

# Checklist for judges in virtual proceedings



A Pandemic Resource from NCSC

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As courts have begun to embrace remote video technologies, several states have developed checklists and script-elements that can and should be included in any such proceeding. Two states in particular have produced extensive documentation to this effect:

[Michigan](#): Remote Proceedings During State of Emergency Benchcard, Setting Up and Conducting a Remote Proceeding Checklist, and FAQs Regarding Remote Proceedings

[Texas](#): Zoom initial setup and use, Background and Legal Standards - Public Right to Access to Remote Hearings During COVID-19 Pandemic, and Live Stream Benchcard

Key portions of these documents are reproduced below.

- Address, on the record, that the parties are waiving any right they may have, to be present in the courtroom for the proceeding.  
Michigan: "Ensure all waivers are on the record."
- Note need for Public Access, unless restricted  
Michigan: "Unless access is otherwise limited by statute or court rule, access to virtual proceedings must be provided to the public either during or immediately after the proceeding. Each court may determine how to provide this access."  
Texas: "The hearing should convene publicly in open court with the livestream activated. Certain proceedings may have statutory protections that limit the public's access to those hearings. Nothing in this guidance or the current disaster is meant to change those protections (e.g. Tex. Fam. Code § 54.08)."
- Note restrictions on unauthorized recording  
Michigan: "Consider announcing at the start of the proceeding that anyone who makes an unauthorized recording may be subject to contempt proceedings"
- Mention the Order that authorized the remote/virtual proceeding
- If the court rules allow for the recording of the proceedings, the court should say that the proceedings are going to be recorded, either by the virtual conferencing platform or by the regular audio recording system.  
Michigan: "Courts must make a verbatim record that can be used to create a transcript. MCR 8.109(A) allows the use of audio and video recording to make a record."
- Judges should encourage the use of gallery view in the remote video settings, allowing all parties and participants to see each other in the hearing.
- Judges should recommend that parties speak slowly and to wait until prompted.
- Judges/court staff must act as hosts to control remote meetings.
- Judges should ask parties to conduct themselves as if they were on the courtroom.  
Michigan: "Remind participants that the virtual proceeding is live, is being recorded, and that normal courtroom decorum rules still apply."  
Texas: "Decorum, demeanor, dress codes"