

Appendix F: Appropriate Virtual Courtroom Behavior

After using Zoom for several months in multiple courtrooms, the Committee added this Appendix to provide additional guidance about what works well and what does not work well in the Zoom setting. This document reflects input from judges, clerks, court staff, and attorneys. The solid consensus is that gains in access to justice, convenience and health-related benefits outweigh the increased effort required to conduct a virtual courtroom consistent with Supreme Court Rules in most instances. Still, appropriate virtual courtroom behavior is essential to an effective remote appearance and to the continued success of remote court appearances.

The judge presiding in the courtroom will exercise judgment in determining exactly how Zoom will be used and, of course, fashioning a response to any inappropriate behavior. The Court may consider simply reminding participants to conform their conduct to expectations, discontinue the remote appearance, and/or require participants to appear in person for future court appearances. Depending on the circumstances, findings of contempt and related rulings may be appropriate.

When appearing remotely, please consider the following:

1. **Courtroom Attire.** Everyone participating in the virtual courtroom appearance should dress as if appearing in the physical courtroom.
 - Does this require professional dress even from home? The answer depends upon the circumstances, but generally, yes.
 - What is not allowed? Consider some examples from our experience: Swim trunks. Items you wear to sleep. Items you wear for your significant other. Items that look like you wear them for your significant other.
 - Note: Others *can* tell when your dress shirt is untucked and you are wearing shorts instead of pants.
2. **Camera on Please.** Each Zoom participant should activate their camera when their case is being heard. The camera should be positioned so that the participant remains in camera's view and the frame remains steady throughout the appearance. The Zoom participant should look into the camera when speaking.
 - Conversely, do not turn on your camera in one courtroom while appearing in another. Watching you appear in another proceeding is not helpful.
 - Zoom has many backgrounds and background effects. Consider if blurring your background will improve your privacy or the general aesthetic of objects behind you. Also consider if using the Golden Gate Bridge, the Northern Lights, or the Earth as your background really conveys the message you want to send.
3. **Identification.** Attorneys should use a Display Name that is accurate, and if appropriate for the courtroom, that Display Name should provide the case number they wish to have called.

- The Clerk's office offers daily court calls through their website. Giving the page and line number is very helpful for the judge and the clerk.
 - If you are borrowing the device you are using, remember that the owner may have their own Display Name and it may be inappropriate. Examples of inappropriate names would include profanity, random numbers, or unhelpful descriptions, like "Death" or "Princess."
4. **Prepare your client.** Prepare your client *before* the remote appearance to be sure they understand how to connect to the remote courtroom. Practice with your client. Ensure they know how to connect to audio. If your client were coming in person to court, it would be appropriate to give them directions to the courthouse and to advise them about decorum and appropriate behavior.
 - We note that Zoom seems to invite represented clients interjecting after their attorney. Please instruct your client about what is and what is not appropriate.
 5. **Documents Ready.** Counsel and/or parties should have relevant documentation prepared and ready to present when their case is called. Consider ahead of time how the documents will be presented to the court or other participants.
 - Holding documents up to a laptop, tablet, or phone camera is not an effective way of sharing the document.
 6. **Communication with opposition prior to court appearance.** Discussion about the case and future availability should occur *prior* to the appearance.
 - Yes, that says prior.
 7. **Planning, Coordination and Waivers in Criminal Proceedings.** In criminal proceedings, attorneys should schedule a remote appearance with sufficient notice to all (including the custodial facility, if any), provide the court a valid basis for the remote appearance, and file the appropriate waiver of in person appearance in advance of the scheduled remote hearing.
 8. **Sound Carries.** Please do not converse with others during the court appearance who are either on or off camera. Provide your attention to the court. Remain muted until your matter is called.
 - Of course, things happen. Little children may not care the door is closed or that you have shushed them 14 times.
 - Yet, some interruptions can be avoided. Do not answer your phone during a Zoom court appearance. Do not leave the Zoom screen to answer the door. If you would not walk away from the bench to do it, do not walk away from the Zoom appearance to do it.

9. **Inappropriate "venue."** No driving while Zooming. Multitasking is a way of life for many but driving while streaming a court appearance likely constitutes a violation of the vehicle code.
 - Other examples of poorly chosen venues include: lounging pool side, lounging in your bed, anywhere near a barking dog, and outside on the deck in the bright sun.
10. **Too Casual.** This is a formal proceeding, and you must conduct yourself accordingly. If you could not or would not act a certain way in court, do not act that way during a Zoom appearance.
 - No eating. No smoking. No playing with your pet cat. No counting your medication.
11. **Untimely/uncoordinated appearance.** Please be on time and coordinate with your client to appear together for the remote proceeding.