

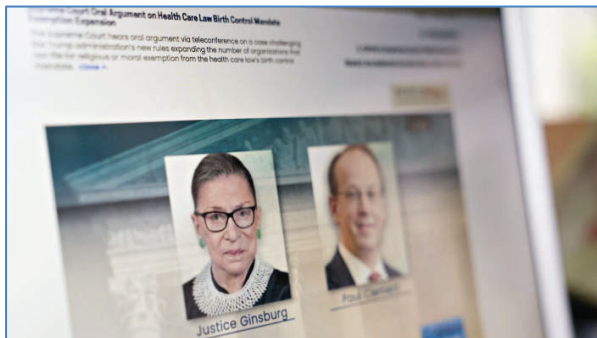
§ 5.4

Remote Working Hearings and Trials

THE NEW NORMAL

Courts had already begun normalizing remote hearings even before 2020. For instance, first appearances and bail hearings when the defendant was in jail have commonly been engaged in remotely, although the defendant's legal representative was usually in court.

The switch to mostly remote hearings for both attorneys and the parties they represent was one of the few pleasant surprises during the pandemic. It is likely that going forward in a post-pandemic world courts will utilize this technology in most hearings, and perhaps even trials.



REMOTE CONSIDERATIONS

We will cover video conferencing considerations in greater detail later, but here are some points to consider if you attend an online court hearing.

- Remember, you should **never try to speak during a hearing**. Only attorneys and the party are allowed to speak. Anyone who addresses the court (other than the client) is acting as a legal representative of the client. A paralegal addressing the court, whether in-court or online, would be to act in a representative capacity, which is unethical. Your attorney could be sanctioned and you could be fired.
- If the platform you are using (Zoom, Google Meet, etc.) allows it, **label yourself as a paralegal**. For example, *Ms. Sanchez – Paralegal*, or *MVS – Paralegal for Def.*
- **Dress professionally**, as if you were going to a physical court hearing. You may not be able to see yourself in the feed from the court, but they may be able to.
- Make sure your **microphone is muted**. The court will likely mute you automatically, but don't take chances.
- Use a **camera that looks at you at eye level**, not upwards and not looking down. It's a little thing, but it helps your overall professional appearance.
- Use a **background** that either looks like an office or that has a solid background. A bookshelf or set of family photos is fine. The kitchen, or a bar counter is not.
- **Don't turn your video on and off**. Don't go back and forth between video and portrait.
- **Pay attention**. Don't be looking to the side. Don't talk to someone else, even if your microphone is muted. The court may be able to see what you are doing and may view it as being disrespectful just as if you were in court.
- Treat the hearing with the same **solemnity and respect** as if it were a live, in-person hearing.
- **Never record the hearing**. The court will likely record it and you can request to view it later if necessary.

CHAPTER 5

Wrap-Up

WHAT YOU SHOULD KNOW

After reading this chapter you should know the following:

- The general differences between federal and state courts
- Titles of all three basic federal courts
- Titles of the federal trial and appellate courts in your jurisdiction
- The titles of all the basic courts in your jurisdiction
(trial, intermediate appellate, and highest court)

ASSIGNMENTS

- Assignment § 5.3** Due Date: / /
Ask your instructor, or research the Internet, to determine the titles of courts in your jurisdiction to complete the flow chart in § 5.3. (Federal and State)