Videos](#)

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

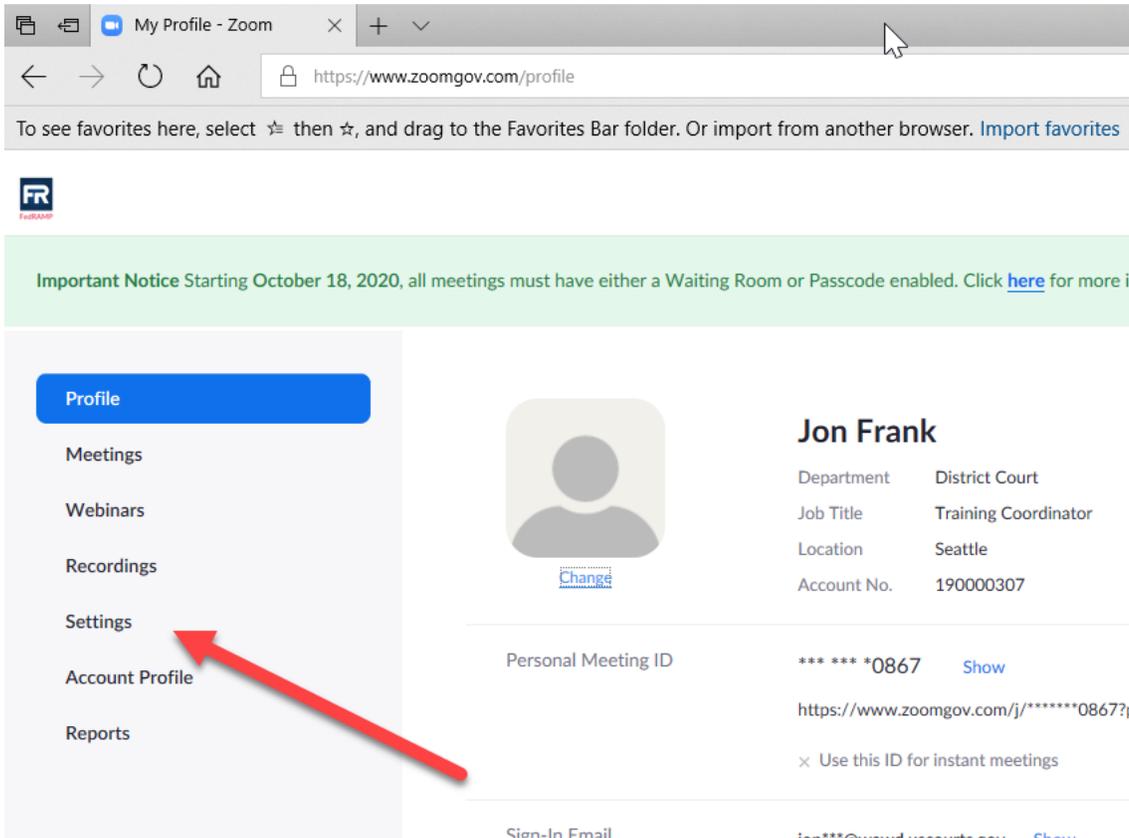
## Technology Check

The model order will require the attorneys to participant in a technology check with court staff. During that session it is strongly encouraged that they practice the following skills:

- Calling and examining a witness
- Examining a witness about an exhibit as to which admissibility is stipulated the exhibit will be shared with the jurors from Box.com or another program being used by the attorneys in connection with the screen share function in ZoomGov.com
- Laying foundation for an exhibit as to which admissibility is disputed (the exhibit will be available to the witness, counsel, and Judge outside the ZoomGov.com 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.com session); if admitted, the exhibit can be published to the jurors from Box.com during deliberation
- Using the ZoomGov.com annotation tools, enlarging and highlighting an exhibit while examining a witness about it
- Using the ZoomGov.com 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

# Zoom Settings

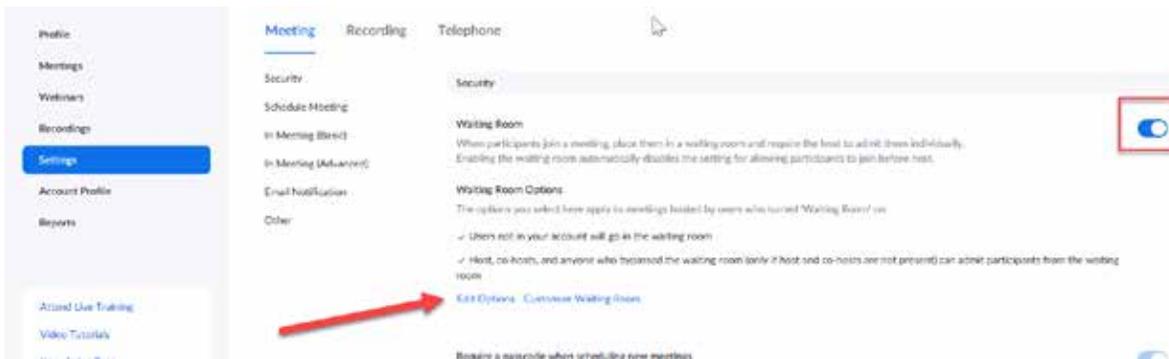
You can change your default ZoomGov settings prior to creating a meeting invitation. Go to: <https://zoomgov.com/profile> and login to your ZoomGov account. In the menu, choose settings.



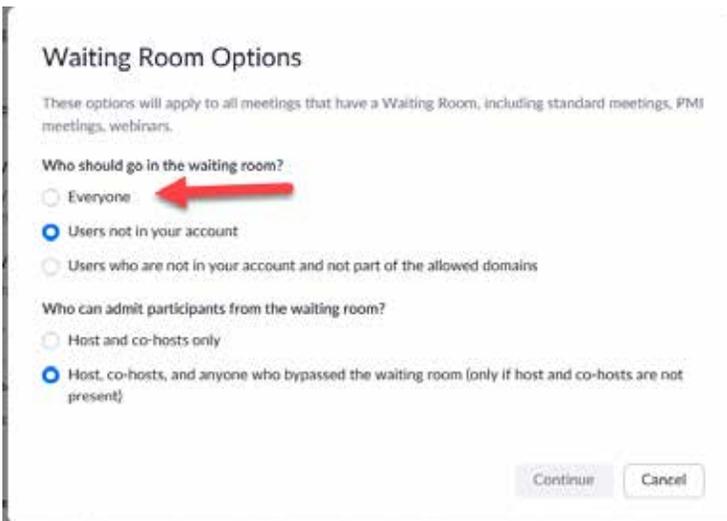
This will bring up your account's settings page. By default it is on the Meeting tab.

## Waiting Room Settings

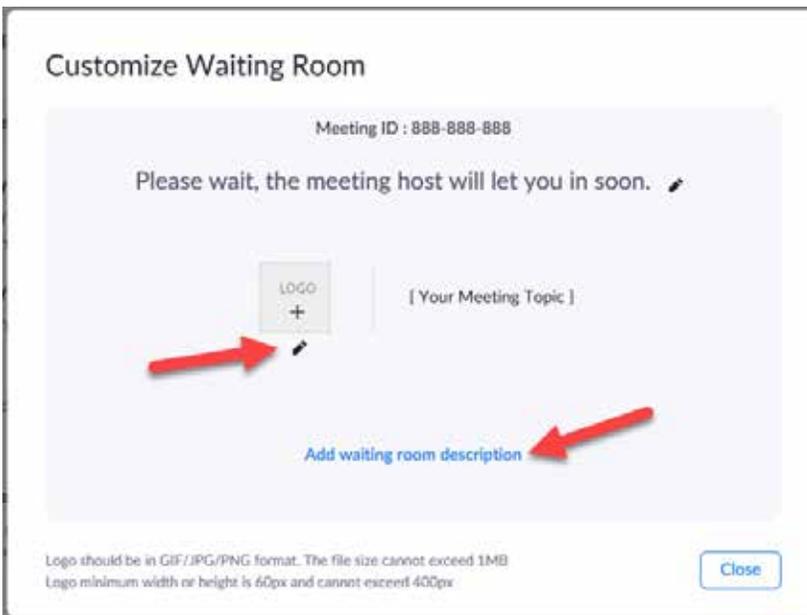
This setting is mostly directed at large Central Violations Bureau (CVB) dockets and is turned on by default.



It is recommended that you change the default setting from Users not in your account to Everyone. You can do this by clicking on the Edit Options link.



You can also customize your waiting room by adding a description or court seal. If you do not change this option, it will simply say “your [Name]’s personal waiting room”.



As you scroll down the settings page you will see that many settings are locked at the administrative level. But there are still settings you can modify.

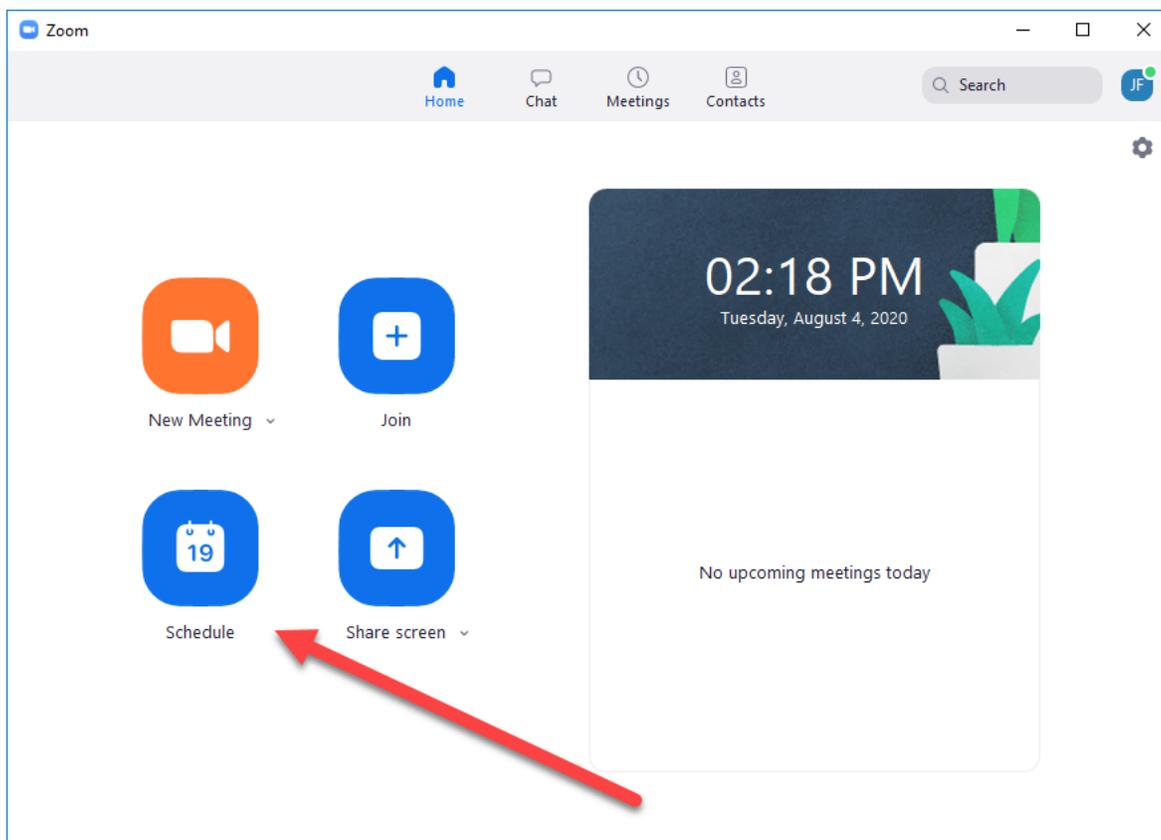
## Sound notification when someone joins or leaves

If you would like these disabled, you can make it so only the host and co-host hear them. This is generally at the request of the court reporters.

## Creating a Zoom Meeting Invitation

You can create a new meeting invitation in the Zoom desktop app, or if you have the Zoom Microsoft Office plug-in installed, through your Outlook account.

### Zoom Desktop App



The desktop Zoom app has buttons for New Meeting, Join, Schedule, and Share screen. Click on the Schedule button to open a scheduling window.

**Schedule Meeting**

**Topic**  
Example Trial Invitation

**Start:** Tue August 4, 2020 04:00 PM

**Duration:** 0 hour 30 minutes

Recurring meeting Time Zone: Pacific Time (US and Canada)

**Meeting ID**  
 Generate Automatically  Personal Meeting ID 161 3039 0867

**Password**  
 Require meeting password 709676

**Video**  
Host:  On  Off Participants:  On  Off

**Audio**  
 Telephone  Computer Audio  Telephone and Computer Audio  
Dial in from United States [Edit](#)

**Calendar**  
 Outlook  Google Calendar  Other Calendars

**Advanced Options** ▾

**Interpretation**  
 Enable language interpretation

**Schedule** **Cancel**

Here you can set the date, start time, and duration. By default, your meeting is set to have the video off for both hosts and participants. The default for audio is set to Telephone and Computer audio as well.

Clicking of the Advanced Options is where you can Mute participants upon entry.

**Advanced Options** ▾

Enable Waiting Room

Enable join before host

Mute participants upon entry

Only authenticated users can join: Sign in to Zoom

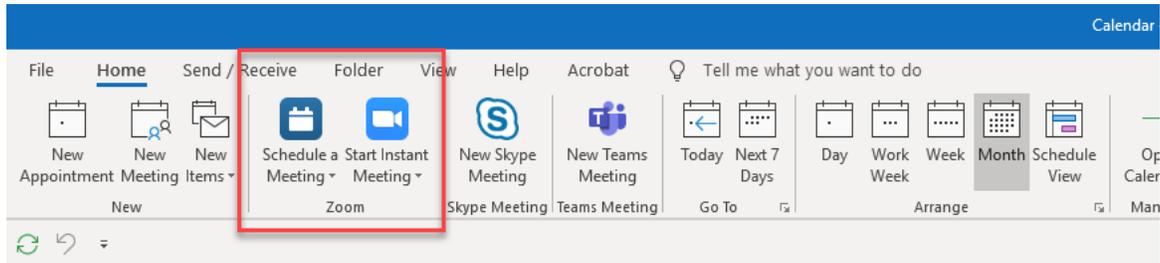
**Interpretation**  
 Enable language interpretation

**Schedule** **Cancel**

## Via Outlook\*

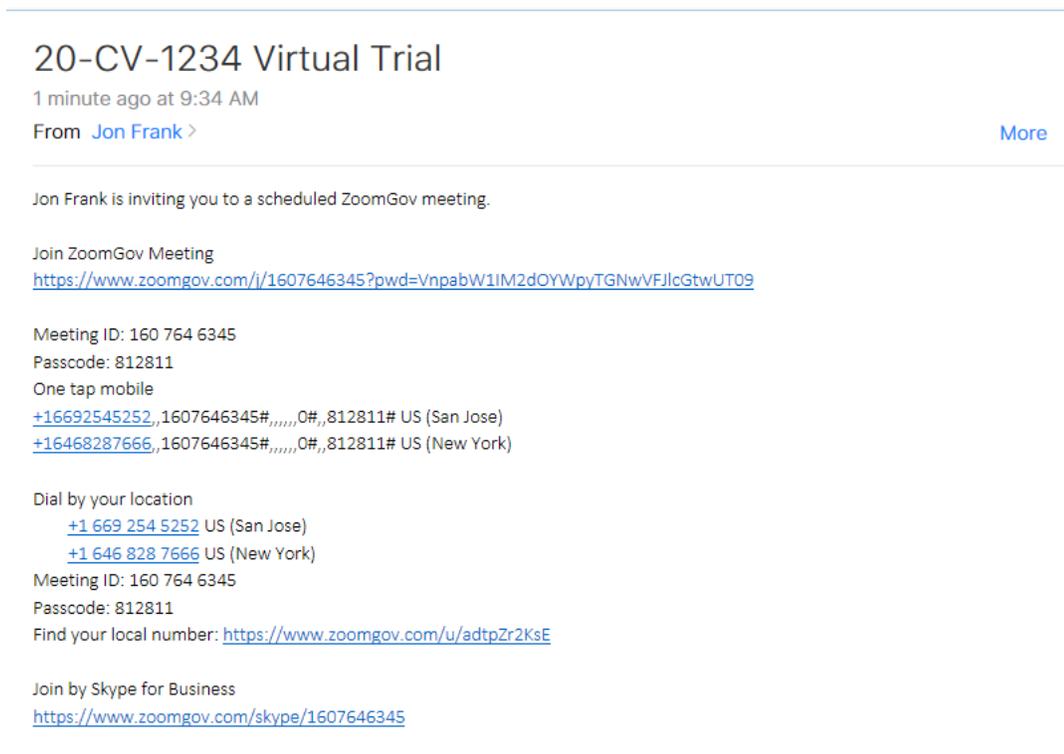
\*Must have the ZoomGov plug-in the Microsoft Office 365 installed.

Once you have the ZoomGov plug-in installed, you will see a Zoom group on the Calendar ribbon in Outlook.



When you click the Schedule Meeting button, Outlook will launch the Zoom desktop app and you will go through the same steps as above.

The Attorneys, etc., will receive an email that should look similar to the image below.



Once you've created an invitation, it should appear on your Outlook calendar. Invitees will be asked if they want to add it to their calendar when they accept the invitation. It will also appear in your Zoom app.

## Basic Zoom Controls

On a computer, a menu bar containing participant tools may appear and disappear as you mouse over the Zoom 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. Security - You can lock the meeting, Enable/disable the waiting room. Allow participants to chat, rename themselves, and unmute themselves. You can also remove a participant from the meeting.
4. Participants – Click to open a pop-out panel 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” icon that participants may use to raise a virtual hand.
5. Chat – Click to open the Chat panel where you can start or respond to a chat.
6. 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. This option may be disabled for participants.
7. Breakout Room - Clicking this button will pop out the Create Breakout Rooms window.
8. Reactions.
9. More - Livestreaming option.
10. End or Leave Meeting – Ending the meeting will disconnect all participants. Leaving the meeting will allow participants to remain in the meeting room.

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

## Zoom App Settings

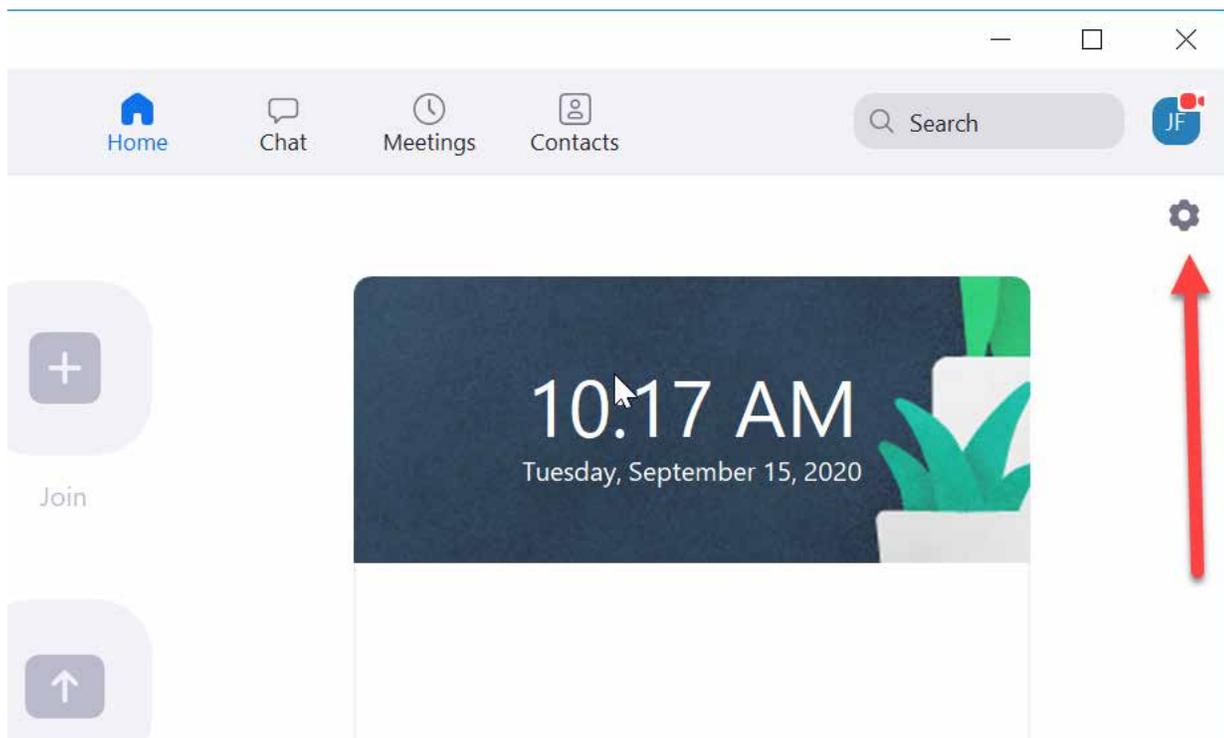
There are some basic Zoom settings that you may want to adjust prior to your trial.

### Turn off non-video participants

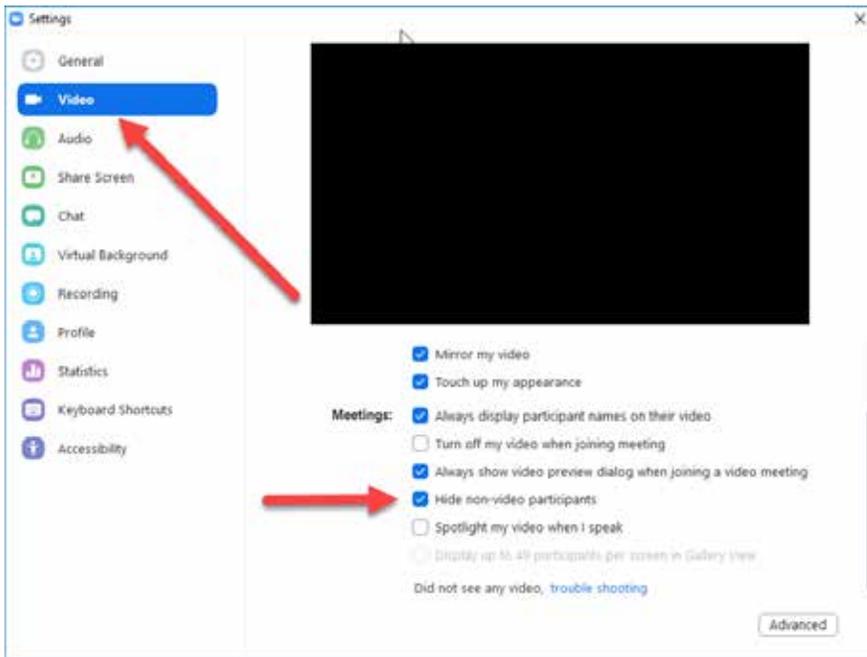
Zoom can only display a certain amount of participants at a time. If you are using an iPad, this number is smaller than what is available on a computer. It is important for you to be able to see and observe all participants during the trial. Participants who have video turned off take up room on your Zoom screen even though you cannot see them. Zoom would only show you a box with their name. To maximize the number of participants you can view, you can have Zoom not display participants who are not using video. You can do this for ALL Zoom meetings or for just a specific Zoom trial.

#### Turn off non-video participants for all Zoom meetings:

Launch the Zoom app on your computer and click on the sprocket to access Zoom settings.



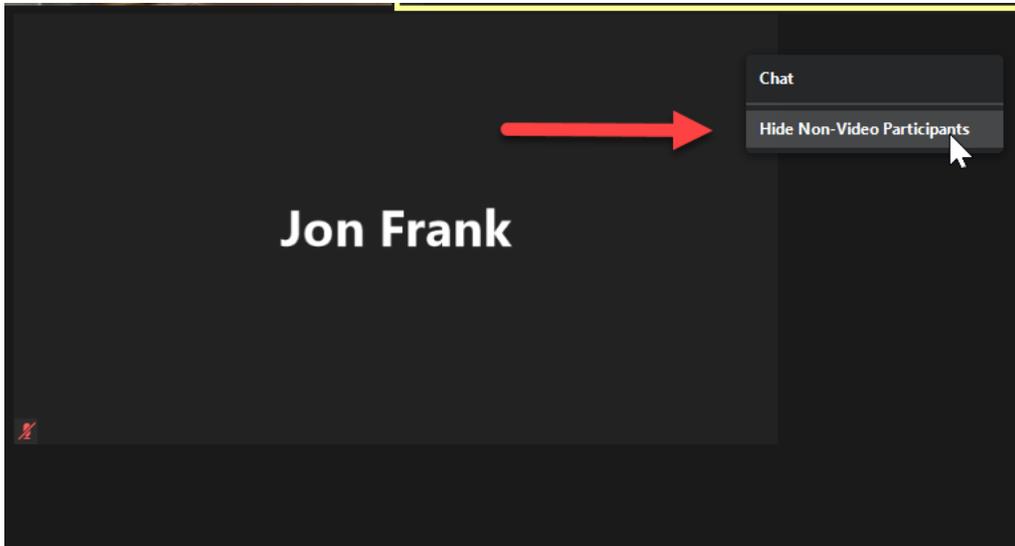
In the Zoom settings, click on Video and you'll see a checkbox for Hide non-video participants.



### Turn off non-video participants for a specific Zoom trial:

Once you have joined your trial you will see all of 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.

## Roles

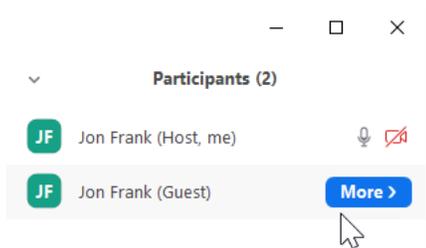
By default the person who creates and sends the Zoom invitation is designated as the Host. The Host is the only person who can start the Zoom meeting, move participants into breakout rooms, and end the meeting for all participants.

## Co-Hosts

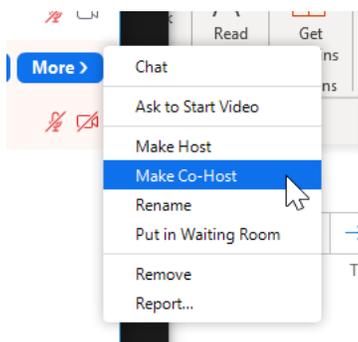
Co-hosts can manage participants, move them to and from the waiting room, or chat with participants (as chat is locked to only allow for messages to the Host & Co-hosts). You can have as many Co-hosts as needed.

You may designate the Judge as a co-host; you would do this during a jury trial when the Judge asks the jurors if they have any questions for the witnesses. As co-host, the Judge can receive those questions via chat. The chats can be saved. They will be available later in the Judge's Zoom folder on his or her computer. Once the process for posing jurors' questions of a particular witness is completed, you can "revoke" the co-host designation. That way the Judge isn't distracted by participants joining or leaving the meeting.

In the Participant panel, click the More button.



In the menu, choose either Host or Co-Host. If you designate someone as host you no longer have the ability to add co-hosts or become the host again. The new host will need to do that.



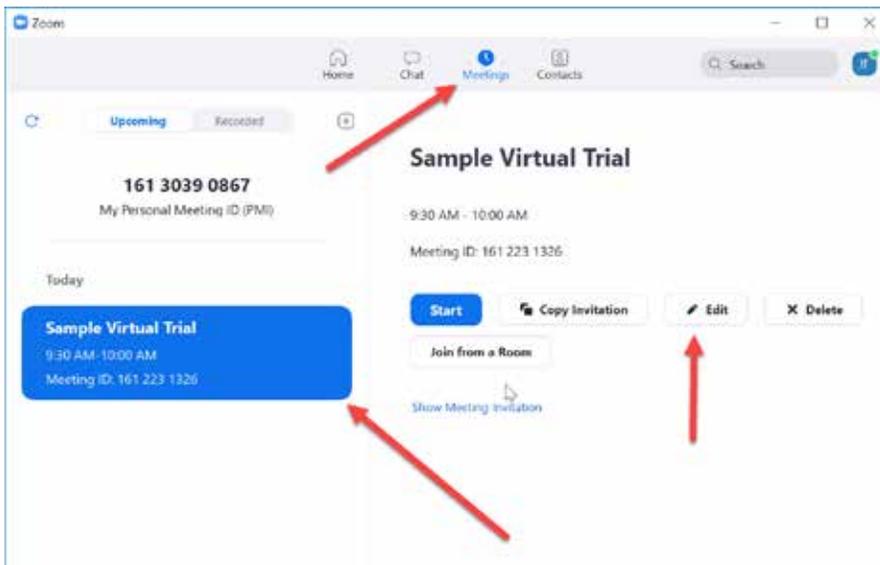
## Alternative Host

If you need other staff members to start meetings, but they didn't create the invitations, they have to:

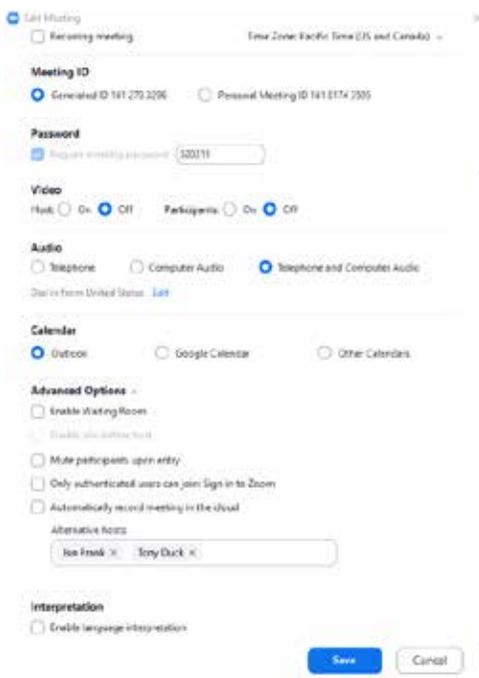
1. Have a ZoomGov license
2. Be on the same account (all WAWD is on the same account)

Each of the courtroom deputies has an assigned ZoomGov license. If coverage is needed, another CRD would need to be designated as an alternative host.

To designate another staff member as an alternative host, you need to launch the Zoom app on your computer. On the main screen click the meetings button at the top.

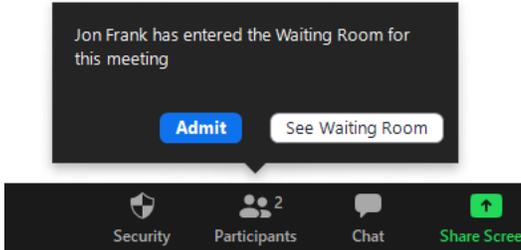


Select your scheduled trial and click the Edit button. In the Edit Meeting dialog you can add Alternative Hosts. They will receive an email alerting them.

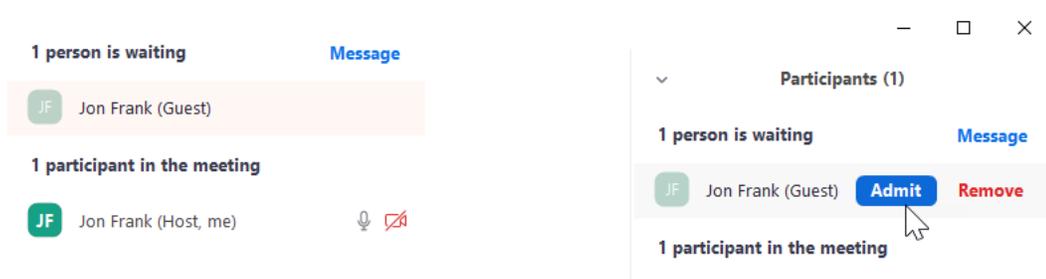


# The Waiting Room

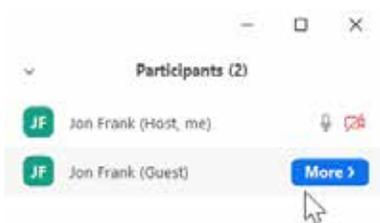
Once you, as the host, have started the meeting, you will be notified as participants join the meeting. Because we have enabled the waiting room, they are not automatically joining the meeting, but instead will be waiting in a virtual waiting room until you admit them. As they join, you will see a notification at the bottom of your Zoom screen.



You can admit them or, if you click on the See Waiting Room, the participant panel will open. It will show you all participants and indicate if they have been admitted into the meeting. You will know this by their name being slightly grayed out. Hover over a participant and you will see the Admit button.



If they have been admitted into the meeting, and you would like to move them back to the waiting room, if you hover over their name in the participants pane, the more button will show.



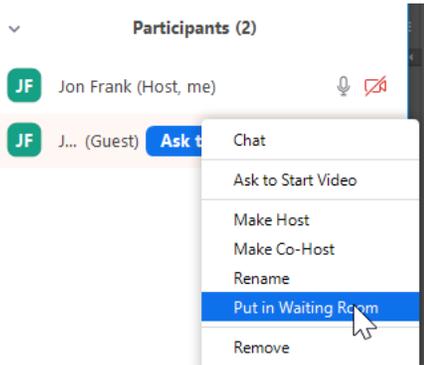
In the More menu you have the option to move them back to the waiting room. This is how you would admit and then remove witnesses when it is time for them to testify.

Participants (2)

JF Jon Frank (Host, me)  

JF J... (Guest) **Ask t**

- Chat
- Ask to Start Video
- Make Host
- Make Co-Host
- Rename
- Put in Waiting Room**
- Remove



## Breakout Rooms

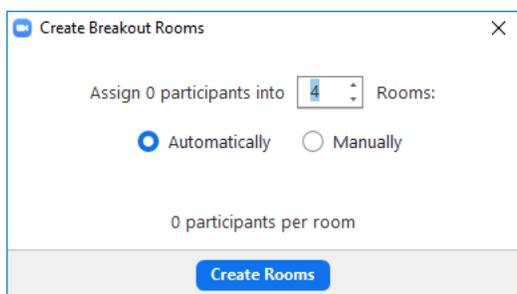
The Zoom platform allows for breakout rooms. Breakout rooms can also be used if counsel wishes to confer with their client privately.

***Note: Only the Host can move participants to a breakout room. If you have already created breakout rooms, and then you make another staff member the Host, the new Host cannot see the rooms you previously created. Hosts see only rooms they have created.***

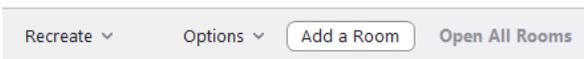
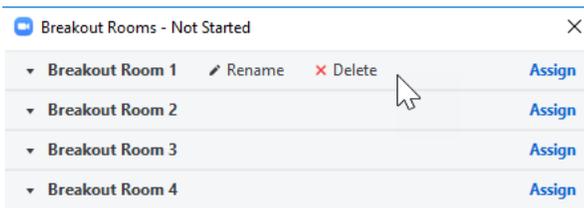
A breakout room can only be setup and assigned by the host, in this case court staff. Breakout rooms can be created once the host has started the meeting. Participants can be assigned to a breakout room after joining the meeting. Beware, when breakout rooms are enabled, ALL participants who are assigned to a room are moved to the breakout room in question. There is no option for moving a particular participant out of a breakout room and into the meeting (trial).

You should set the breakout room controls to not permit participants who are assigned to a breakout room (usually jurors) to return on their own at any time to the main meeting (virtual courtroom). If you disable participants from returning on their own, they may not leave a breakout room without leaving the meeting entirely. If a participant who was in a breakout room leaves the meeting (or loses connectivity, when the participant re-enters the waiting room, the Host can admit the participant to the meeting and ask the participant to rejoin the breakout room. The participant can do so by clicking on the Breakout room button and hitting “Join Breakout Room.”

Click on the Breakout room button.

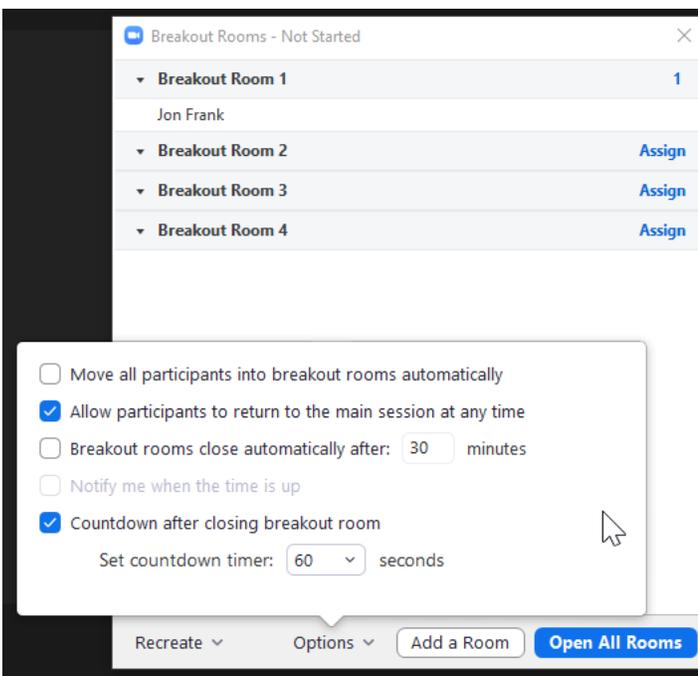


Determine the number of rooms you need. Once the rooms have been created you can rename them. If you leave the setting default to Automatically, participants will be assigned to a room automatically. Usually this is the first room. Change it to Manually if you would like to assign them to specific rooms yourself.

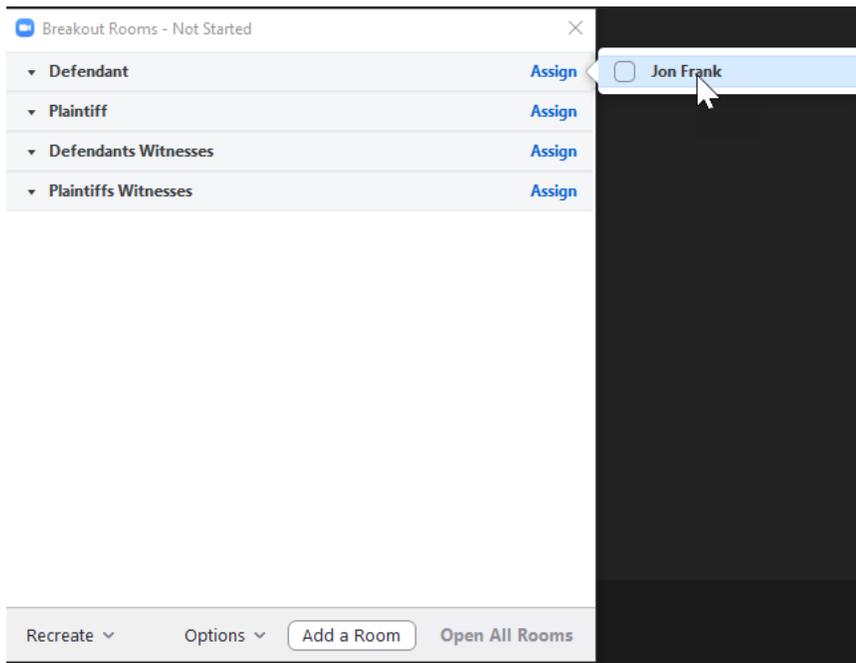


If you do not want participants to have to accept an invitation to move to their assigned breakout room, you will want to make sure that Move all participants into breakout rooms automatically is checked.

You also have options for allowing participants to return to the main room, for closing the rooms automatically after a set amount of time, and for setting how long of a notice they have before they are returned to the main meeting once you've closed the breakout rooms.



You can assign participants to a breakout room once they have logged into the meeting. You can do this via the breakout room button, which will open the room dialog window, by clicking on the Assign button to the right of each room you have created. You will see a list of participants and you can check the box next to their names to assign them to the breakout room.



Once you have added a participant, the Open All Rooms button will no longer be grayed out. You can either open the rooms at this point or close this window. Clicking on the Breakout Rooms button will bring it back up and you can open the rooms then.

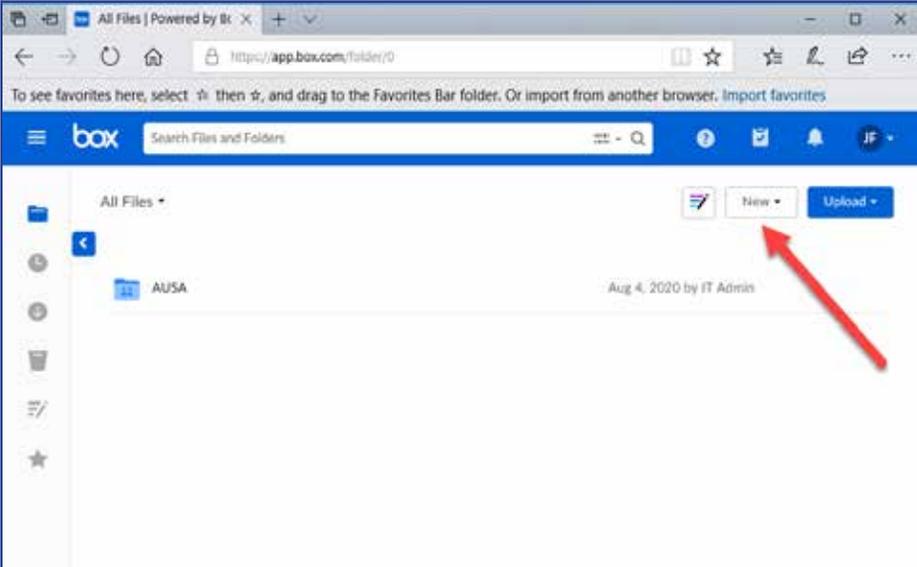
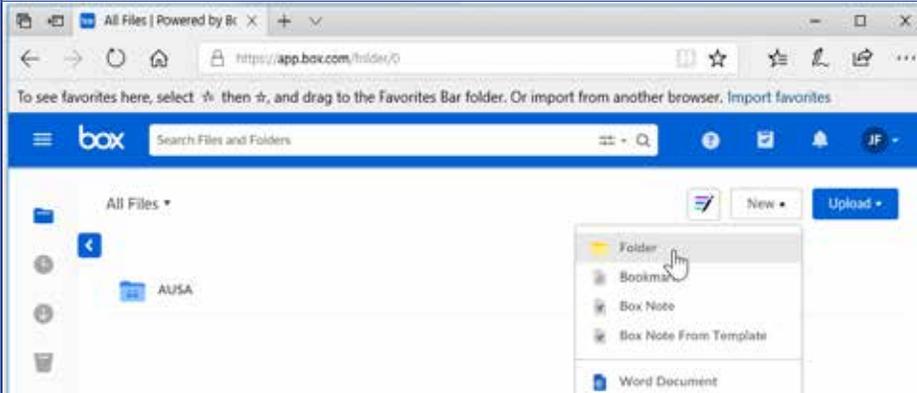
## Trial Exhibits

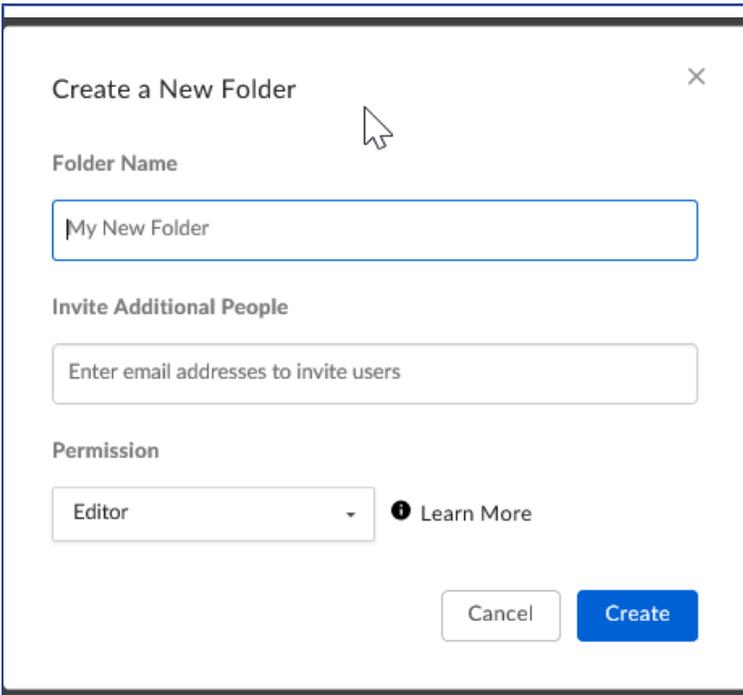
The court utilizes a secure file sharing service, Box.com, for electronic exhibits. Each chambers will be assigned a login and password to the system. This will allow you to log in, create folders, and send links to the attorneys for uploading their exhibits.

## Attorneys

***Currently the United States Attorney does not accept invitations for using the court's Box.com account. If your trial includes an Assistant United States Attorney, then alternative options will need to be arranged using the United States Attorneys secure file sharing service. If this is a jury trial, the courtroom deputy will need to load those exhibits into Box.com for the jury during deliberation.***

Exhibits should conform to the standards outlined in the Jury Electronic Exhibits Presentation handbook.

	Steps
 A screenshot of the Box.com web interface. The browser address bar shows 'https://app.box.com/folder/0'. The interface includes a search bar, navigation icons, and a 'New' dropdown menu. A red arrow points to the 'New' dropdown menu. The main content area shows a folder named 'AUSA' and a timestamp 'Aug 4, 2020 by IT Admin'.	1. Log into <a href="https://www.box.com">Box.com</a> .
 A screenshot of the Box.com web interface, similar to the previous one. The 'New' dropdown menu is open, showing options: 'Folder', 'Bookmarks', 'Box Note', 'Box Note From Template', and 'Word Document'. A mouse cursor is hovering over the 'Folder' option.	2. Click the New dropdown button
	3. Choose Folder

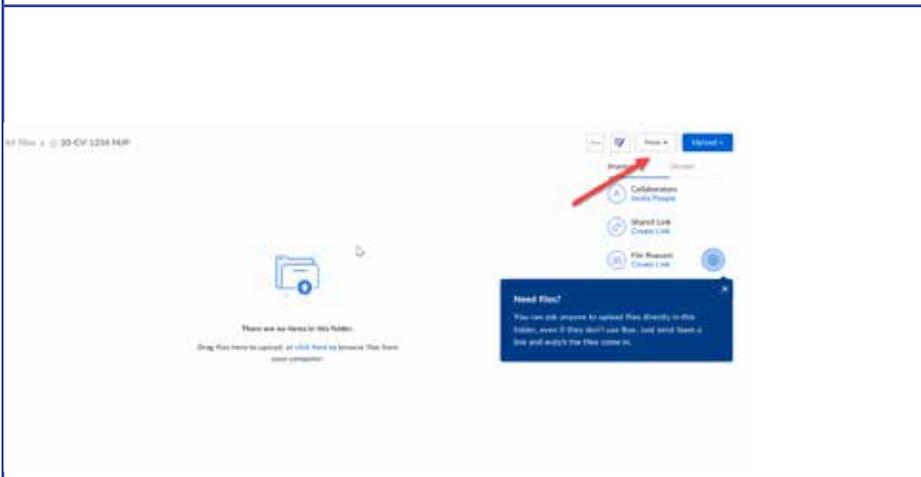


4. Name your folder appropriately.

i.e. 20-CV-1234 MJP

**Note:** You should name all your folders starting with the case # as this is included in any invite/link you have Box generate.

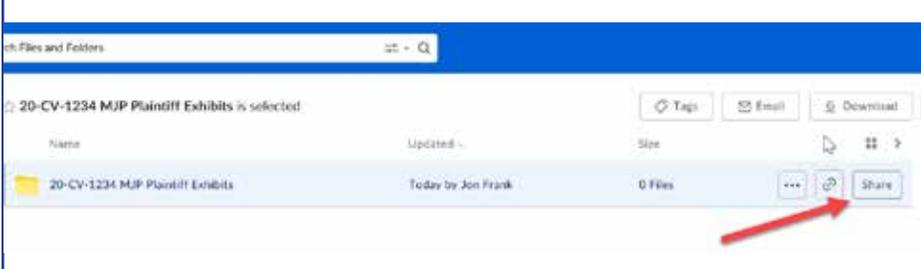
You do not need to worry about Permissions. And you will not invite people at this point.



5. Open your case folder and use the New dropdown to create your subfolders for:

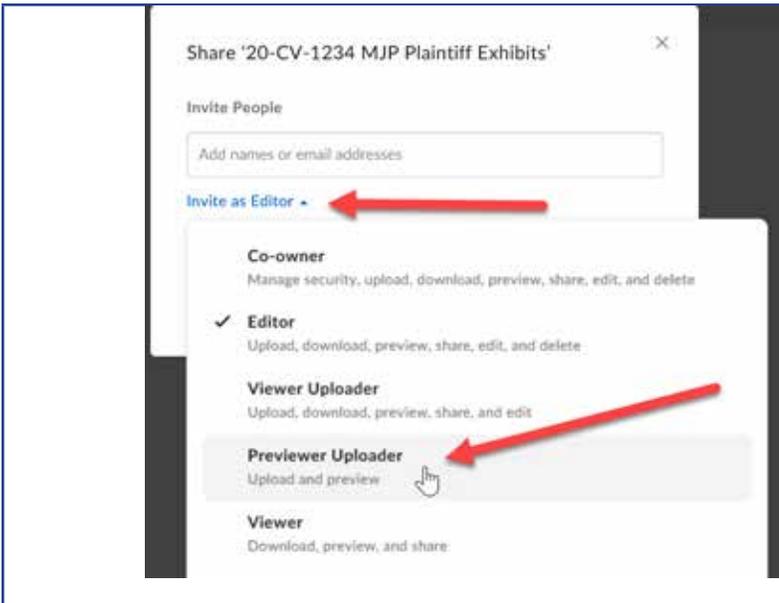
- Plaintiff Exhibits
- Defendant Exhibits

**Note:** You should name all your folders starting with the case # as this is included in any invite/link you have Box generate.



6. Once the folder for each party has been created you can have Box send them an email with a link to upload their files.

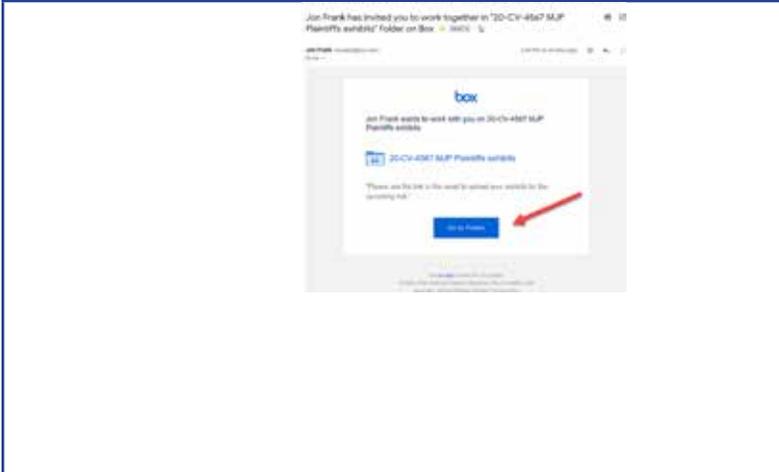
Click Share.



7. Enter the email address(es) for the attorney(s)

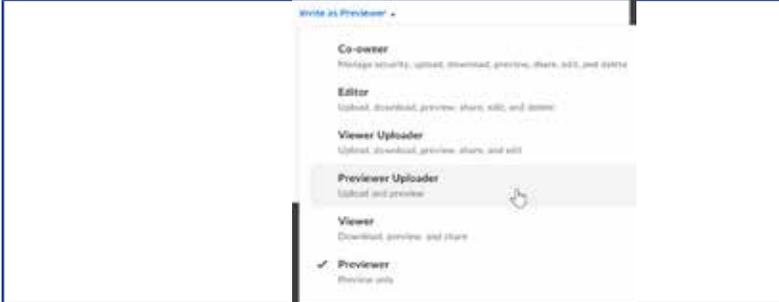
Set the permission level to Previewer Uploader.

Permission levels allow you to restrict what a user can or cannot do with files. If you do not want the parties to be able to edit, including editing the folder name, you would want to assign them the Previewer Uploader.



8. Counsel will then receive an email that looks something like the image to the left. They click on the Go to Folder button, which will take them to the Box.com site where they can upload their exhibits.

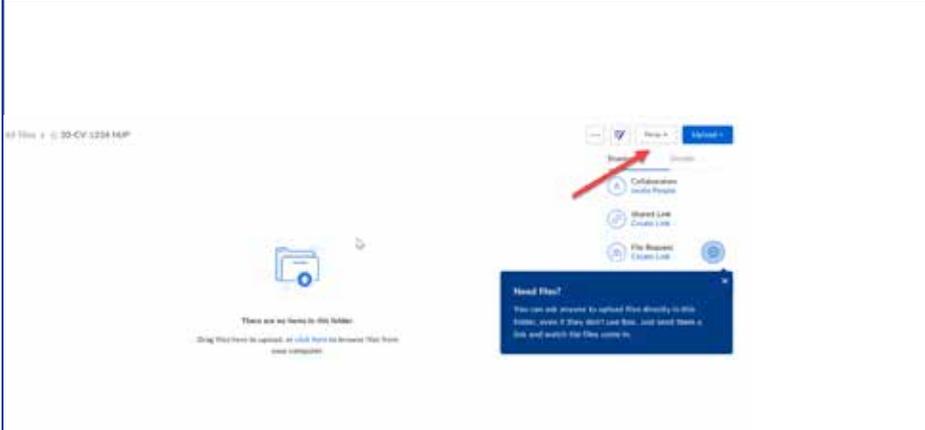
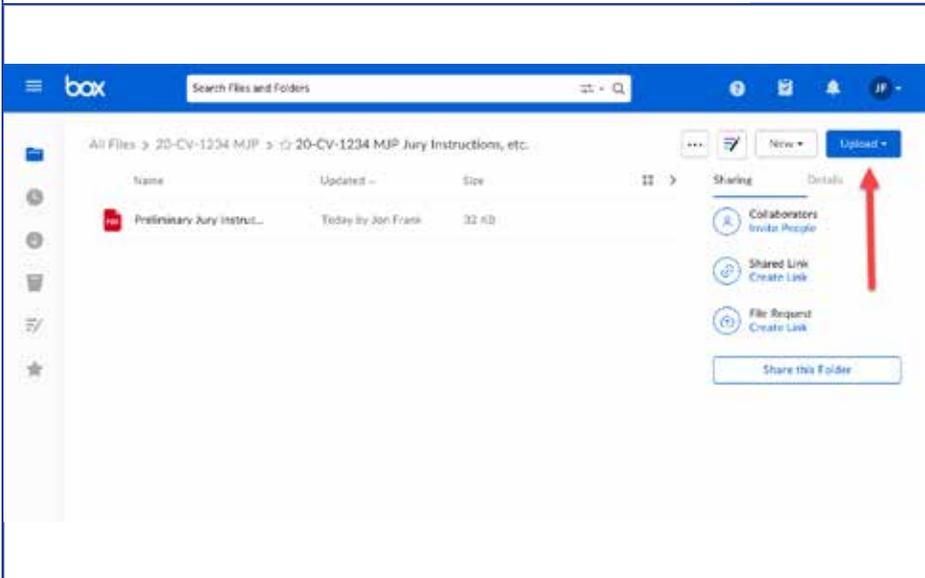
*Note: they will have to create a Box.com account the first time they access the platform.*

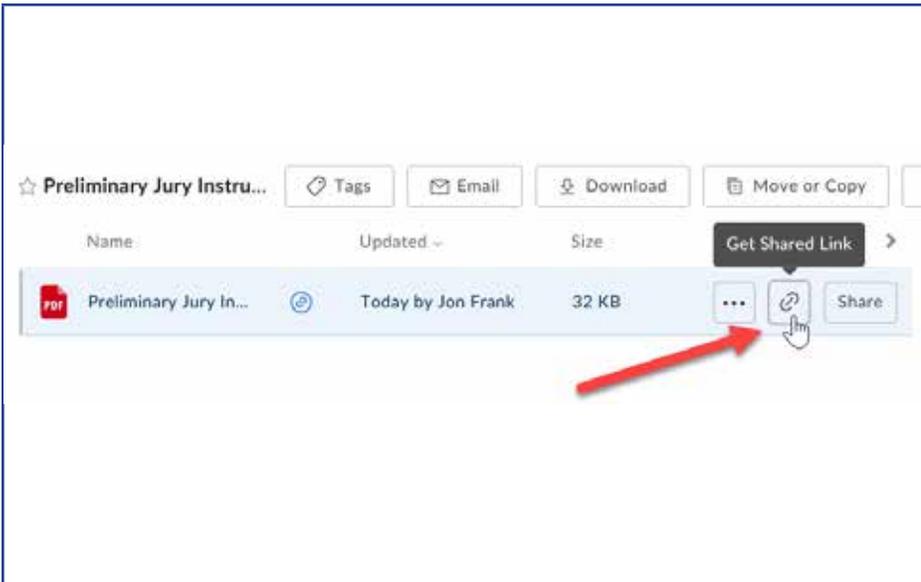


9. You can also send a link to the opposing party to view those exhibits if parties have agreed to discovery in this way. Follow steps 5 to 7 but set the permission level to Previewer.

## Jurors - Preliminary & Final Instructions and Verdict Form

Create a folder on Box.com for Preliminary Instructions, Final Instructions, and the Verdict form. Unlike the folder you have created for the attorneys, you don't need to set permissions for jurors to upload. For this folder they only need to view and download the documents.

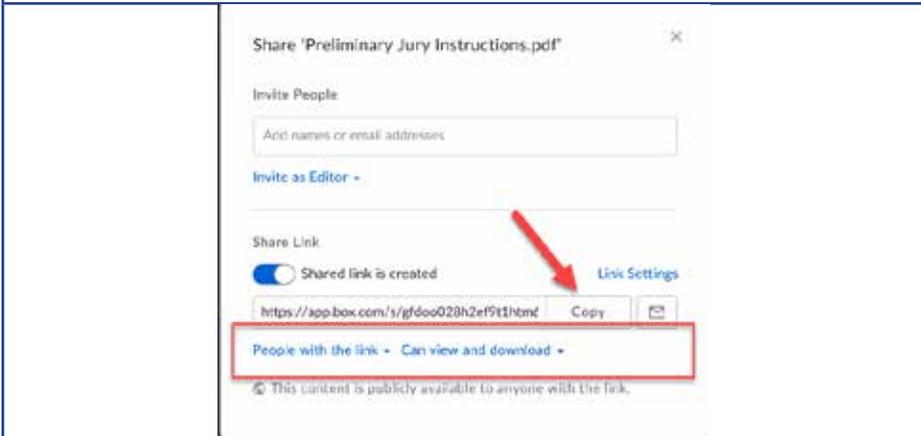
	Steps
	<ol style="list-style-type: none"> <li>1. Open your case folder and use the New dropdown to create a subfolder for the instructions &amp; verdict form.</li> </ol>
	<ol style="list-style-type: none"> <li>2. Upload your preliminary instructions, final instructions (when ready), and the verdict form.                     <p><i><b>Note:</b> The verdict form needs to be a fillable PDF form that has been saved so that anyone with Adobe Acrobat Reader can fill it out, save it, and then email to the courtroom deputy. Instructions on how to do this are at the end of this handbook.</i></p> </li> </ol>



3. You can send a link to just a document to all of the Jurors. Sending a link does not require an account in Box.com.

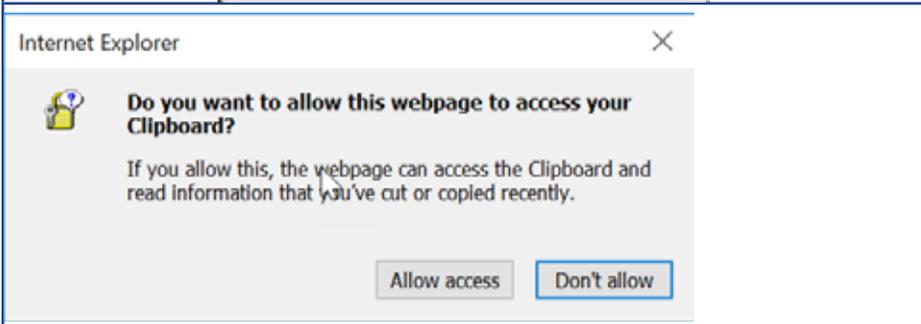
Click the Get Shared Link button.

*Note: Create an email group in Outlook at the beginning of your trial. When emailing the jurors, use the group and make sure to put the group in the BCC field.*

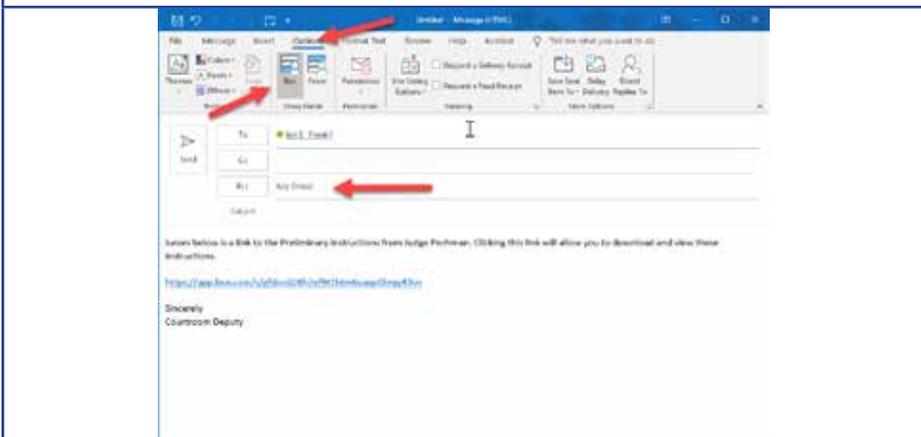


4. You can leave the Shared Link setting as is for items in this folder. People with the link will be able to view and download documents using this link.

Click the Copy button.

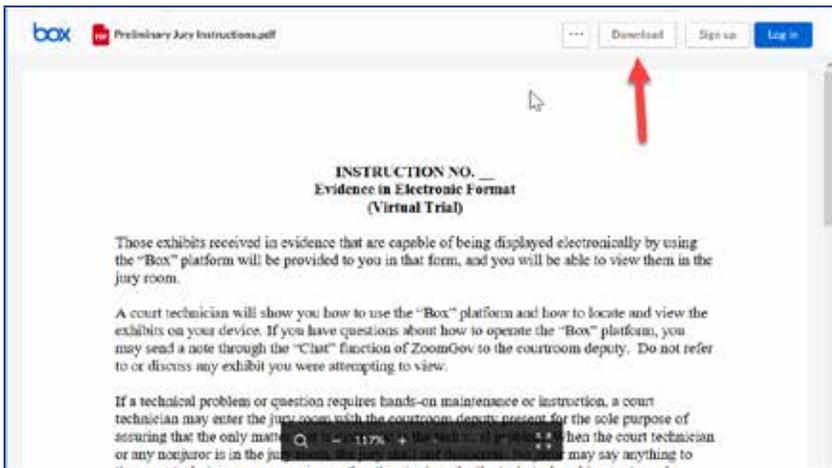


5. You will see a warning, click Allow Access.



6. Create a new email message in Outlook and paste the link into the body. Add any explanatory text.

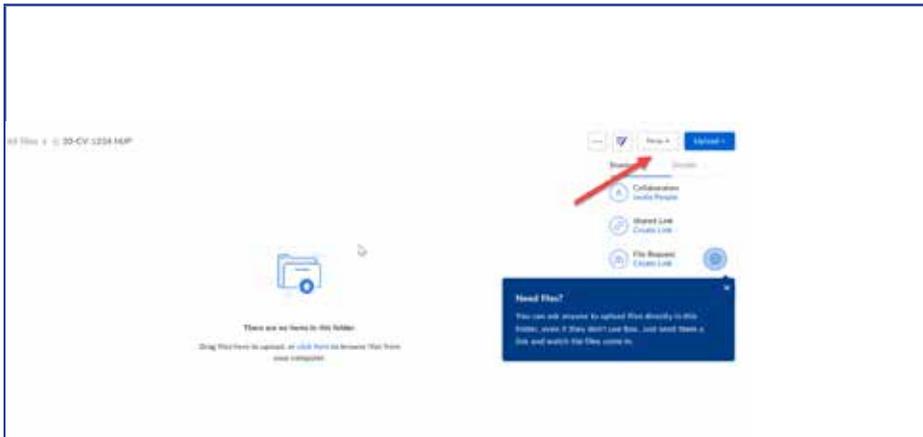
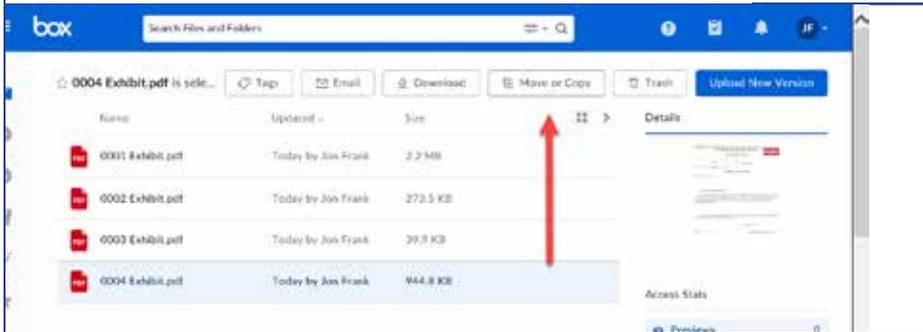
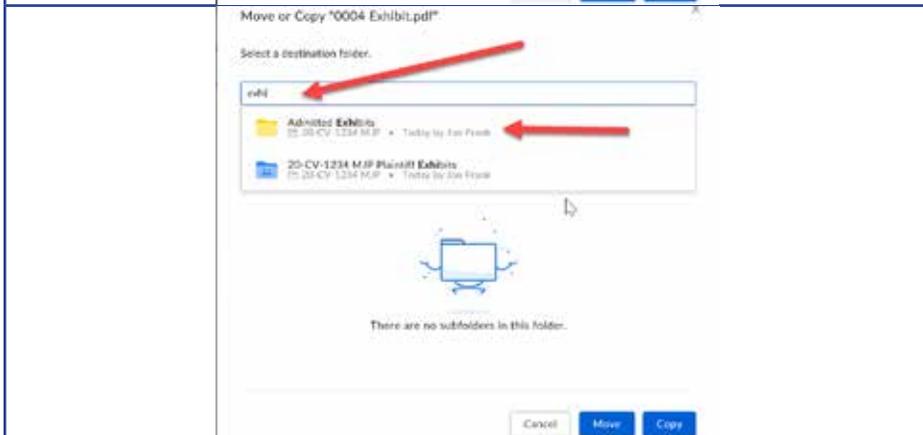
Or you can paste the link into a chat to all the jurors when they are in the jury breakout room.



7. The instructions will open in Box. They have the option of downloading them to their device.

*Note: When the Judge issues Final Instructions, you will delete the Preliminary Instructions from the folder and then upload the Final Instructions, along with the verdict form.*

# Jurors - Exhibits

	<p>1. Open your case folder and use the New dropdown to create a subfolder for the admitted exhibits.</p>
	<p>2. Select all of the exhibits you want to move and click the Move button.</p>
	<p>3. Search for the folder to which you want to move them using the search field.</p>
	<p>4. As you start typing your search term Box will display potential matches. Click the folder you want to select.</p>

Move or Copy "0004 Exhibit.pdf"

Select a destination folder.

path

All Files > 20-CV-1234 MJP > Admitted Exhibits

There are no subfolders in this folder.

Cancel Move Copy

5. You will know you're in the correct folder by the location link.

Click Move to move your exhibits.

*Note: You can click Copy if you want to copy the exhibits instead of moving them.*

Search Files and Folders

All Files > 20-CV-1234 MJP > 20-CV-1234 MJP Plaintiff Exhibits

Start a new...

Upload Folder Box Note

6. You see that the files are no longer in the folder (if you moved them). You can navigate up a level to access the exhibits folder by clicking on the navigation link.

Share 'Admitted Exhibits'

Invite People

Add names or email addresses

Invite as Editor

Share Link

Shared link is on

https://app.box.com/c/...

Can view and download  
Users can view and download

Can view only  
Users can view only

People with the link - Can view only

7. This time you will change the link setting from Can view and download to Can view only. People with the link will be able to view but not download the documents.

Click the Copy button.

Internet Explorer

Do you want to allow this webpage to access your Clipboard?

If you allow this, the webpage can access the Clipboard and read information that you've cut or copied recently.

Allow access Don't allow

8. You will see a warning, click Allow Access



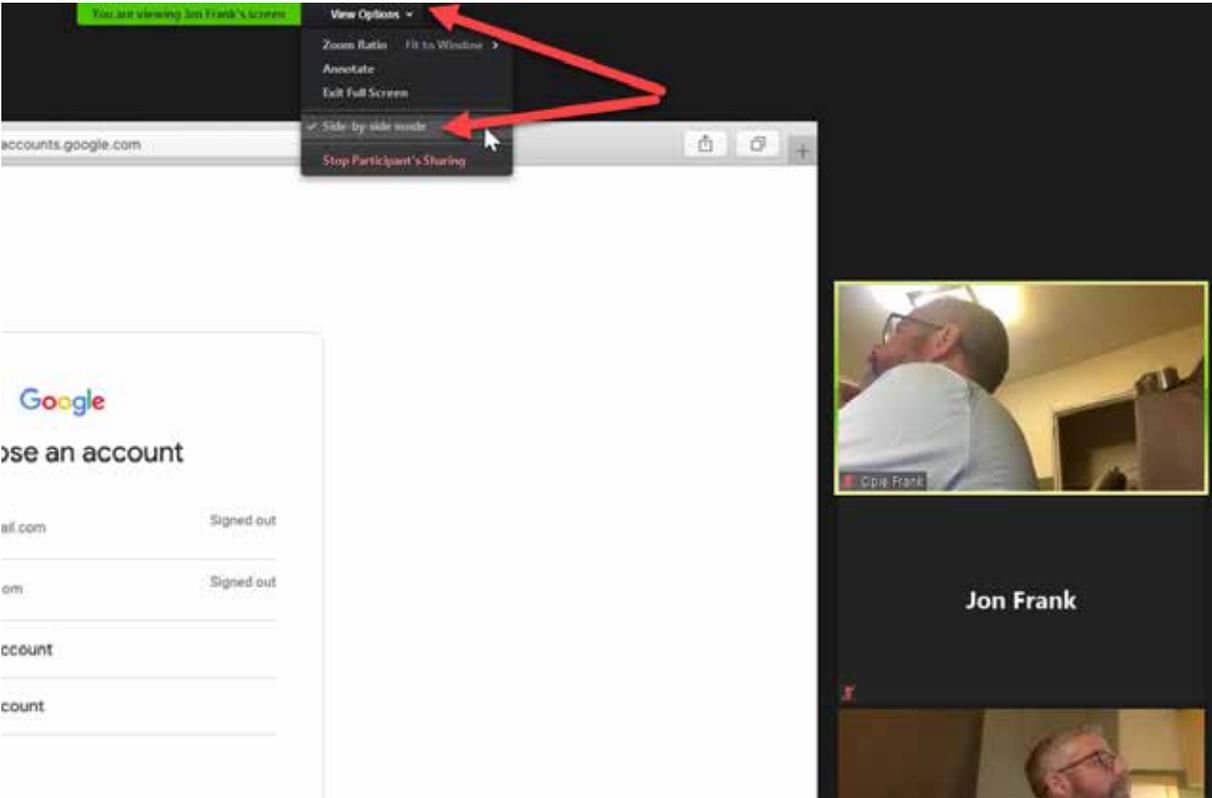
9. Create a new email message in Outlook and paste the link into the body. Add any explanatory text.

Or you can paste the link into a chat to all the jurors when they are in the jury breakout room.

### Zoom Settings for Viewing Exhibits

When counsel are sharing their screens to display exhibits, you will want to make sure your view settings are set so that you can still see all participants, especially if the virtual trial involves a jury.

At the top of your Zoom 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. Doing so will maximize your view of participants by displaying them to the side of the shared screen.



## Virtual Jury

During jury screening, selection, and an actual trial, you will want to put juror numbers in each juror’s window or tile (depending upon your Judge’s preference). A host or co-host in a Zoom meeting has the ability to “rename” a participant.

### Renaming Jurors, Attorneys, Witnesses, etc.

Once you have admitted participants to the trial, open the participant panel. You will see each participant who has signed in to your trial. If you hover over a participant’s name the “more” button will appear. When you click this button, a menu will open. One of the options is Rename.

The number of characters you may use is limited. Thus, the following naming convention is recommended:

{First Initial} {Last Name} (Role)

or

{Last Name} (Role)

or

{Last Name} Role

Abbreviations for Role:

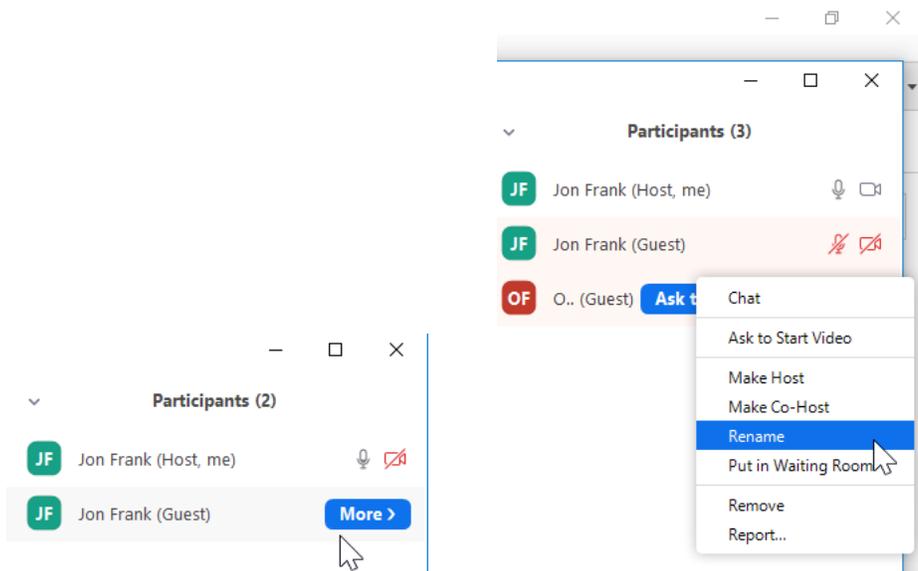
Pla	:	Plaintiff
Def	:	Defendant
Pla Rep	:	Plaintiff’s Representative
Def Rep	:	Defendant’s Representative
Pla Atty	:	Plaintiff’s Attorney
Def Atty	:	Defendant’s Attorney
Witn	:	Witness

Examples:

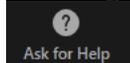
J. Austen (Pla)

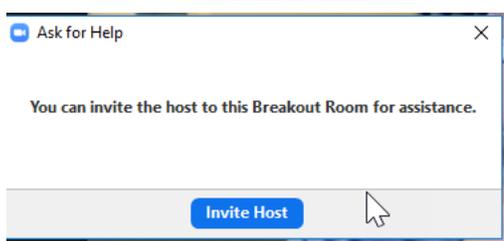
Hemingway (Def Atty)

Koothrappali Pla Rep

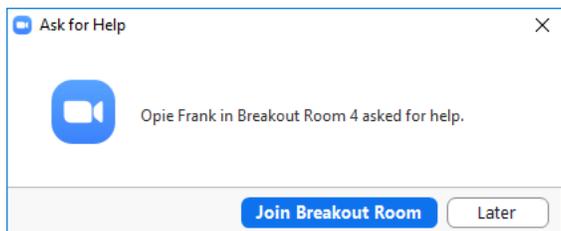


Breakout rooms are ideal for jury deliberation. The jurors can discuss the case amongst themselves.

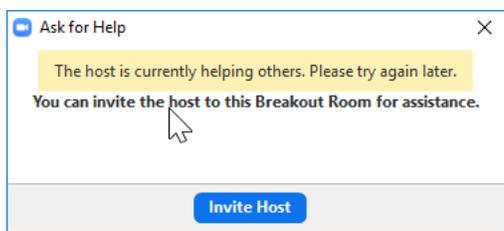
If they need help, have a question, or have reached a decision; they can use the  button. This button will give them the option to invite the Host of the trial (usually the courtroom deputy) to the breakout room.



The following window will popup on the Host's screen.

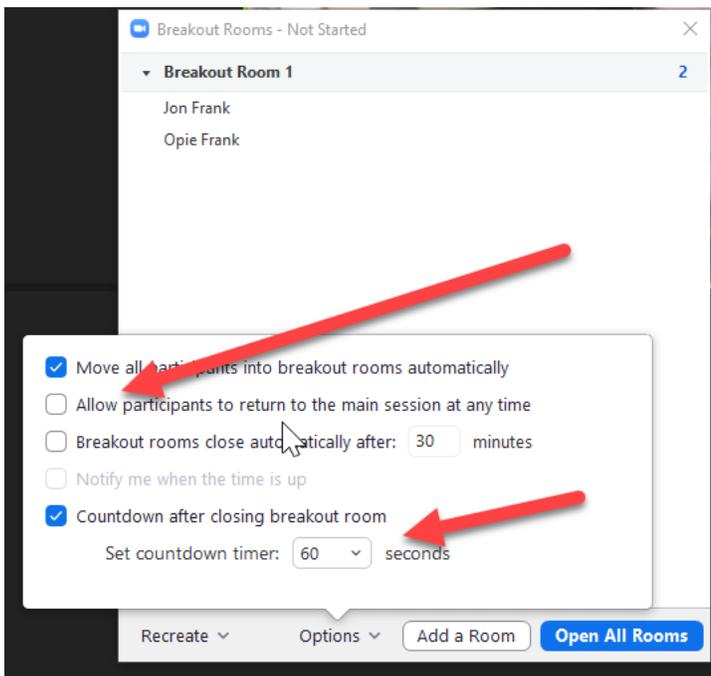


The Host can join the breakout room immediately or click the later button. If you use the later button, the person who clicked the Help button in the breakout room will receive a message:



To join the breakout room later, go to the Breakout Rooms button. All open rooms will display the option to “join” the room.

When setting up the breakout (virtual jury) room you will want to change the default option to not allow jurors to leave the room on their own.



It is also a good idea to change the countdown after closing the breakout room to a shorter time period than the default 60 seconds.

# Appendix A

## Virtual Trials Checklist

### **Before Trial**

- Enter an Order for Remote / Virtual Civil [Jury] [Bench] Trial (see Appendix B/C)
- Schedule a ZoomGov.com session for each anticipated day of trial
- Email the ZoomGov.com link and meeting identification (ID) number and passcode for each day of trial to the following individuals:
  - the Judge (or whoever keeps the Judge’s calendar)
  - the court reporter
  - the attorneys (with a request that they forward the links, meeting ID numbers, and passcodes to their team members, clients, and witnesses, as appropriate (see Appendix F))
  - other court personnel who will be assisting with the trial
- Provide the dial-in number and meeting ID number for each day of trial for posting to the list of remote proceedings on the Court’s public website
- Create the appropriate Box.com folders: (i) Admitted Exhibits; (ii) Plaintiff’s Proposed Exhibits; (iii) Defendant’s Proposed Exhibits; and (iv) Jury Instructions and Verdict Form
- Using Box.com’s “Share” function, invite the attorneys as follows:
  - (i) for the “Admitted Exhibits” folder, all attorneys should be designated “Previewer Uploader”;
  - (ii) for the “Plaintiff’s Proposed Exhibits” folder, plaintiff’s counsel should be designated “Previewer Uploader” and defendant’s counsel should be designated as “Previewer” only;
  - (iii) for the “Defendant’s Proposed Exhibits” folder, defendant’s counsel should be designated as “Previewer Uploader” and plaintiff’s counsel should be designated as “Previewer” only
  - (iv) for the “Jury Instructions and Verdict Form” folder, do not invite the attorneys; only the jurors will later be provided a link
- Provide the attorneys a form of certification concerning the exhibits (see Appendix G)

## **Prior to Jury Selection**

- Obtain a list of potential jurors' email addresses from Jeff Humenik by the end of the day on the Thursday before trial, and do the following:

email the potential jurors on the Friday before trial to provide them with the ZoomGov.com link and meeting ID number and passcode for only the first day of trial, as well as contact information (cell phone) in the event they have difficulty accessing the ZoomGov.com session or are otherwise unable to participate in jury selection (See Appendix H)

if sending a group/bulk email, make sure to put the potential jurors' email addresses in the "bcc" line so that their email addresses are not visible to other recipients

remember to "cc" Jeff Humenik on the email to the potential jurors (Jeff will then have the ZoomGov.com link and meeting ID number and passcode, and the potential jurors will have his email address)

- Obtain from Jeff Humenik the potential jurors' responses to the questions on the jury summons and the general questionnaire, and do the following:

- compile the responses into one PDF and email it to the Judge

if the Judge prefers a spreadsheet that summarizes the responses, prepare one and email it to the Judge

when the Judge approves distribution of the responses to the attorneys (usually on the morning of the first day of trial, while the jurors are participating in the orientation program), email the responses and/or the spreadsheet to the attorneys

## **Jury Orientation**

- Start the ZoomGov.com session for the first day of trial
- Admit Jeff Humenik and designate him as a "co-host"
- Create a breakout room and rename it "Virtual Jury Room"
  - Select the option of "Move all participants into breakout rooms automatically"
  - Ensure that options of "Allow participants to return to the main session at any time" and "Breakout rooms close automatically after # minutes" are NOT selected (not checked)
  - Reset the countdown timer (default is 60 seconds; 10 seconds is recommended)

Begin admitting potential jurors

Obtain from Jeff Humenik the random numbers assigned to the potential jurors and rename the potential jurors using the following convention:

{Number} - {First Name} {Last Name}

EXAMPLES: 2 - Jane Doe **OR** 2-Jane Doe

Assign all potential jurors and a “co-host” (usually another courtroom deputy) to the “Virtual Jury Room,” but do not “open” breakout rooms until after Jeff Humenik has completed the orientation program

As part of the orientation program, potential jurors should receive the following Zoom related instructions:

- Remind potential jurors that they may not take screen shots of or otherwise record the proceedings
- Remind potential jurors to hide non-video participants
- Instruct potential jurors to use “gallery” view during the jury selection process and while in the “Virtual Jury Room”
- Explain that potential jurors should not attempt to “leave” the “Virtual Jury Room” (if they press the “leave” button, they will be disconnected from the ZoomGov.com session and will need to rejoin)
- Remind potential jurors about the protocols if they get disconnected from the ZoomGov.com session (if they were in the “Virtual Jury Room” when they got disconnected, when they are readmitted from the virtual waiting room, they should hit the “breakout room” button and click “join breakout room”)
- Explain how the “help” button works and when it should be used
- Ensure that all potential jurors have the courtroom deputy clerk’s cell phone number

Place all potential jurors and a “co-host” in the “Virtual Jury Room” by clicking “Open All Rooms” (the “co-host” can leave and rejoin the “Virtual Jury Room” as needed)

Once in the “Virtual Jury Room,” the “co-host” should tell potential jurors that they may take a break (but stay connected to the ZoomGov.com session) and the “co-host” should provide a specific time for potential jurors to return to their computers or other devices (in approximately 10-15 minutes)

## Jury Selection

- While potential jurors are in the “Virtual Jury Room” and taking a break, admit the Judge, the attorneys, and any individuals assisting counsel with the trial
- When everyone is ready, close all breakout rooms and the potential jurors will return from the “Virtual Jury Room”
- The Judge should ensure that everyone can hear and see the proceedings and inquire about the equipment being used by potential jurors
- The courtroom deputy clerk will swear in the potential jurors
- The Judge will explain the voir dire process (potential jurors should raise their physical hands in affirmative response to general questions and keep their hands raised under the courtroom deputy clerk calls out their numbers) (recommend against using the “raise hand” function in ZoomGov.com and recommend against using numbered cards - neither method is as effective)
- The Judge will conduct general questioning, following by the attorneys if permitted by the Judge
- “For Cause” and Peremptory Challenges are exercised using the following procedures
  - Place all potential jurors and a “co-host” in the “Virtual Jury Room” (click “Open All Rooms”)
  - The Judge and counsel will discuss “for cause” challenges, and the attorneys will exercise peremptory challenges
  - When the jurors to be seated have been identified, close all breakout rooms and the potential jurors will return from the “Virtual Jury Room”
- After the Judge has announced which jurors have been selected, the excused jurors should be thanked and instructed to leave the ZoomGov.com session (they do **not** need to reconnect with Jeff Humenik)
- Rename the seated jurors using the following convention: Juror # [EXAMPLE: Juror 1]

## Commencing Trial

The courtroom deputy clerk will swear in the jury

The Judge will provide preliminary instructions (if these instructions are also in written form, they can be shown to the jurors using the “screen share” function)

If counsel will proceed with opening statements immediately after the Judge gives preliminary instructions and if they intend to use PowerPoint slides or other materials in “screen share” mode, then jurors should receive instructions concerning:

- How to select “side-by-side” mode (with either “gallery” or “speaker” view)
- How to change the size of the shared screen

These instructions could be provided when the potential jurors are in the “Virtual Jury Room,” while counsel are exercising “for cause” and peremptory challenges, but a preferred approach would be for

the Court to take a short break after the jury is selected and before opening statements, during which time the above-described Zoom-related instructions could be provided by the “Host” or “co-host” in the “Virtual Jury Room”

**Trial:** Trial will consist of the standard components: Opening Statements, Direct and Cross-Examination of Witnesses, Final Jury Instructions, and Closing Arguments. On each day of trial, the ZoomGov.com session “Host” will need to do the following tasks:

- Start the ZoomGov.com session at least 15 minutes before the time that the Judge has indicated that the proceedings will begin
- Admit only the jurors and court staff assisting with the trial
- Rename the jurors using the following conventions: Juror # [EXAMPLE: Juror 1]
- Assign the jurors and a “co-host” to a breakout room renamed as “Virtual Jury Room”
- Place jurors and a “co-host” in the “Virtual Jury Room” by hitting “Open All Rooms”
- In the “Virtual Jury Room,” the “co-host” should remind jurors (as needed)
  - to hide non-video participants
  - to use “side-by-side” mode when attorneys are sharing their screens
  - about the protocols if they get disconnected from the ZoomGov.com session
  - of the courtroom deputy clerk’s cell phone number
- While jurors are in the “Virtual Jury Room,” admit the Judge, the attorneys, and the individuals assisting counsel with the trial (the latter should mute their microphones and deactivate their cameras)
- Rename the Judge and the attorneys as appropriate

When the Judge and counsel are ready, close all breakout rooms and the jury will return from the “Virtual Jury Room”

### **Questions for Witnesses by the Jurors**

- Designate the Judge as “co-host”
- The Judge will invite jurors to pose questions using the “chat” feature
- After questions, if any, are received, place all jurors and a “co-host” in the “Virtual Jury Room”  
[THIS MIGHT BE A GOOD TIME TO ALLOW JURORS TO TAKE A BREAK]
- The Judge and counsel will discuss the questions and the Judge will rule on which, if any, questions are appropriate to ask of the witness
- When the Judge and counsel are ready, close all breakout rooms and the jury will return from the “Virtual Jury Room”
- The Judge will then pose the jurors’ questions, if any are permitted, to the witness

## **Jury Instructions**

- While the Judge is reading the instructions, use the “screen share” function to display the instructions in written form and scroll through them as the Judge reads
- Share the link (in “view and download” format) to the “Jury Instructions and Verdict Form” folder in Box.com with the jurors via email or the “chat” feature in ZoomGov.com

## **Deliberations**

- Place all jurors in the “Virtual Jury Room”
- Confirm with counsel that all admitted exhibits are in the “Admitted Exhibits” folder in Box.com
- Share the link (in “view” only format) to the “Admitted Exhibits” folder in Box.com with the jurors via email or the “chat” feature in ZoomGov.com
- Join the “Virtual Jury Room” and confirm with the jurors that they can view the exhibits in the “Admitted Exhibits” folder
- Remind jurors about using the “help” button and ensure that they have the courtroom deputy clerk’s phone number in case anyone gets disconnected from the ZoomGov.com session
- If the jury reaches a verdict, join the “Virtual Jury Room” and provide instructions on how to email the completed PDF verdict form to the courtroom deputy clerk

## Appendix B

### Sample Order For Remote Civil Bench Trial

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT \_\_\_\_\_

<p>[Plaintiff],</p> <p>Plaintiff,</p> <p>v.</p> <p>[Defendant],</p> <p>Defendant.</p>	<p>CASE NO. [Case #]</p> <p>ORDER FOR REMOTE / VIRTUAL CIVIL BENCH TRIAL</p>
---	--

The Court ORDERS that the bench trial scheduled to commence on \_\_\_\_\_, 20\_\_, at 9:00 a.m., be conducted using the following procedures and protocols.

#### A. **REMOTE / VIRTUAL TRIAL FORMAT**

1. The entire trial will take place using the ZoomGov.com platform. The parties, counsel, witnesses, and court staff will not be physically present in the courtroom.
2. The public will have telephonic access via a number published on the Court's trial calendar. The parties must agree in advance whether they consent to a video broadcast of the trial (agreement means video and audio broadcast for the public; no agreement means audio broadcast only for the public). Check the appropriate box: [ ] The parties consent to video broadcast of the trial. [ ] The parties do not consent to the video broadcast of the trial (audio broadcast only).

#### B. **PREPARATION**

1. Counsel shall familiarize themselves with the ZoomGov.com and Box.com platforms by reviewing the tutorials located at <https://www.wawd.uscourts.gov/attorneys/remotehearings>.
2. Counsel shall ensure that they and each of their witnesses have the hardware, software, data bandwidth, and Internet access required to participate remotely. The minimum system requirements are posted at <https://www.wawd.uscourts.gov/attorneys/remotehearings>.

3. Counsel shall also ensure that they have one or more alternative means of communicating with their clients and witnesses, as well as with the Court, outside the ZoomGov.com platform (*e.g.*, via cellular phone or email).
4. Counsel shall consider establishing a high-speed Internet connection (a hard-wired connection is generally preferable to a wireless Internet connection). Counsel shall also consider the feasibility of participating from their office if the impact of others requiring Internet usage during the proceedings might impact a participant's connection speed.
5. Parties and counsel are to participate on \_\_\_\_\_ <date> \_\_\_\_\_ at \_\_\_\_\_ <time> \_\_\_\_\_ with the court and court staff for a technology check.

**C. RECORDING**

1. The Court will provide a court reporter for the trial. No part of the trial may be reproduced, distributed, or transmitted in any form or by any means, in whole or in part, by any participant (attorney, party, or witness) or public observer. This prohibition includes any audio or video recording, photographs, and/or screenshots. The parties and counsel shall ensure that each trial participant for which they are responsible acknowledges and agrees to this prohibition.

**D. WITNESSES AND PARTICIPANTS**

1. Counsel shall provide, via email to the Court's Trial Coordinator [insert name, title and contact information], the following information for each party, attorney, paralegal, legal assistant, trial or technical consultant, and witness who will participate remotely:
  - Name
  - Email address
  - Phone number
  - Participant status (*e.g.*, party, attorney, witness, etc.)
2. Prior to trial, the Court's Trial Coordinator will supply to counsel the links for the ZoomGov.com sessions. Counsel shall forward the links to other participants, including witnesses, as appropriate.
3. After using the link to access the ZoomGov.com session, participants will enter a virtual waiting room. They will be admitted from the virtual waiting room into the virtual courtroom when appropriate. Counsel are responsible for notifying witnesses when and how they are expected to report to the virtual waiting room.
4. Participants who will not be examining witnesses, testifying, or otherwise presenting matters during the proceedings (*e.g.*, attorneys, paralegals, legal assistants, and trial or technical consultants) shall use the ZoomGov.com platform controls to mute their microphones and deactivate their cameras.
5. During the virtual hearing, each party will be visible on video with microphones muted.

6. Counsel and the witness are not to communicate through any other device or method while the witness is testifying. Counsel and the witness [ ] may [ ] may not be in the same room.

**E. EXHIBITS**

1. Exhibits shall be numbered in advance of trial in accordance with the protocol set forth in the [insert Order or Minute Order which sets the requirements for exhibits] Minute Order Setting Trial and Related Dates, Dkt. No.
2. All exhibits shall be uploaded by counsel to the “Box.com” platform via one or more links that the Court’s Trial Coordinator will provide via email prior to the trial date.
3. Exhibits as to which admissibility has been stipulated shall be uploaded to the Box.com folder labeled “Admitted Exhibits.” Exhibits as to which admissibility is disputed shall be uploaded to the respective Box.com folders labeled “Plaintiff’s Proposed Exhibits” and “Defendant’s Proposed Exhibits.” At the end of each trial day, the Court’s Trial Coordinator and counsel will confer, and the Court’s Trial Coordinator will transfer into the “Admitted Exhibits” folder any exhibits in the folders for “Plaintiff’s Proposed Exhibits” and “Defendant’s Proposed Exhibits” that have been offered and admitted into evidence.
4. After the close of evidence the Court’s Trial Coordinator and counsel will confer to confirm that the “Admitted Exhibits” folder accurately reflects the evidence admitted during the course of trial.
5. Hard copies of all exhibits shall be delivered to the Court’s courtroom deputy clerk, \_\_\_\_\_, at [ ] 700 Stewart Street, Seattle, WA 98101, or [ ] 1717 Pacific Avenue, Tacoma, WA 98402 at least two (2) judicial days before the first day of trial. These exhibits shall be bound in one or more three-ring notebooks and appropriately tabbed by exhibit number. While testifying, each witness shall have available a copy of any exhibit that he or she will be expected to use or examine during the trial. The witness shall not access any copy of an exhibit unless and until instructed to do so by the examining counsel.
6. The parties shall comply with Local Civil Rule 32(e) concerning the use of depositions at trial. Video depositions that are used as substantive evidence shall be broadcast via ZoomGov.com using the screen-sharing function. Counsel may, but are not required to, upload video depositions to their respective Box.com folders, but the recordings will not be transferred to the “Admitted Exhibits” folder. Transcripts of depositions used during the trial for impeachment or as substantive evidence need not be sealed prior to their use. Counsel may either show the portion of the transcript at issue to the witness using the screen-sharing function in ZoomGov.com or transmit the entire transcript to the witness via mail, email, or otherwise in advance of his or her testimony.
7. If a program or platform other than Box.com will be used to publish exhibits, then counsel shall file, prior to the first day of trial, a certification signed under penalty of perjury indicating that the exhibits to be displayed using the other program or platform are identical

to the exhibits uploaded into the folders on Box.com. The parties may use trial presentation technology to present exhibits through the screen share function in ZoomGov.com.

## F. **PROFESSIONALISM DURING THE TRIAL**

### 1. **Ambient Noise Protocols:**

- a. All participants who are not actively being questioned as a witness, asking questions of a witness, defending a witness, or providing or responding to opening statements, closing arguments, or other arguments, shall use the ZoomGov.com platform controls to mute their microphone and deactivate their video camera. The Court's Trial Coordinator, who will "host" the ZoomGov.com sessions, will mute any participant who fails to follow this protocol.
- b. Participants using multiple devices in a single workspace to access the trial should avoid audio feedback issues by using the microphone and speakers on only one device at a time, or by using headphones.

2. **Courtesy and Decorum:** To the extent possible, remote trial participants should conduct themselves in the same way they would if they were physically present in a courtroom. They should avoid interrupting someone who is speaking, except as necessary to raise an objection. Virtual trial participants should silence electronic devices other than the devices necessary to their remote participation, close unnecessary computer programs or applications (such as email or calendar notifications), and take steps to remove or minimize anything in their remote workspace that might distract from the integrity of the proceedings. The Court understands that conducting trial virtually, from one's home, for example, presents many challenges. The Court asks all remote participants to do their best to maintain professionalism in order to conduct a fair and efficient trial.

3. **Objections:** Counsel should raise their hand to signal an objection. When an objection is made, the witness shall stop talking until the Court rules on the objection.

4. **Disconnection:** In the event that the Court, a party, an attorney of record, a witness, or anyone else necessary to the proceedings becomes disconnected from the remote trial, the trial will stop while the connection is reestablished. If the participant has difficulty reconnecting, he or she should call or text [insert name and contact information]. In advance of calling a witness to the virtual stand, counsel must establish with the witness a protocol for contacting the witness in the event of disconnection and ensure that the alternative means of communication (*e.g.*, a cellular phone) is operational.

5. **Appropriate Dress:** Parties, witnesses, and counsel shall dress in the same manner as they would if they physically appeared in a courtroom.

6. **Screen Names:** Remote participants should endeavor to use a screen name in the ZoomGov.com platform that indicates their actual first and last names. As "host," the Court's Trial Coordinator will rename any participant whose screen name is incomplete, confusing, unprofessional, or otherwise improper.

**IT IS SO ORDERED.**

The Clerk is directed to send copies of this Order to all counsel of record.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

*/s/ U.S. District Judge*

## Appendix C

### Sample Order for Remote Civil Jury Trial

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT \_\_\_\_\_

[PLAINTIFF],

CASE NO. [CASE #]

ORDER FOR REMOTE / VIR-  
TUAL CIVIL JURY TRIAL

Plaintiff,

v.

[DEFENDANT],

\_\_\_\_\_  
Defendant.

The Court ORDERS that the jury trial scheduled to commence on \_\_\_\_\_, 20\_\_, at 9:00 a.m., be conducted using the following procedures and protocols.

#### **A. REMOTE / VIRTUAL TRIAL FORMAT**

1. The entire trial, [ ] including jury deliberations, [ ] with the possible exception of jury deliberations, will take place using the ZoomGov.com platform. The parties, counsel, witnesses, jurors, and court staff will not be physically present in the courtroom. The Court will call a jury pool of [ ] jurors. The parties will have [ ] round(s) of [ ] minutes to examine the jurors. Any questions the parties would like the Court to ask should be submitted to the Court by [ ].
2. The public will have telephonic access via a number published on the Court's trial calendar.

#### **B. PREPARATION**

1. Counsel shall familiarize themselves with the ZoomGov.com and Box.com platforms by reviewing the tutorials located at <https://www.wawd.uscourts.gov/attorneys/remotehearings>.
2. Counsel shall ensure that they and each of their witnesses have the hardware, software, data bandwidth, and Internet access required to participate remotely. The minimum system requirements are posted at <https://www.wawd.uscourts.gov/attorneys/remotehearings>.
3. Counsel shall also ensure that they have one or more alternative means of communicating with their clients and witnesses, as well as with the Court, outside the ZoomGov.com platform (e.g., via cellular phone or email).

4. Counsel shall consider establishing a high-speed Internet connection (a hard-wired connection is generally preferable to a wireless Internet connection). Counsel shall also consider the feasibility of participating from their office if the impact of others requiring Internet usage during the proceedings might impact a participant's connection speed.
5. Parties and counsel are to participate on \_\_\_\_\_ <date> \_\_\_\_\_ at \_\_\_ <time> \_\_\_\_\_ with the court and court staff for a technology check.

**C. RECORDING**

1. The Court will provide a court reporter for the trial. No part of the trial may be reproduced, distributed, or transmitted in any form or by any means, in whole or in part, by any participant (attorney, party, witness, or juror) or public observer. This prohibition includes any audio or video recording, photographs, and/or screenshots. The parties and counsel shall ensure that each trial participant for which they are responsible acknowledges and agrees to this prohibition.

**D. WITNESSES AND PARTICIPANTS**

1. Counsel shall provide, via email to the Court's Trial Coordinator [insert name, title and contact information], the following information for each party, attorney, paralegal, legal assistant, trial or technical consultant, and witness who will participate remotely:
  - Name
  - Email address
  - Phone number
  - Participant status (e.g., party, attorney, witness, etc.)
2. Prior to trial, the Court's Trial Coordinator will supply to counsel the links for the ZoomGov.com sessions. Counsel shall forward the links to other participants, including witnesses, as appropriate.
3. After using the link to access the ZoomGov.com session, participants will enter a virtual waiting room. They will be admitted from the virtual waiting room into the virtual courtroom when appropriate. Counsel are responsible for notifying witnesses when and how they are expected to report to the virtual waiting room.
4. Participants who will not be examining witnesses, testifying, or otherwise presenting matters during the proceedings (e.g., attorneys, paralegals, legal assistants, and trial or technical consultants) shall use the ZoomGov.com platform controls to mute their microphones and deactivate their cameras.
5. During the virtual hearing, each party and all jurors will be visible on video with microphones muted.

6. Counsel and the witness are not to communicate through any other device or method while the witness is testifying. Counsel and the witness [ ] may [ ] may not be in the same room.

**E. EXHIBITS**

1. Exhibits shall be numbered in advance of trial in accordance with the protocol set forth in the [insert Order or Minute Order which sets the requirements for exhibits] [Minute Order Setting Trial and Related Dates, Dkt. No.]
2. All exhibits shall be uploaded by counsel to the “Box.com” platform via one or more links that the Court’s Trial Coordinator will provide via email prior to the trial date.
3. Exhibits as to which admissibility has been stipulated shall be uploaded to the Box.com folder labeled “Admitted Exhibits.” Exhibits as to which admissibility is disputed shall be uploaded to the respective Box.com folders labeled “Plaintiff’s Proposed Exhibits” and “Defendant’s Proposed Exhibits.” At the end of each trial day, the Court’s Trial Coordinator and counsel will confer, and the Court’s Trial Coordinator will transfer into the “Admitted Exhibits” folder any exhibits in the folders for “Plaintiff’s Proposed Exhibits” and “Defendant’s Proposed Exhibits” that have been offered and admitted into evidence.
4. After the close of evidence and before the jury begins deliberating, the Court’s Trial Coordinator and counsel will confer to confirm that the “Admitted Exhibits” folder accurately reflects the evidence admitted during the course of trial. During their deliberations, the jurors will be provided access to the Box.com folder for “Admitted Exhibits.”
5. Hard copies of all exhibits shall be delivered to the Court’s courtroom deputy clerk, \_\_\_\_\_, at [ ] 700 Stewart Street, Seattle, WA 98101, or [ ] 1717 Pacific Avenue, Tacoma, WA 98402 at least two (2) judicial days before the first day of trial. These exhibits shall be bound in one or more three-ring notebooks and appropriately tabbed by exhibit number. While testifying, each witness shall have available a copy of any exhibit that he or she will be expected to use or examine during the trial. The witness shall not access any copy of an exhibit unless and until instructed to do so by the examining counsel. With regard to exhibits as to which admissibility is disputed, the Court will conduct proceedings outside the presence of the jury during which counsel may present arguments and, if necessary, voir dire witnesses, using the screen-sharing function in ZoomGov.com to display the exhibits at issue from the respective Box.com folders. To the extent possible, the Court will rule on the admissibility of exhibits before a witness who is expected to use or examine such exhibits testifies.
6. The parties shall comply with Local Civil Rule 32(e) concerning the use of depositions at trial. Video depositions that are used as substantive evidence shall be broadcast via ZoomGov.com using the screen-sharing function. Counsel may, but are not required to, upload video depositions to their respective Box.com folders, but the recordings will not be transferred to the “Admitted Exhibits” folder. Transcripts of depositions used during the trial for impeachment or as substantive evidence need not be sealed prior to their use. Counsel may either show the portion of the transcript at issue to the witness using the screen-sharing

function in ZoomGov.com or transmit the entire transcript to the witness via mail, email, or otherwise in advance of his or her testimony.

7. If a program or platform other than Box.com will be used to publish exhibits to the jury, then counsel shall file, prior to the first day of trial, a certification signed under penalty of perjury indicating that the exhibits to be displayed to the jury using the other program or platform are identical to the exhibits uploaded into the folders on Box.com. The parties may use trial presentation technology to present exhibits through the screen share function in ZoomGov.com.

## F. **PROFESSIONALISM DURING THE TRIAL**

### 1. **Ambient Noise Protocols:**

- a. All participants who are not actively being questioned as a witness, asking questions of a witness, defending a witness, or providing or responding to opening statements, closing arguments, or other arguments, shall use the ZoomGov.com platform controls to mute their microphone and deactivate their video camera. The Court's Trial Coordinator, who will "host" the ZoomGov.com sessions, will mute any participant who fails to follow this protocol.
- b. Participants using multiple devices in a single workspace to access the trial should avoid audio feedback issues by using the microphone and speakers on only one device at a time, or by using headphones.

2. **Courtesy and Decorum:** To the extent possible, remote trial participants should conduct themselves in the same way they would if they were physically present in a courtroom. They should avoid interrupting someone who is speaking, except as necessary to raise an objection. Virtual trial participants should silence electronic devices other than the devices necessary to their remote participation, close unnecessary computer programs or applications (such as email or calendar notifications), and take steps to remove or minimize anything in their remote workspace that might distract from the integrity of the proceedings. The Court understands that conducting trial virtually, from one's home, for example, presents many challenges. The Court asks all remote participants to do their best to maintain professionalism in order to conduct a fair and efficient trial.

3. **Objections:** Counsel should raise their hand to signal an objection. When an objection is made, the witness shall stop talking until the Court rules on the objection. If the objection requires a discussion outside the presence of the jury, the jurors will be placed in the virtual jury room.

4. **Disconnection:** In the event that the Court, a party, an attorney of record, a witness, a juror, or anyone else necessary to the proceedings becomes disconnected from the remote trial, the trial will stop while the connection is reestablished. If the participant has difficulty reconnecting, he or she should call or text [insert name and contact information]. In advance of calling a witness to the virtual stand, counsel must establish with the witness a protocol for contacting the witness in the event of disconnection and ensure that the alternative means of communication (e.g., a cellular phone) is operational.

5. **Appropriate Dress:** Parties, witnesses, and counsel shall dress in the same manner as they would if they physically appeared in a courtroom.
6. **Screen Names:** Remote participants should endeavor to use a screen name in the ZoomGov.com platform that indicates their actual first and last names. As “host,” the Court’s Trial Coordinator will rename any participant whose screen name is incomplete, confusing, unprofessional, or otherwise improper.

**IT IS SO ORDERED.**

The Clerk is directed to send copies of this Order to all counsel of record.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

/s/ U.S. District Judge

## Appendix D

### Example Jury Instruction - Questions to Witness

**INSTRUCTION NO. \_\_**  
**Questions to Witnesses by Jurors**  
**(Virtual Trial)**

You will be allowed to propose written questions to witnesses after the lawyers have completed their questioning of each witness. You may propose questions in order to clarify the testimony, but you are not to express any opinion about the testimony or argue with a witness. If you propose any questions, remember that your role is that of a neutral fact finder, not an advocate.

Before I excuse each witness, I will offer you the opportunity to write out a question in the “Chat” portion of the ZoomGov platform. Your question should be directed to the judge. Do not sign the question. I will review the question with the attorneys to determine if it is legally proper.

There are some proposed questions that I will not permit, or will not ask in the wording submitted by the juror. This might happen either due to the rules of evidence or other legal reasons, or because the question is expected to be answered later in the case. If I do not ask a proposed question, or if I rephrase it, do not speculate as to the reasons. Do not give undue weight to questions you or other jurors propose. You should evaluate the answers to those questions in the same manner you evaluate all of the other evidence.

By giving you the opportunity to propose questions, I am not requesting or suggesting that you do so. It will often be the case that a lawyer has not asked a question because it is legally objectionable or because a later witness may be addressing that subject.

## Appendix E

### Example Jury Instruction - Electronic Evidence

**INSTRUCTION NO. \_\_**  
**Evidence in Electronic Format**  
**(Virtual Trial)**

Those exhibits received in evidence that are capable of being displayed electronically by using the “Box” platform will be provided to you in that form, and you will be able to view them in the jury room.

A court technician will show you how to use the “Box” platform and how to locate and view the exhibits on your device. If you have questions about how to operate the “Box” platform, you may send a note through the “Chat” function of ZoomGov to the courtroom deputy. Do not refer to or discuss any exhibit you were attempting to view.

If a technical problem or question requires hands-on maintenance or instruction, a court technician may enter the jury room with the courtroom deputy present for the sole purpose of assuring that the only matter that is discussed is the technical problem. When the court technician or any nonjuror is in the jury room, the jury shall not deliberate. No juror may say anything to the court technician or any nonjuror other than to describe the technical problem or to seek information about operation of the equipment. Do not discuss any exhibit or any aspect of the case.

The sole purpose of providing the “Box” platform in the jury room is to enable jurors to view the exhibits received in evidence in this case. You may not use the platform or your devices for any other purpose (for example, any website, database, directory, dictionary, or game). If you discover that the computer provides or allows access to such materials, you must inform the court immediately and refrain from viewing such materials. Do not remove the computer or any electronic data from the jury room, and do not copy any such data.

## Appendix F

### Sample Email to Counsel RE Links for ZoomGov.com sessions

Counsel,

Appended below please find the information necessary to participate in the ZoomGov.com sessions scheduled for this trial. Each ZoomGov.com session may be joined by either clicking the appropriate link or inputting the meeting identification (ID) number and passcode into the Zoom application. Colleagues who wish to listen to the proceedings may dial the phone number listed and enter the meeting ID number. Please forward the relevant link(s) and meeting ID number(s) and passcode(s) to the individual(s) who will assist you during trial, your respective clients, and your witnesses. If participants will be using Zoom identities other than their full first and last names, please provide me with a list of those identities.

On the first day of trial, <date>, the prospective jurors will be asked to join the ZoomGov.com session by 8:00 a.m. We anticipate that the orientation process will take 60-75 minutes, followed by a break, during which time the prospective jurors will be placed in the virtual jury room (Zoom breakout room) and you will be admitted into the virtual courtroom. Please be in the virtual waiting room by 9:15 a.m., but do not be alarmed if you are not immediately admitted. If matters are significantly delayed, you will receive messages broadcast to the waiting room.

Judge <name> will provide specific instructions before adjourning each day concerning the time at which you (and any witnesses) should be in the virtual waiting room on the next day of trial. If you have any difficulty accessing a ZoomGov.com session, please contact Courtroom Deputy Clerk <name> at <cell phone number>. Court Reporter <name> has been bcc'd on this message.

**January 1, 2020: Day 1 - Trial in <case name>**

<https://wawd-uscourts.zoomgov.com/xxxx>

Meeting ID: xxx xxx xxxx

Passcode: xxxxxx

**Audio Only (Public Access)**

+1 669 254 5252

Meeting ID: xxx xxx xxxx

**January 2, 2020: Day 2 - Trial in <case name>**

<https://wawd-uscourts.zoomgov.com/xxxx>

Meeting ID: xxx xxx xxxx

Passcode: xxxxxx

**Audio Only (Public Access)**

+1 669 254 5252

Meeting ID: xxx xxx xxxx

**January 3, 2020: Day 3 - Trial in <case name>**

<https://wawd-uscourts.zoomgov.com/xxxx>

Meeting ID: xxx xxx xxxx

Passcode: xxxxxx

**Audio Only (Public Access)**

+1 669 254 5252

Meeting ID: xxx xxx xxxx

Courtroom Deputy Clerk  
for Hon. <name of judge>

**Sample Email to Counsel RE Box.com Folders**

Counsel,

By now, you and your team members should have received Box.com invitations for the following folders:

- Admitted Exhibits
- Plaintiff's Proposed Exhibits
- Defendant's Proposed Exhibits

Everyone who received an invitation has authority to upload and preview documents in the "Admitted Exhibits" folder. Plaintiff's team can upload and preview documents in the "Plaintiff's Proposed Exhibits" folder, but can only preview documents in the "Defendant's Proposed Exhibits" folder. Similarly, defendant's team can upload and preview documents in the "Defendant's Proposed Exhibits" folder, but can only preview documents in the "Plaintiff's Proposed Exhibits" folder. If you or any of your team members need additional access (for example, downloading, sharing, editing, or deleting materials), please contact me. After the trial begins, however, no one will be permitted to edit or delete the exhibits in any Box.com folder.

Courtroom Deputy Clerk  
for Hon. <name of judge>

Appendix G  
Certification RE Exhibits form

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Plaintiff,  
  
v.  
  
Defendant.

CERTIFICATION REGARDING  
EXHIBITS FOR TRIAL

I, \_\_\_\_\_, declare and certify as follows:

1. I am counsel of record for \_\_\_\_\_,  
the \_\_\_\_\_ in this matter, and I am admitted to practice before this  
Court.

2. During trial, either I or an individual in my law firm will use the software  
program(s) or platform(s) known as \_\_\_\_\_  
\_\_\_\_\_ to publish exhibits to the jurors, using the “screen share”  
function in the ZoomGov.com platform.

3. Based on my personal knowledge, I declare and certify that the exhibits  
electronically stored for use in connection with the software program(s) or platform(s)  
identified in Paragraph 2, above, are identical to the exhibits uploaded into the Box.com  
folders created and maintained by the Court for this trial.

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4. Based on my personal knowledge, I also declare and certify that the courtesy hard copies of exhibits provided to the Court are identical to the exhibits uploaded into the Box.com folders created and maintained by the Court for this trial.

5. Based on my personal knowledge, I further declare and certify that the copies of any exhibits provided to witnesses for use during their testimony are identical to the exhibits uploaded into the Box.com folders created and maintained by the Court for this trial.

I declare under penalty of perjury under the laws of the State of Washington, and I certify pursuant to Federal Rule of Civil Procedure 11, that the foregoing is true and correct.

DATED this \_\_\_\_ day of September, 2020.

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## Appendix H

### Sample Email to Jurors

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**To:** Jeffrey Humenik  
**Bcc:** < POTENTIAL JURORS >  
**Subject:** Jury Service - < date > (8:00 a.m.)  
**Attachments:** Virtual Trial Juror Reference Sheet dft7.pdf; Handbook for Trial Jurors.pdf

 Virtual Trial Juror Reference Sheet dft7.pdf 490 KB	 Handbook for Trial Jurors.pdf 897 KB
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Hello,

You are receiving this email because you have been summoned for jury service to commence on [[ **Monday** ]] [[ < **day of week** > ]], < **date** >, at **8:00 a.m.** Appended below, please find the information needed to access the ZoomGov.com session for the first day of trial. You can join the ZoomGov.com session by either clicking on the link provided or entering the meeting identification (ID) number and passcode in the Zoom application. I will be the “host” for the ZoomGov.com session, and I will “admit” you from the virtual waiting room into the virtual courtroom (Zoom meeting) shortly before 8:00 a.m. on [[ Monday ]] [[ < day of the week > ]]. If you have any difficulty connecting to the ZoomGov.com session, please call [[ me ]] [[ our Courtroom Deputy Clerk, < name >, ]] at (xxx) xxx-xxxx.

Your jury service will begin with an orientation conducted by our Jury Administrator, Jeff Humenik. During the orientation, you will be provided with a few tips on using Zoom and general information about jury service. To assist you in navigating through the Zoom application, the Court has created a Virtual Trial Juror Reference Sheet, a copy of which is attached to this email. [[ This document is still being developed by the Court, and we would appreciate any feedback you might have concerning how it can be improved. ]] Also attached to this email is a Handbook for Trial Jurors. This handbook has traditionally been provided in hard copy form to every person nationwide who is asked to serve as a juror in a federal court; it has not yet been tailored for distribution electronically, so please ignore the professional printer’s marks.

If you have any difficulty opening the attachments or any questions about the process, please contact me. Thank you in advance for your service as a juror. The Court appreciates your assistance.

< name >  
Courtroom Deputy  
for the Hon. < Judge’s name >



**United States District Court  
for the Western District of Washington**

**JURY SERVICE via ZoomGov.com**

**DATE: < date >**

**TIME: 8:00 a.m.**

**Join by clicking on the following link:**

<https://wawd-uscourts.zoomgov.com/xxxx>

**Or input the following information in the Zoom application:**

Meeting ID: xxx xxx xxxx

Passcode: xxxxxx