



# A Judicial Guide to Conducting Remote Hearings



The information contained in this resource is a compilation of statutes and court decisions in the State of Ohio, and it is intended as a summary of the law to assist judges, lawyers, and the general public. The information does not represent binding statements of law by the Supreme Court of Ohio.



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# A Judicial Guide to Conducting Remote Hearings

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# Selecting A Video Conferencing Platform

There are several platforms available for courts to use when conducting remote hearings. If your court has not yet selected its video conferencing platform, view the [Quick How-to Guide: Selecting Technology for Virtual Court](#) for helpful information<sup>1</sup>.

## Minimum Requirements For Conducting A Remote Hearing.

To effectively conduct a remote hearing, a video conferencing platform should:

- Allow for both video and audio capability.
- Function on a variety of different types of equipment, including mobile devices.
- Have the ability to record proceedings or integrate with the court's recording system.
- Allow litigants and attorneys to communicate privately (e.g., virtual breakout room), unless the court can provide an alternative method (e.g., phone call).
- Allow participants to access exhibits and documents (e.g., "share screen" function), unless the court can provide an alternative method (e.g., file-sharing technology).
- Have the ability to restrict user access to the virtual proceeding (e.g., waiting room, password protection, dismiss feature).
- Have accessibility and language access features (e.g., a separate audio channel for interpreters, live subtitling) and the ability to be used with screen readers and other devices or have settings that allow for manipulation of contrast, images, and text size.
- Have user instructions available.

Platforms offer a wide variety of features that can be helpful in effectively conducting a remote hearing such as:

- "Break out rooms" for confidential conversations.
- "On hold" feature to disable video, audio, and chat access.
- "Lock" feature prohibiting additional participants from joining.
- "Waiting room" to hold participants until admitted into the proceeding.
- Customizable greeting or message for the "waiting room".
- "Raise your hand" feature for questions, requests for breaks, objections.
- "Mute" capability to silence participants who may be talking out of order.
- Whiteboarding and screen annotation to draw or make notes on the screen.
- Integration with live streaming capability.

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<sup>1</sup> This is a Supreme Court's Judicial College online course that can be viewed through OhioCourtEdu.

## Preparing To Conduct A Remote Hearing

- Develop protocols for receiving and sharing documents, exhibits, etc. Ensure alternatives for those with limited access to technology.
- Develop a procedure for obtaining participant contact information before the hearing.
- Determine a process for those needing accommodations relating to disabilities or limited English proficiency<sup>2</sup>.
- Identify who within the court (e.g., the judge, clerk, and/or volunteer) can assist with technology troubleshooting during the hearings.
- Determine how to handle objections, requests for recesses and sidebar conversations, oath administration, and chat features.
- Develop a process for verifying the identity of the participants and for allowing the attendance of victim advocates or other support persons.
- Develop a procedure for exchanging and signing documents during or shortly after the hearing concludes.
- Determine a process for utilizing an official court reporter, if applicable.
- Practice on your platform. Explore the various features, watch tutorial videos, and conduct test hearings.
- Have a contingency plan in place for if the technology goes awry.

Remote hearings may not be feasible for all participants. Compile a list of alternatives and available resources for those unable to participate (e.g., conference room with a computer, kiosk, or workstation at the courthouse, local library, or other community organization).

## Participant Instructions

The success of remote hearings highly depends on the participants' ability to join and participate on the platform. Courts should provide written instructions in advance of the proceeding. Instructions should be written in plain language, with visual aids where possible, and should include:

- Information explaining the party's rights.
- An explanation of what the participants should expect upon joining the proceeding.
- A prominent reminder to not appear in person at the courthouse on the hearing date unless using a kiosk or court-provided computer to participate.
- Instructions to have proof of identity available for the individual administering the oath.
- An explanation of the court's expectations (e.g., dress code, demeanor, screen name, background settings) and policies (e.g., no unauthorized recording).
- Instructions for submitting exhibits or notifying the court of witnesses.
- Instructions on where participants can get assistance if there are technical difficulties, questions, or changes to their contact information.
- A process to contact the court if the participant does not have the ability to participate remotely.

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<sup>2</sup> When using an interpreter, breaks may need to be built in or multiple interpreters used depending on the length of the hearing.

## Conducting The Hearing

- Draft a script for the beginning of each proceeding with instructions, ground rules, admonishments, etc.
- Consider having a dedicated staff member attend the proceeding as the “host” or “organizer” to help manage and troubleshoot any technical difficulties.
- If you are not in your courtroom, use a virtual background of the courtroom to simulate a “court-like” experience.
- Utilize “waiting room” features to control who can join the proceeding (e.g., holding room for witnesses).
- Verify attendees as they join the meeting. Immediately remove anyone who is uninvited.
- Make sure any required waivers have been obtained and are acknowledged at the beginning of the proceeding.
- Address public access accommodations that have been made, if any. Have participants mute themselves when not talking to minimize background noise.
- Reiterate that unauthorized recording of the proceeding is prohibited but will be recorded by the court.
- Instruct participants what to do if they experience technical difficulties. Consider having a separate phone number not associated with the remote platform for the participant to call if they are unable to join or rejoin the hearing.
- Have a contingency plan for what happens if the technology fails including a process to notify participants that the proceeding has to be continued.

## Recording The Proceeding

Most video conferencing platforms allow the audio file to be stored in the platform’s cloud or downloaded and stored on the court’s network. Courts can also configure the platform into its existing audio systems and record the proceeding as they normally would. Court reporters can also utilize recording software that allows them to perform their functions in a remote hearing setting.

Remote hearings are not suitable for all types of proceedings. Courts should evaluate what types of hearings are most suitable to be conducted virtually and develop a hearing management plan for what may be held virtually and what may be conducted in person be held virtually and what will be conducted in person.

## Public Access To The Hearing

Courts may elect to allow the public to attend virtual proceedings as an observer within the video conferencing platform by providing the log on information upon request or by publishing the information on the court’s website. Alternatively, the court may live stream proceedings through YouTube or other streaming service. Oftentimes, these services integrate with the video conferencing platform. Courts should instruct viewers that unauthorized recording is not permitted.

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# Minimum Requirements for Conducting a Remote Hearing

Video conferencing platforms offer a convenient alternative to the traditional courtroom appearance. While there are a variety of different platforms available for courts to choose from, the platform selected should offer a basic set of features that allow a court to effectively conduct a remote hearing and to ensure the fair administration of justice. To conduct a remote court hearing, either in whole or in part, the following requirements should be met:

## Video & Audio Capability



At a minimum, participants in a virtual court hearing must have the ability to hear each other. Ideally, the participant would utilize video functionality so that the court would be able to see the participant. However, the court may determine that video functionality is not always necessary especially considering that some participants may have limitations on their internet connection or device that prevents them from appearing via video.

Courts should develop a policy outlining the types of proceedings where audio-only participation is allowed and those where audio and video participation is required. For example, a court may allow participants to appear via phone or without video for pretrial hearings, scheduling conferences, or review hearings. Alternatively, courts utilize video participation for arraignments and hearings.

When scheduling remote proceedings, courts should ask about the participants' technological capabilities or access to equipment ahead of time so that appropriate arrangements can be made. During remote hearings, courts should regularly ask whether the audio and video functionality is operational. Should technical issues arise during the proceeding, courts should have a procedure in place to help resolve the issue or reschedule the proceeding.

## Device Compatibility



The video conferencing platform must be compatible with multiple types of devices (e.g., laptops, tablets, smartphones). Courts should be aware of how their chosen platform performs on different devices and should be mindful of the differences when conducting the remote proceeding. For example, screen-size limitations on smartphones often prohibit the user from seeing all the participants at one time. Additionally, navigation buttons are often in a different location on a tablet than they are on a laptop. These differences impact how a court provides instructions or resolves technical difficulties during a proceeding. For example, the court may instruct a participant to use the “raise the hand” or “reactions” feature to indicate that the participant requests a recess. Locating this feature is different depending on the type of device being used.

Similarly, courts should be mindful of unconscious bias that may be associated with remote appearances. There are multiple factors that can impact one's appearance in the remote setting, such as microphone quality, high-speed internet connection, proper lighting, and virtual backgrounds. Often, there is an audio and visual quality difference when a participant is using a mobile phone versus a PC/laptop. Courts should recognize how a participant's appearance in a remote setting can affect the court's perception of credibility.

## Attorney-Client Communications



Due process requires that parties and their attorneys have the ability to confer confidentially during remote proceedings. There are multiple ways courts can satisfy this requirement. For example, some video conferencing platforms have private “rooms” apart from the main meeting room that participants can use for this purpose. Alternatively, the court can arrange or suggest that the attorney and client confer via their own phones or a conference line separate from the court and other participants during the proceeding.

Whatever method is being used, the court must ensure that a procedure is in place ahead of time and state that procedure on the record at the beginning of the proceeding. The court also should take care to never record the separate communications between attorney and client. If they are mistakenly recorded, the recording should be immediately destroyed and not watched or listened to by the judicial officer.

## Participant Instructions



The success of a remote hearing is largely dependent on the participants’ ability to join and navigate the platform’s features. While some platforms are more user-friendly than others, proficiency develops after repeated use. Court staff, attorneys, and third-party stakeholders are likely frequent users of video conferencing platforms. Parties, on the other hand, are most likely not. Clear, easy-to-understand instructions on how to use the platform decrease the likelihood that there will be technical difficulties that delay the start of the proceeding or potentially result in the hearing being continued.

Participant instructions should be distributed before the hearing (e.g., as part of the scheduling order or notice of hearing). Ideally, the instructions should also be available on the court’s website. Most platform vendors have how-to-videos on their websites. Additionally, courts should consider developing their own instruction sheet, step-by-step guide, or explainer videos. They may also want to develop different sets of instructions for attorneys and parties.

### Participant Instructions Should Include

- Information explaining the parties’ rights.
- Instructions on notifying the court if they do not have the ability to participate in a remote hearing. (Courts should have a procedure to accommodate these situations.)
- An explanation of what the participants should expect upon joining the hearing.
- A prominent reminder to not appear in person at the courthouse on the hearing date unless using a kiosk or court-provided computer to participate.
- Instructions for submitting exhibits and notifying the court of witnesses.
- Where participants can get instructions if there are technical difficulties, have questions, or need to change their contact information. Have a designated phone number for participants to call to inform the court.
- A message stating that unauthorized recording of the proceeding is prohibited, provided the requirements of Court Security Standard 15 to the Rules of Superintendence have been met.
- Instructions on how to request accommodations under the Americans With Disabilities Act.

## Document Exchange



Courts should develop procedures for how they will receive and share documents, exhibits, or other paperwork in advance of the proceeding so that they can be reviewed and shared by the participants. Courts can consider creating a court-specific portal or other electronic document exchange service, such as OneDrive, DropBox, Google Drive, or other file-sharing services. It is important to provide alternatives and instructions for participants who may not have access to or experience using such services or uploading documents.

For sharing of documents during the hearing, most video conferencing platforms offer screen sharing. This allows a participant to share documents including photos, maps, and other evidentiary items. The court should determine in advance whether it will be responsible for sharing the exhibits on the screen or whether the party introducing the item will be responsible for that task. The platform should offer the capability to restrict screen sharing to avoid unwanted items from being displayed on the screen.

## Accommodations



Equal justice requires that all who appear before the court have equal access to the justice system. In remote proceedings, courts must be able to accommodate participants who might otherwise not have equal access to the system, such as those who are deaf, hard of hearing, or who have limited English proficiency. Some video conferencing platforms offer closed captioning or language interpretation features. However, it is preferable for courts to add an interpreter as a participant in the proceeding or consider remote language interpretation services. Courts may need to build in breaks or use multiple interpreters depending on the length of the hearing. Additionally, the platform should have the capability to be used with screen readers or other devices or have settings that allow for changes to text size, images, and contrast.

## Security



Security in the virtual courtroom is as important as security in the physical courtroom. Security features on video conferencing platforms, which can be enabled or disabled, include password protection to individual proceedings to prevent unwanted participants, and waiting-room features where the court can verify participants before they enter the main virtual courtroom. Courts may want to remove uninvited participants if the hearing is not one that is open to the public.

## Public Accessibility



There are multiple methods by which the court can honor the public's right to access virtual court proceedings. Many video conferencing platforms integrate with livestreaming applications such as YouTube or Facebook Live to broadcast the proceedings in the real time. Other courts utilize the platform's recording feature to post the recording of the proceeding online when it is concluded. For courts that broadcast their proceedings, they should update their online daily docket or calendar with links or instructions on how to access the proceedings. Additionally, courts should include warning language prohibiting the unauthorized recording and distribution of the proceedings.

Courts that do not offer livestreaming should develop a process whereby the public can request a link to a virtual proceeding. Alternatively, the court could provide access at the courthouse either in the actual courtroom or a designated area equipped with a device that is connected to the virtual proceeding.

## Remote Hearing Checklist

Upon deciding to conduct a remote hearing, you will need to obtain contact information from the participants and any consents and/or waivers as may be applicable. You will also need to determine whether any accommodations are needed for the participants.

- Schedule the proceeding with a unique password.
- Send notice to all participants, to include the meeting information and any relevant case information. Include instructions for using the remote applications and a reminder not to share the login information.
- Sign into the online application well in advance of the hearing's start time. Check the meeting's settings to ensure that they are correct. Test audio and video connections.
- Admit the participants and verify they are appropriately attending the correct proceeding.
- Verify all participants are connected to audio and video.
- Start recording the proceeding.
- If you are broadcasting the proceeding, start the livestream connection.
- Begin the proceeding as you would if you were in the courtroom.
  - State case number and title.
  - Introduce the participants.
- Address on the record that the parties are waiving any rights they may have to be present in the courtroom and that they have consented to the remote proceeding, if applicable.
- Provide instructions for how a party can communicate with their attorney.
- If a chat feature is being utilized, explain the appropriate use of the chatbox.
- Acknowledge any public-access accommodations and unauthorized recording of the remote hearing is prohibited, where appropriate.
- Reiterate ground rules and expectations for virtual courtroom decorum.
- At the conclusion of the hearing, end the hearing on the remote platform.
- If you are broadcasting the proceeding, make sure to end the livestream connection.
- Download a copy of the recording and store it in the appropriate location.
- Follow your court's practice if you make the recording publicly available.

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# Participant Instructions: Participating in a Remote Hearing

You are scheduled to participate in a remote hearing. This means that you will not go to the courthouse, but will participate using a computer, laptop, tablet, smartphone, or other device with a working camera and microphone.

The court will be using [INSERT PLATFORM NAME](#) for the hearing. Please dress professionally, speak loudly and clearly, and act the same way you would if you were at the courthouse.

Upon receiving notice that you are scheduled for a remote hearing:

- Send the court a telephone number and an email address that you will be using on the day of your hearing to [INSERT EMAIL ADDRESS](#) or call [INSERT PHONE NUMBER](#) and leave a message. Make sure to include your name and case number. Contact the court immediately if your telephone number or email address changes before your scheduled hearing date.
- If you do not have access to the internet or a computer, laptop, tablet, smartphone, or other device for the remote hearing, contact the court at [INSERT PHONE NUMBER](#) immediately, but no later than 48 hours in advance of the hearing date. [If applicable, provide alternatives where an individual may have access like a court-provided computer, public library, or other community location.].
- If you need a special accommodation (e.g., interpreter, Americans with Disabilities Act (ADA) accommodation, etc.), contact the court at [INSERT EMAIL ADDRESS](#) or [INSERT PHONE NUMBER](#).
- If you are not represented by an attorney, you will need to know how to:
  - Submit exhibits (documents and other evidence) to the court [INSERT COURT PROCESS](#).
  - Notify the court of your witnesses, [INSERT COURT PROCESS](#).

[Courts are encouraged to add links or QR codes to online resources that help parties understand these processes such as explainer videos and plain language instructions.].

A week before your hearing:

- Visit [INSERT WEBSITE](#) for helpful instructions on how to use [INSERT PLATFORM NAME](#), the video conferencing platform or application that will be used for your hearing.
- Test your camera, speaker, and microphone before the hearing.
- If you are unable to get your device to work properly, contact the court at [INSERT EMAIL ADDRESS](#) or [INSERT PHONE NUMBER](#) immediately, but no later than 48 hours before the hearing date.
- You will have the opportunity to talk privately to your attorney during the hearing. Discuss with your attorney how you want to communicate with each other.

The day before your hearing:

- Within 24 hours before the hearing, you will be emailed a link to use and more instructions. Please check your junk or spam filter if the email does not appear in your inbox.
- If you do not receive the email with the link, please call [INSERT PHONE NUMBER](#) before 3:00pm the day before your scheduled hearing.

The day of your hearing:

- Join the remote hearing at least ten minutes before the start time so you can fix any problems connecting or with [INSERT PLATFORM NAME](#).
- Join the hearing when you are alone unless you are with your attorney.
- You may be placed in a virtual waiting room until your hearing or until everyone has arrived. Please note: the court or another participant may be running late or having difficulty connecting. Be patient. Do not disconnect or leave the meeting.
- Dress like you would if you were appearing in court.
- Keep your camera turned on for the entire hearing.
- Keep yourself on mute until it is your turn to talk. Wait to speak until you are called on by the judge or magistrate and do not talk over others. There may be a few second delay with the audio.
- Do not talk, chat, or consult with anyone other than your attorney during the hearing.
- Limit distractions during the proceeding. Find an appropriate and quiet place to participate that ensures your privacy.
- Place your device on a hard, flat surface and do not move it around. Use headphones to help reduce background noise. Keep your device plugged in so that you do not unexpectedly get disconnected.
- Make sure others using your Wi-Fi network minimize their use so that it does not disrupt your connection.
- Do not use a virtual background.
- Make sure your profile or screen name is your first and last name that matches the one that the court has on file.
- Have your government-issued identification card with you.
- Do not share the log in information and password with others if the hearing is not open to the public.
- Do not record the hearing unless you have been given permission.
- If you need to take a break during the hearing, [INSERT COURT PROCESS](#).

If you are unable to get your device to work properly, immediately contact the court at [INSERT EMAIL ADDRESS](#) or [INSERT PHONE NUMBER](#). If you lose your connection, immediately try to reconnect. Contact the court if you are unable to rejoin.

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# Sample Introductory Script

Good morning/afternoon, I am INSERT NAME/TITLE presiding over INSERT NAME OF COURT. Today is INSERT DATE AND TIME, and we are here in the matter of INSERT NAME OF CASE/CASE NUMBER. Will the parties please state your name and role in this case?

We are meeting today using INSERT NAME OF PLATFORM. Although we are meeting remotely, please remember that this is an official court proceeding. Everyone is expected to act just as they would if this were being held in the courtroom. We are being recorded and everything will be part of the official court record unless otherwise noted.

[If applicable: The court provided notice to all parties that this proceeding would be conducted virtually. INSERT DEFENDANT'S NAME waived the right to appear in person.]

Does everyone understand so far? Do any of the parties have an objection to continuing with the remote proceeding? The record will reflect that there were no objections to moving forward.

Your laptop or mobile device should remain on a solid hard surface with the camera at eye level. Keep your camera turned on unless told to turn it off. You should be in a private, quiet location that is free of distractions.

Please keep yourself on mute until it is your turn to speak. When you do speak, make sure to speak clearly and do not interrupt others who are talking. There may be a few second delay with the audio.

Keep your device plugged in if possible to avoid losing power. If you lose your connection, please immediately attempt to reconnect. The court will stop the hearing until you are able to rejoin. If you are unable to successfully rejoin, notify the court at INSERT PHONE NUMBER. Please take a moment to write that number down. Here it is again: INSERT PHONE NUMBER.

Please be respectful. The court can mute your audio and dismiss you if you become disruptive. The court also has the right to end this proceeding if the audio or video quality and experience is not acceptable.

[If you are using the chat function.] There is a chat box feature that can be used for two things. First, you can use it to privately talk with your attorney. Before sending, please make sure to select your attorney's name. If you select "EVERYONE" when you send your message then everyone will see it.

For each party: You made prior arrangements with your attorney on how you would like to privately communicate with them. If you would like to speak privately to your attorney, please INSERT AGREED UPON PROCESS. We will stop the proceeding until all parties are back and ready again.

You are expected to participate in the hearing until the end. If you need to take a break or need to leave unexpectedly, please INSERT COURT PROCEDURE. We will stop the proceeding until all parties are back and ready again.

Is everyone aware of the procedure for participating? Any questions? Do any of the parties have an objection to moving forward with the remote proceeding? The record will reflect that there were no objections.

These instructions should be translated or offered in written form in other languages for those who need them. Courts should consider providing them in advance to interpreters where possible.





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