

Remote Jury Selection: Technology and Staffing



JTC Quick Response Bulletin



Joint Technology Committee

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Abstract

This JTC Quick Response Bulletin provides guidance on conducting remote jury selection, including educational and practical tools developed by courts that spearheaded these efforts. It includes a discussion of the essential infrastructure in terms of both technology and staffing necessary to undertake remote jury selection and tips for each stage of the process.



Acknowledgments

This document is a product of the Joint Technology Committee (JTC) established by the Conference of State Court Administrators (COSCA), the National Association for Court Management (NACM), and the National Center for State Courts (NCSC).



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To improve the administration of justice through technology.

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Introduction

The COVID-19 global pandemic caused major disruptions to court operations in the United States, including closures of court facilities for in-person hearings. During much of 2020 and beyond, state courts embraced videoconferencing technologies to continue essential operations, including court hearings and trials. Jury trials were perhaps the most challenging court event to migrate to a videoconferencing platform, but innovative judges across the country worked with court staff and trial attorneys to use existing technology solutions to adapt in-court trial procedures for a remote environment. Through trial and error, they developed solutions for common problems. Although resources exist to assist with various types of remote hearings, this paper provides special considerations and guidance specifically on conducting remote jury selection, including educational and practical tools developed by courts that spearheaded these efforts. It also describes recommended procedures and practices for successive steps in the remote jury selection process.

Remote jury proceedings have increased access for prospective jurors to attend and participate in trials. Barriers that often prevent jurors from serving, such as finding childcare and transportation, paying for parking, and having unknown schedules, are frequently eliminated as hardships for participants involved in remote voir dire processes and trials. Courts have anecdotally reported increased participation rates, which typically result in more diverse venires.

At this time, Zoom appears to be the videoconference platform preferred by state courts for remote jury proceedings. Accordingly, the guidance described in this paper references Zoom tools and functionalities, but it does not signify an endorsement of this platform by the JTC or NCSC. Courts that decide to use other videoconferencing platforms should adjust as necessary.

Essential Infrastructure

Before scheduling remote jury selection, courts should inventory their existing infrastructure to ensure that participants, including court personnel, attorneys, parties and prospective jurors, have the necessary technology, training, and staff support to participate effectively. These include videoconferencing and document sharing applications, computer devices and accessories, adequate Internet bandwidth for jury selection participants as well as livestream capacity to satisfy public access requirements.

Videoconference Software Considerations

It is essential for the videoconference platform to have the following capabilities: capacity to accommodate all voir dire participants and support staff simultaneously; breakout rooms for private communications; ability to share documents and access materials; ability to mute participants; and cohost capabilities.

Important Considerations and Suggestions:

1. Ensure that all computer equipment is updated to the most recent version of the videoconference software, including court-provided devices for prospective jurors. It is much easier to provide troubleshooting assistance when everyone is using the same version of a videoconference platform, allowing proceedings to progress more smoothly.
2. Instruct all participants to fully charge their equipment, including accessories such as headphones, and to keep the devices plugged in at all times during the proceeding. Videoconference software uses a lot of battery power.
3. Set up the videoconference platform capabilities in advance of jury selection including:
 - a. Turn off one-on-one chat to prevent jurors, attorneys, and others to prevent private communication. The chat feature can still be used, and anyone can still privately communicate with the host or co-host.
 - b. Create breakout rooms to provide private spaces for participants to perform jury selection-related tasks, including a breakout room to test technology functionality during juror check-in; a bench breakout room for the judge to speak with attorneys “at sidebar”; and a tech support breakout room for participants to communicate with court support staff.
 - c. Breakout rooms cannot be livestreamed. Any communications that need to remain confidential can be discussed in a breakout room, but communications that should be documented on the record should be discussed in the main meeting room.
4. The judge should focus primarily on managing traditional jury selection matters rather than issues related to technology support. Assign one or more court staff to manage the technology, including assistance to potential jurors or other participants who encounter technical problems.
5. Establish a separate line of communication through email or texting for judges and court staff to communicate outside of the videoconference platform.

6. Zoom fatigue is real. Build regular recesses into the jury selection schedule to allow everyone a few minutes away from their computer screens to stand up and move around.

Computer Equipment

In addition to considering the technological requirements of prospective jurors and the software requirements of the court, remote jury selection implicates the need to consider what computers and other equipment will be required by the court to host an online jury selection proceeding. At minimum, webcams or cameras are required for each member of the court staff who will be attending. Multiple monitors are advised for judges and court staff to view the videoconference proceedings and trial-related documents simultaneously without having to toggle between multiple windows. Larger monitors may improve the ability of the staff to perform their necessary functions.

Other technological considerations include the following:

- Headphones or earbuds may make it easier for judges and court staff to hear and reduce the amount of background noise interference. Attorneys should consider using them as well.
- Ethernet cables provide fast and reliable Internet connections.
- The pretrial conference should include audio and video practice for attorneys. The court should demonstrate the “Host View” and confirm the settings the attorneys prefer. The court should also confirm that the attorneys have the computer equipment necessary to view the correct number of Zoom participants for jury selection.
- The court may require additional software apart from the online platform to store and display exhibits (such as Google Drive) and for signing forms electronically (such as Adobe Sign).

Court-Provided Devices

Some courts have purchased devices to lend to prospective jurors who do not have access to appropriate technology to participate in jury selection. Key considerations for courts providing loaner devices include the type of device and accessories to purchase; Internet or cellular connectivity; necessary software applications to load on the devices; procedures for distributing and returning the equipment; and assistance for potential jurors using unfamiliar technology. Note that it is difficult for potential jurors to participate using smaller devices such as smart phones, but tablet screens may be adequate for jurors to participate effectively. If the court is providing devices, cases, chargers, and stands for loaned devices should also be provided.

If the court is providing devices, the court will also need to consider how the devices will connect to the Internet. One suggestion is to use cellular service so that the devices do not require Wi-Fi. The court will need to decide whether to allow jurors to change the settings to connect to their home Wi-Fi network if desired. Similarly, it is recommended that the court lock down the device using parental controls so that potential jurors are only able to access sites and software necessary

for participating in the proceeding. All loaned devices should be preloaded with the required videoconferencing and document sharing applications.

Courts that anticipate a high volume of remote jury selection should develop systems for documenting the number of court-provided devices for upcoming proceedings and reserving those devices in advance. Courts should notify the person or department organizing the distribution of devices as soon as a jury selection is scheduled and inform them of the number of devices needed at least one week in advance.

For distribution of devices to potential jurors, courts may decide to have a bailiff, other court staff or a sheriff's deputy deliver devices at home or at work. Alternatively, they may ask potential jurors to come to the courthouse during specified hours to obtain a device, including the possibility of curbside pickup. Courts should develop a form for potential jurors to complete when receiving the device so they understand that it is court property that must be returned. Procedures should be established in advance for returning the devices and for ensuring that potential jurors receive a receipt for returning them. A sample Office of Court Administration (OCA) Equipment Release form can be found in Appendix A.

When loaning devices for jury selection, the court should remember that potential jurors may be unfamiliar with the technology they are receiving and will likely need assistance in using the devices. One option is to prepare instructions in advance for using the applications necessary for the jury selection process. For example, see appendices with sample instructions for jurors to use court-provided equipment for Screen Sharing in Zoom (Appendix B), and for using Dropbox (Appendix C). Courts can provide instructions such as these whenever devices are issued, reducing the number of technical questions that will need to be addressed during voir dire. Instructions also could be made more broad and generally applicable for potential jurors using their own devices.

Staffing

Remote jury selection may require different staffing levels than the conventional, in-person voir dire process. Additionally, some positions may require staff members to assume new functions in remote proceedings. As an example of potential staffing requirements and staff roles, below is the composition of remote jury selection teams for Travis County, Texas, including some additional details about staff roles during remote proceedings.

- Trial Judge
 - Rules on venire member exemptions and qualifications.
 - Provides pretrial admonishments.
 - Presides over voir dire.
 - Introduces staff
 - Swears in entire venire
 - Gives exit instructions for individuals not selected
 - Depending on circumstances, a second judge may preside over voir dire and/or trial

- Deputy District Clerks
 - Send first and second voir dire notices. The third notice may be sent from the Presiding Judge at least one week before jury selection and includes videoconference login information, instructions, and a link to the remote jury video.
 - Attend voir dire
 - Check-in jury members, including verifying name and contact information; assisting with technology and conducting audio/visual checks; and instructing jurors to complete an online survey.
 - Rename venire members with their venire numbers. Example formatting: 01 JUROR LOPEZ, MARIA or JUROR #1.
 - Peremptory strikes are returned to the deputy clerk via DocuSign.
 - Makes announcements following jury selection.
 - Keep and preserve complete records of all proceedings.
- Staff Attorney and/or Judicial Executive Assistant
 - Answer questions and receive/respond to e-mail during voir dire.
 - May serve as videoconference host.
 - Assist jurors.
- Court Reporter
 - Provides the record of jury selection, if requested by any party. No other recording of the is permitted, including by phone, Zoom, or other device.
 - Provides a transcript of jury selection, if requested
- Court IT Team Members/Tech Bailiff/Bailiff
 - Set up any jurors who arrive in person in a room with a court-provided device.
 - During voir dire, when venires are split in half, makes sure no juror signs out and let them know the anticipated length of the waiting period.
 - Provide phone number to potential jurors to contact court staff in case of technology problems.
- Constables
 - Deliver court-provided devices to venire members the week before jury selection by curbside pickup or home/office delivery.

In case of technical difficulties, court staff should have an external means of communication (e.g., by phone, email, external chat programs, or text messaging) with everyone whose presence is required for the jury selection proceeding. The co-hosts in particular should have alternative methods of communicating with one another. The contact list should include contact information for additional court staff responsible for technology who are not directly involved in the proceeding itself.

Similarly, the court should obtain contact information for the jury venire in case the court needs to communicate with jurors outside of the online platform. Potential jurors should be instructed as to the best means of contacting the court if they have difficulties with audio or video during the proceeding. Upon check-in, staff should confirm the name, e-mail address, and phone number for each participant, and ensure they have a phone number to call if they have technical difficulties.

Prescreening Process

Prospective jurors should be prescreened to ensure that they have appropriate devices and Internet connectivity, and that they can participate from a quiet location without distractions. See the Remote Jury Proceeding Questions for prescreening questions in Appendix D. The prescreening questionnaire should be included with the jury summons. If prospective jurors can respond to the jury summons online, the prescreening questions should be added to the online platform. Otherwise, include a link to an online survey (ideally with a short and simple URL).

A smartphone may be adequate for prospective jurors to participate in jury selection. A smartphone should not be used to participate in the trial itself as the screen is too small to see documents and other trial evidence clearly. If the court is providing devices such as tablets, laptops, and MiFis, they should be prioritized for potential jurors who lack appropriate devices or connectivity.

Communications with Prospective Jurors

As soon as possible after prescreening prospective jurors, send information with instructions about remote participation. See the Court Letter to Venire Jury Trial in Appendix E. The instructions should include the date and time to logon; the videoconference platform link with the conference identification number, password, and call-in number; information about appropriate decorum while participating remotely, the name and contact information for court staff who can answer questions, and links to online tutorials about the videoconference platform. Two examples include the state of Texas' "*Serving on a Virtual Jury*" <https://youtu.be/ODgKooRe2WU> and King County Superior Court, Washington "Remote Participation – Video Voir Dire; How to use Zoom functionality" <https://kingcounty.gov/courts/superior-court/juror-information/Remote.aspx>.

Follow-up notifications should be sent by text or email before voir dire to remind potential jurors about their upcoming jury service obligations. These notifications can also include supplemental information, including case-specific juror questionnaires. If possible, invite jurors to participate in a test session a day or two before the remote jury selection proceedings to ensure that their equipment is working correctly and to help jurors who may have less experience navigating online. The test session will alert court staff to potential obstacles and ensure a more efficient check-in on the actual date.

Instructions on juror decorum can be delivered electronically or in writing before voir dire or orally right before the proceedings begin, or both. Typically, instructions for how to participate using Zoom, how to attract the court's attention if unable to hear or see, and what behavior is permitted and not permitted during jury selection are included.

Common specific instructions include the following:

- Prospective jurors must stay visible and always centered in their online platform tiles and cannot turn off their video during remote jury selection.
- Use of another computer, cellphone, or electronic device while participating in remote jury selection is prohibited. These devices may be used during breaks, but they may not be used to obtain or disclose prohibited information at any time.
- Prospective jurors may use headphones or earbuds to prevent household members from overhearing the proceedings.
- Prospective jurors should alert the Judge and/or Court personnel if they are having technical difficulties by holding up their hand or using the "raise hand" feature.
- Prospective jurors should ensure that their devices are always fully charged and connected to the Internet while voir dire is in session.

Pretrial Conference

During the pretrial conference with attorneys, the trial judge should thoroughly discuss the policies and procedures related to videoconferencing that will be used during the voir dire process. Pretrial conferences should include audio and video practice for attorneys. The court should also demonstrate the “Host View” and determine attorneys’ preferences for settings during voir dire such as naming conventions for displaying names during jury selection.

It has proven helpful to distribute an organizational memorandum explaining standard procedures used by the trial judge for conducting voir dire to the parties. For example, the memorandum would explain how open court questioning will be conducted, how and where follow up questioning of individual jurors will be conducted, the way motions to strike jurors for cause will be handled, and how peremptory strikes will be administered. Additionally, sending information regarding court expectations to attorneys prior to the pretrial conference helps to ensure a smooth process. The King County Superior Court offers a webpage specifically designed to inform attorneys on virtual jury trial preparation <https://kingcounty.gov/courts/superior-court/get-help/civil-jtrials.aspx>.

The pretrial conference also provides an opportunity for e-mail addresses and cell phone numbers to be exchanged both among the attorneys and the court staff. During the conference, attorneys should be informed or reminded about any limitations of the chat features in the online platform. Additionally, the attorney conference can be a convenient time for attorneys to hold a conversation about communication tools to use with each other and their respective clients that are hosted outside the online platform (e.g., texts, e-mails).

Voir Dire

Preparing for Voir Dire

There are several logistical considerations to think through prior to voir dire. For example, consider having at least one, if not two, court staff in the virtual courtroom as a co-host for the duration of the voir dire to help venire members individually with tech issues such as audio, video, signal, etc. Another consideration includes generating the venire list and a potential shuffle list before the venire even enters the Court's virtual courtroom for voir dire to minimize delay if that is anticipated. It is also helpful to create at least five break out rooms so that you can assign and move individuals as needed such as attorneys and their clients; attorneys; venire members; staff to assist with tech issues; etc. Additional considerations include taking the court reporter's record of the voir dire, planning for a multi-day jury selection process, and how to deal with potential jurors who may be raising their hand electronically.

The King County Superior Court has been conducting voir dire remotely since March 2020 and continue to implement this process for all civil and criminal cases. Court staff have developed numerous training materials and resources focused on remote processes and applications for themselves along with other courts.

Admitting Venire Members

Audio and video for jurors should be checked in a central meeting room before admitting venires for voir dire. Once juror venires are admitted for jury selection, asking each participant to state their name before voir dire begins allows the court to confirm the juror's audio works both ways. It is helpful to adjust settings to mute guests when they are admitted. Consider renaming the jurors for anonymity, as some jurors are more comfortable if their full names are not listed. For example, try listing jurors as Juror 1, Juror 2, etc. Co-hosts can help rename the boxes so it may be helpful to have central jury staff members assist the initial transition to the Court's virtual courtroom as co-hosts to help rename venire members and document any absences.

Zoom allows you to arrange the participants in a particular order, including placing potential jurors in numerical order. Only the host has this ability. To do this, click the individual boxes and rearrange as needed. Then select the option "Follow Host View." Only participants with updated versions of Zoom will be able to see the correct order.

Zoom allows the ability to view up to 49 participants per screen by changing the video settings, but during voir dire, it is easiest to see the jurors if the venire is smaller. If the jury venire is larger than 24, the court may want to split the venire in two, with half in voir dire and the other half in a breakout room. Consider having a support staff be the "host" and move the boxes around in order while the judge moves thru the script before the voir dire examination begins.

During Voir Dire

As the voir dire process begins, instruct the venire members on procedural and decorum requirements, including how to unmute to respond to questions by the judge or attorneys. Repeat those instructions as necessary. Reiterate the need for the venire members to have only their number on their boxes. Court staff should also alert venire members and all in the virtual courtroom that you are recording for reporting purposes.

Incorporate and repeat often how appearance in the Zoom box is the equivalent of courtroom presentation – that may minimize co-hosts having to reach out to individuals about positioning, lighting, free from distractions, etc. Expect that all co-hosts will likely be messaging venire members to correct position, lighting, etc. during the voir dire examinations. Things to have your co-hosts looking at during voir dire include:

- Lighting, seating, positioning, etc.
- Venire members raising/waving hands to ask questions/request breaks
- Monitor the chat – questions posed to everyone and/or directly to co-hosts
- Venire Member distractions – looking off to the side at TV, phone, etc. – and contact venire members directly via chat to try to cure the issues w/out interrupting the voir dire

Similar to in-person jury selection processes, judges need to be prepared to cut off people who are monopolizing the voir dire courtroom and invite the continuation of their remarks to be reserved for a bench conference. Sometimes the attorneys are not able to pivot or get back the conversation as quickly as they could in person.

Breakout rooms are a useful tool for jury selection proceedings but require court staff preparation. Arrange for court staff to go into breakout rooms and call individual venire members into the main courtroom as needed. Be ready to instruct venire members on how to reenter the breakout room as participants may not have experience doing it. Consider setting staggered break times for your venire members while they are in the breakout session.

To minimize (Zoom) fatigue, take frequent breaks to allow all jurors and participants a few minutes away from their computer screens to stand up, move around, etc. It is recommended to take a break every 1 – 1.5 hours. Encourage potential jurors to remain connected to the meeting platform, even if their cameras are turned off. Consider using audio clues to indicate the end of the break, such as sharing background music via zoom during the break, to be turned off at the end of the break. See Appendices for the following documents:

- Remote Jury Trial Procedures for Lawyers and Litigants (Appendix F)
- Virtual Jury Trial Talking Points (Appendix G)
- Virtual Jury Trial Tips and Considerations (Appendix H)

After Voir Dire

Following voir dire, the court may wish to assess juror opinions regarding the jury selection process. Previous juror surveys have revealed parts of the process which may be confusing. Additionally, jurors can provide feedback and suggestions for better use of technology. For example, one juror recommended that attorneys consider using headphones to minimize surrounding noise and make them easier to hear. Another recommended using a gaming headphone set, such as the Astro 10s, which work well for this purpose. Jurors also can indicate whether any court-provided technology is working properly and whether the time between breaks is sufficient.

To obtain information about juror opinions, courts may either ask jurors to remain online after the completion of the jury selection to serve as a focus group or they may ask jurors to complete exit questionnaires, which can be sent to jurors following the proceeding. For those courts with knowledge of and access to an online survey platform, such as Survey Monkey or Qualtrics, a sample survey with example questions can be requested from NCSC's Center for Jury Studies. Alternatively, a survey could be created in a Word document and either mailed or e-mailed to participants.

In addition to gathering juror perspectives, it is beneficial to facilitate a court staff debrief immediately following the first few remote jury selection proceedings to identify practices and policies that went well and areas for improvement.

Return of Court-Provided Devices

It is important for the court to ensure that all equipment loaned to jurors is properly returned and accounted for after the conclusion of the jury selection process. Coordinating the return of all loaned devices should be arranged prior to releasing any equipment, and participants should receive a receipt to indicate they have completed the return process.

Ideally, acknowledgement of the return should be included on the same form used to document the original loan. As an example, the OCA Equipment Receipt in Appendix A includes a signature line labeled "Return Received by" for court staff to sign when a juror returns a borrowed iPad.

Summary

Remote jury proceedings will likely continue as a sustained artifact of the COVID 19 pandemic. Although virtual trials can pose challenges for judges, attorneys, and courtroom staff, they have increased access for potential jurors to attend and participate in jury proceedings more easily. Increased access not only benefits and strengthens the administration of justice, but it also improves public perception and confidence in the court system. As remote trials continue to evolve and courts implement resources such as those presented in this paper, the process will become even more refined and additional best practices will be identified.

Appendices

Appendix A - OCA Equipment Receipt



PROPERTY RECEIPT FORM

I, _____ acknowledge receipt of the following court property from the Office of Court Administration (OCA) for jury trial use only:

Make _____

Model _____

Serial Number _____

- Power supply cord
- Standard AC Cord
- Carry case/Cover

I understand that this property has been loaned to me and is the sole property of the State of Texas/OCA. I am expected to exercise due care in my use of this property and to utilize the property for this authorized jury trial only. Negligence in the care and use will be considered cause for legal action.

I have taken a picture of the property and presented OCA my government issued identification to verify that I am the juror listed on the panel.

Finally, I understand that the property must be returned to OCA within 24 hours of completion of the trial. I understand I may be prosecuted if the property is not returned in the condition it was received.

Juror Name & Date of Birth

Juror Signature

Date received

Date Picked Up

Return Received by

Appendix B - Screen Sharing in Zoom on an OCA Jury iPad

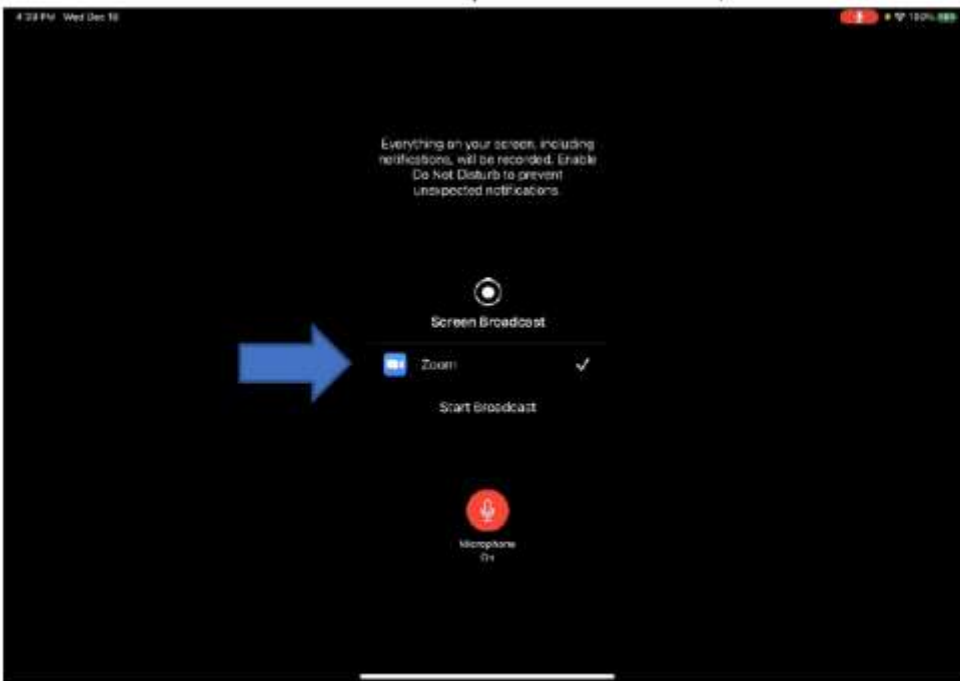
1. Click on **Share Screen**



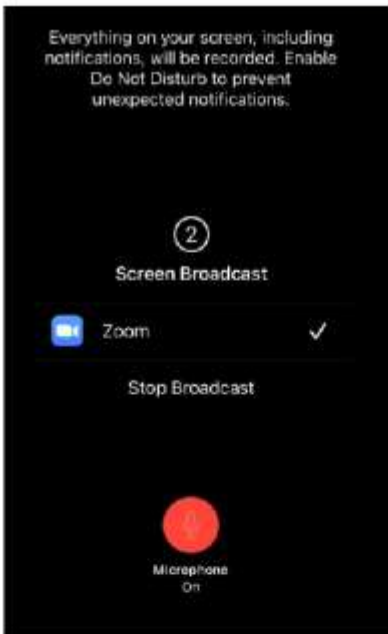
2. Click on **Screen**



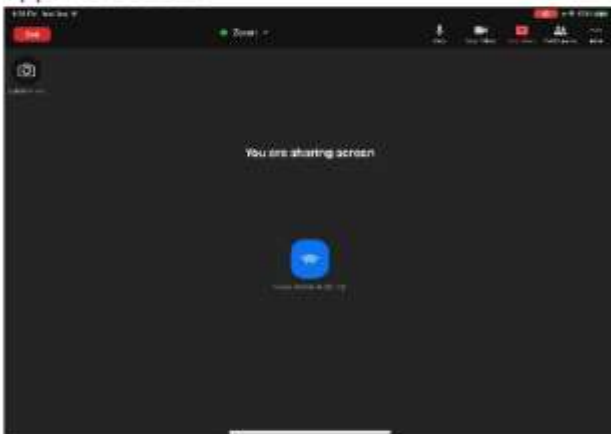
3. Select **Zoom** and ensure the Microphone is set to **On**, then click on **Start Broadcast**



4. The screen will then count down...3...2...1...



5. Your screen is now being shared with others in the meeting. You can then navigate to other apps as needed.



6. To stop screen sharing, click on **Stop Share**



The iPad may give an additional prompt, letting you know you've stopped sharing. Click **Ok**.

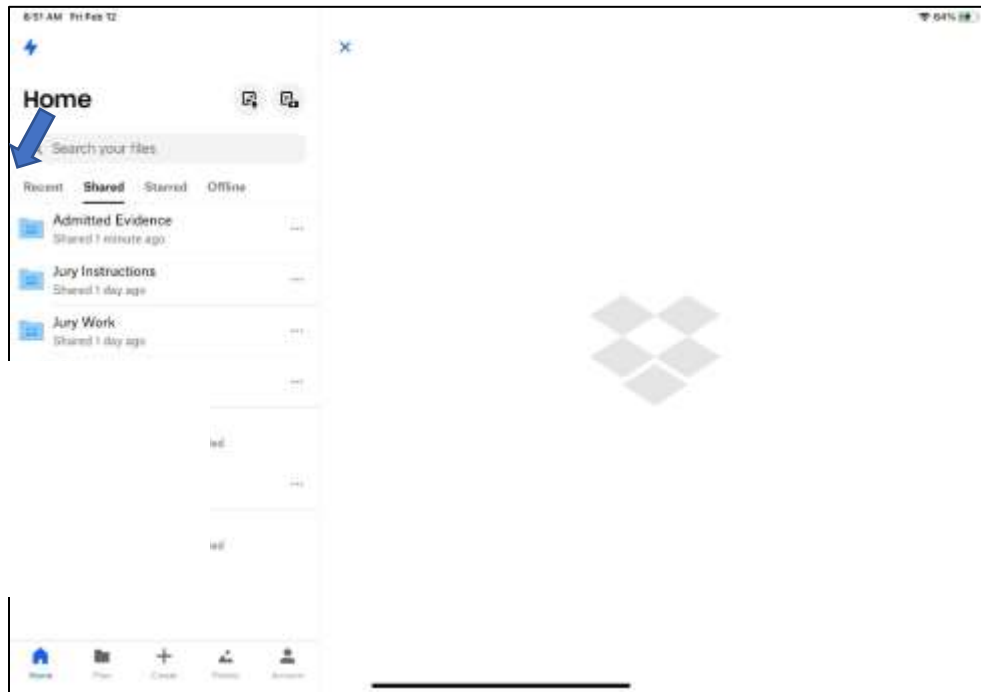


Appendix C – Instructions using Dropbox



On the iPad, click on the Dropbox icon at the bottom bar, it looks like this:

On the left-hand side, towards the top, click on the **Shared** tab to take a look at what the court has shared.



You should see the following shared folders:

Admitted Evidence – this is evidence for the case that the judge has admitted. You have the ability to only view these files.

Jury Instructions – these are instructions and other juror information normally given during court. This is for your reference.

Jury Work – this is a place where the judge can exchange information with you. Things like verdict forms and a place for you to ask questions are in this folder.

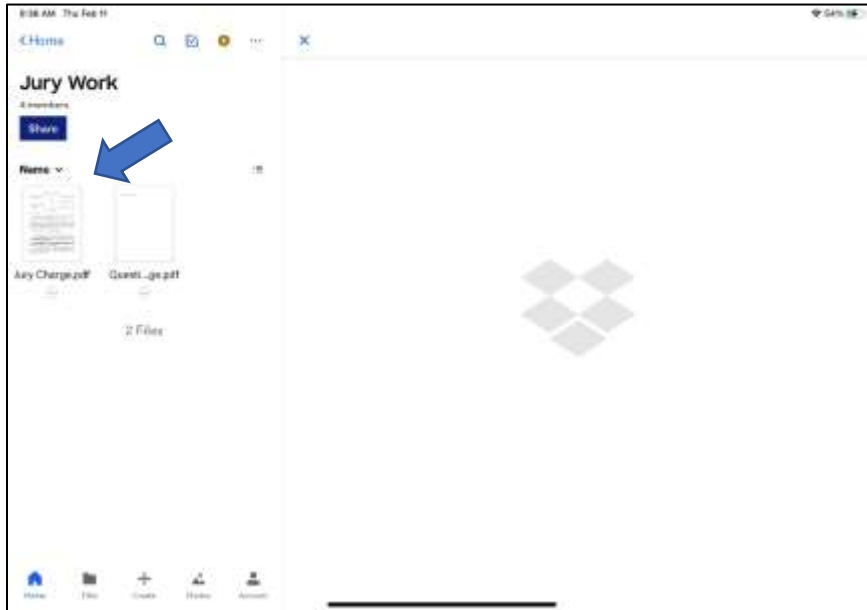
Click on the folder to see the files inside, then click on the file to see it within DropBox.

Adding Text/Signature/Date to a Document

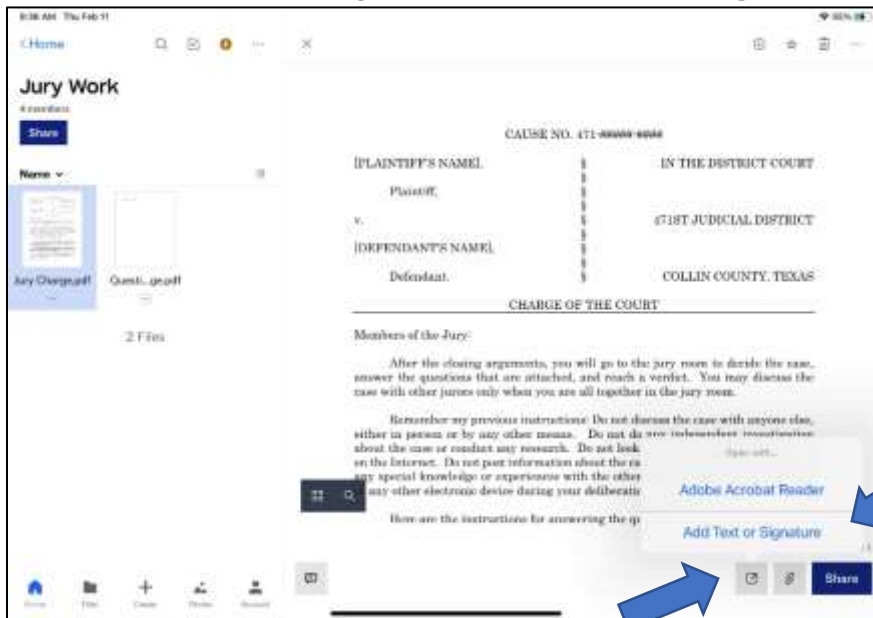
In some cases, the judge may ask you to sign a document such as a jury charge form. There may also be a document in the Jury Work folder that allows you to ask questions back to the judge.

Here is how to add text, signatures and dates to a document in Dropbox.

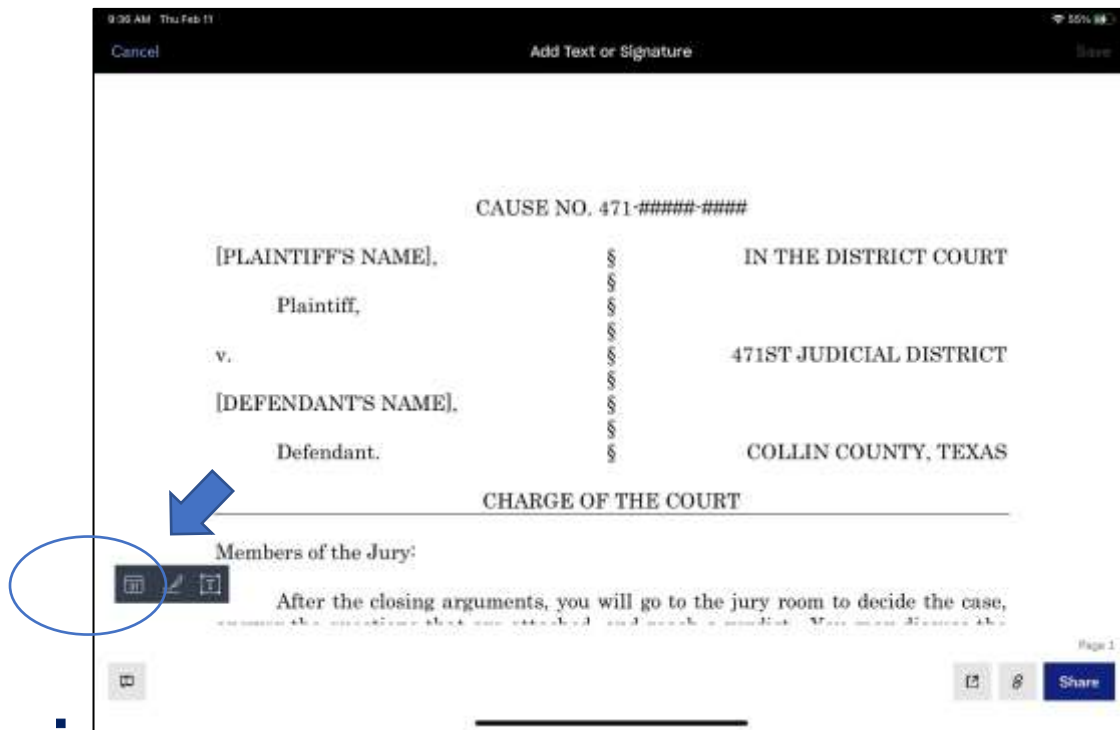
1. Open the Dropbox app and click on the **Shared** tab, then the **Jury Work** folder.
2. Select the document you wish to edit. In this example, we will edit the Jury Charge.



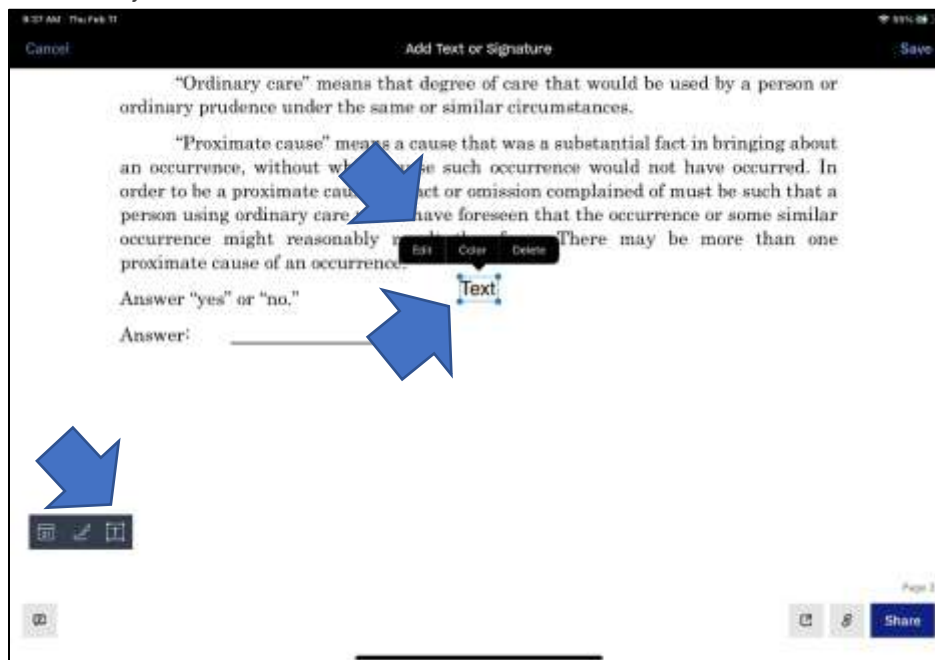
3. Dropbox will bring up the document in the preview window on the right-hand side. Click on the **Open With...** icon at the bottom right, then select **Add Text or Signature**.



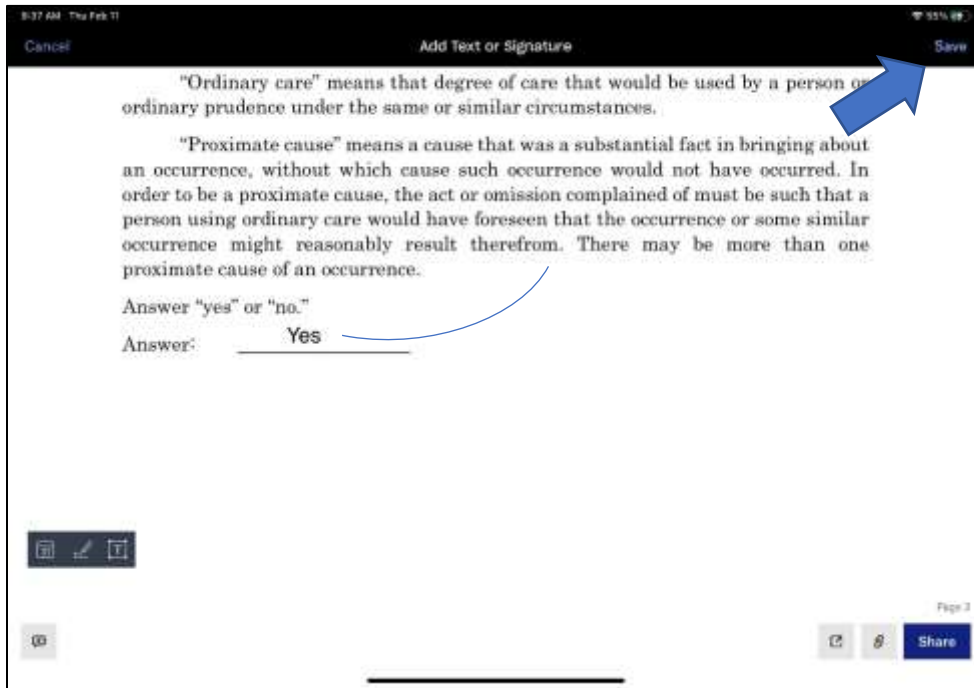
- DropBox will then open the document to add text or a signature. You can scroll through the document by swiping. Using the menu at the lower left, select the appropriate icon to add a date, add a signature, or add text.



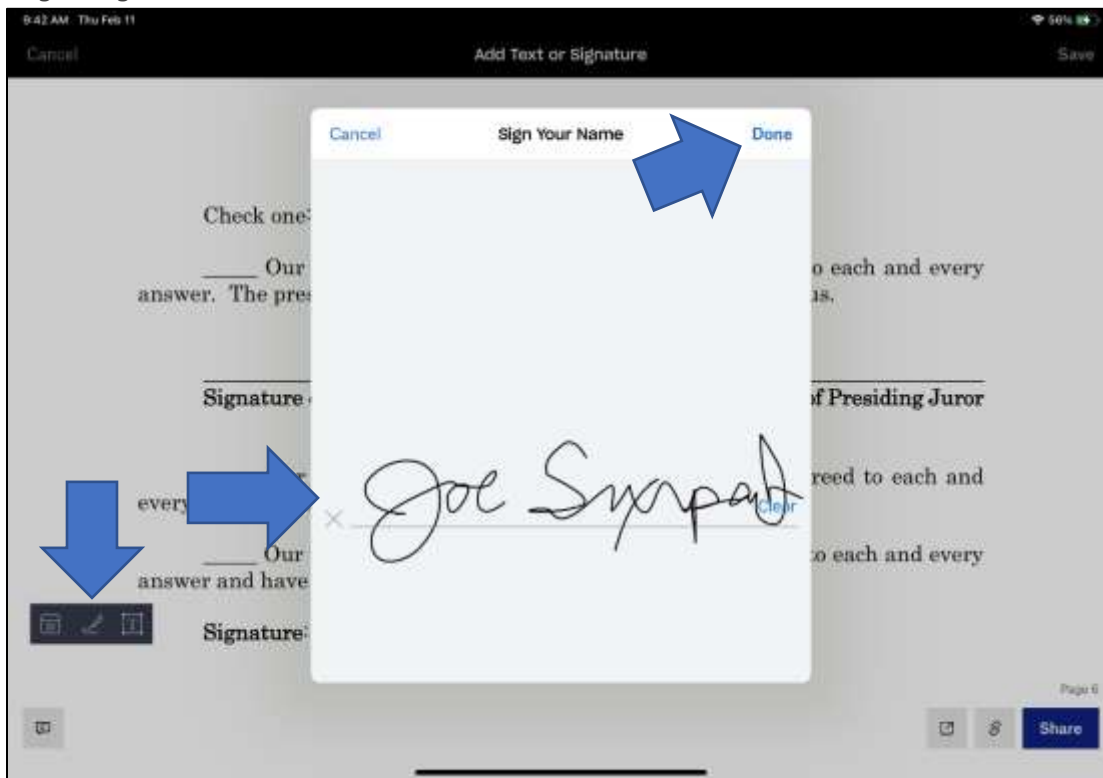
- When selecting to add text, Dropbox will give you the option to edit by clicking on **Edit**. You can then type whatever you like.



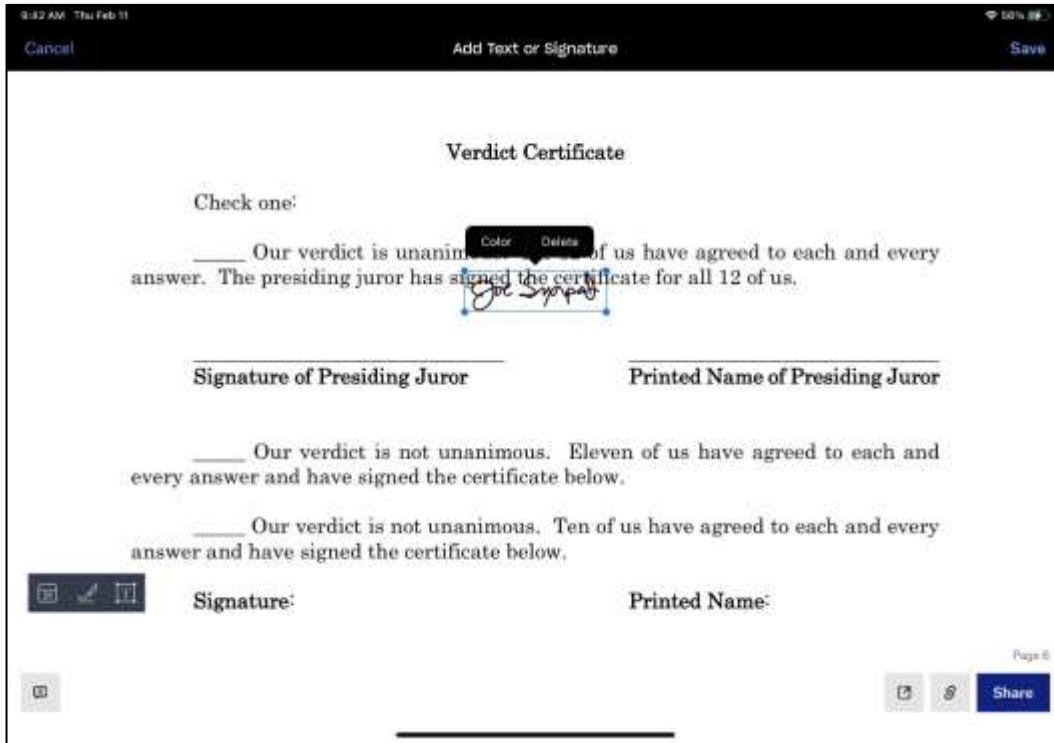
- 6. Using your finger, drag the text into the appropriate spot. When complete with all added text, be sure click on **Save** in the upper right corner.



- 7. To add a signature, click on the **Signature icon** in the lower right. Dropbox will ask you to sign with your finger. Sign on the line and click on **Done**.



- Your signature will be placed in the document. You can place it in the appropriate spot by dragging it. You can also resize it by using the blue dots on the edge. Hit **Save** to save the document back to Dropbox.



Appendix D - Remote Jury Proceeding Questions

The Court is currently permitting jurors to appear for jury service remotely using videoconferencing technologies. Individuals who do not have the ability to appear remotely will be provided alternative methods to serve, including spaces equipped with technology or the opportunity to appear in person. Please indicate whether you have internet access and technology capability to serve remotely.

Question	Yes	No	Notes
1. I have highspeed or broadband internet access at home.			If no, the juror may require court-provided internet access to participate.
2. My computer or tablet has a webcam or camera.			If no, the court should provide an appropriate device.
3. I have internet access ONLY through a smartphone or other mobile device.			If yes, the court should provide an appropriate device for use in a remote trial.
(If yes to #3) My internet data plan on the device I would use to appear remotely provides unlimited data.			If no, the court should provide MiFi or other internet device.
4. I have used videoconference technologies (i.e., Skype, Teams, Zoom) at home or work.			If no, juror should receive additional training before the trial date.
5. I have access to a private place in my home or work where I can arrange to use the internet without interruption from others.			If no, see # 6 to determine ability to serve without distractions.
6. I have the ability to listen to the audio from my device through headphones or earbuds.			Not a requirement for jury service, but would keep distractions at a minimum.
7. I would be able to appear remotely for jury service.			

Please provide contact information and indicate your preference concerning notifications about jury service.

Email address: _____

Mobile phone number (if applicable): _____

I prefer to receive notifications about jury service by (check all that apply):

Phone call

Email message

Text message (Data charges may apply depending on your plan)

Appendix E - Court Letter to Venire Jury Trial



COURT NAME COURT JURY ASSIGNMENT

REPORT DATE/TIME: **DATE at TIME**
JUDGE: **NAME**
LOCATION: Zoom Videoconference (see page 2 for login credentials)
LENGTH OF TRIAL: The Court will inform you on **DATE**.
 Trial will likely last more than one day.

**IF AN EMERGENCY OR UNFORESEEN LIFE CIRCUMSTANCE ARISES,
PLEASE CALL *PHONE NUMBER* AS SOON AS POSSIBLE.**

Dear Juror:

Thank you for completing the summons response. Due to the COVID-19 pandemic, the Travis County Civil District Courts are conducting jury trials remotely, via Zoom videoconference technology. The court appreciates your patience as we all learn to navigate new processes during this public health crisis. To learn more about how to login for remote jury service, please watch the video at the following link:

<https://youtu.be/QDgKooRe2WU>

Unless otherwise instructed, you must report for remote jury duty service on the date/time listed above. Failure to report for jury service may carry a penalty of up to a \$1,000 fine, and in some instances, the judge can hold you in contempt of court and confine you to jail.

Prior to joining the Zoom videoconference on January 25, 2021, please ensure that you have a quiet space and access to the internet. If you currently do not have a private place in your home with an available electrical outlet where you can use the internet without interruption from others *or* you are not

proficient/comfortable appearing remotely via video-conferencing technology, call **Phone Number** for accommodations.

If you are having issues connecting to the Zoom videoconference, please email [tech support help email](#) or call **phone number** and someone will assist you. If you have questions, please contact the court's staff attorney or judicial executive assistant. Phone numbers are provided at the top of this letter.

If you are concerned that serving as a juror will cause you economic or physical hardship, you may explain this to the judge, who may or may not excuse you.

It is the policy of the Travis County Courts to ensure that individuals with disabilities have access to all of our programs, services, and activities and are provided effective communication, consistent with the requirements of Title II of the Americans with Disabilities Act. This policy includes jurors. If you require any special accommodations in order to serve as a juror, we ask that you submit a request as soon as possible to **Court email**.

Most importantly, THANK YOU for performing this essential service for our community. We look forward to meeting you soon. The Zoom videoconference login information is on the following page.

ZOOM VIDEOCONFERENCE LOGIN INFORMATION:

Judge **NAME** is summoning you to a scheduled Zoom meeting.

Topic: Jury Trial

Time: **Date, Time Central Time**

Join Zoom Meeting

Zoom Link

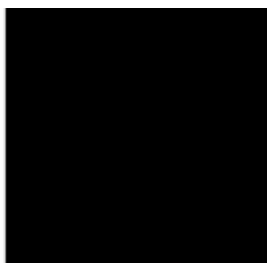
Meeting ID: 000-000-000 (meeting ID)

Dial by your location

+1 346 248 7799 US (Texas)

Find your local number: <https://txcourts.zoom.us/j/abnKObTXMB>

Appendix F - Remote Jury Trial Procedures for Lawyers and Litigants



COURT NAME

REMOTE JURY TRIAL PROCEDURES

In response to the COVID-19 pandemic and social distancing requirements and under the authority of the Texas Supreme Court and the Texas Office of Court Administration, all civil jury trials in Travis County will proceed remotely via Zoom until further notice.

1. Jury Trial Announcements, Assignments, & Pre-Trial Hearing

- A. Parties must give an announcement of “Ready” and the updated time required for trial by all participants four weeks before trial, *between 8 a.m. on Monday through 5 p.m. on Wednesday*. Announcements may be made online through **COURT EMAIL** or by telephone by calling **PHONE NUMBER**.
- B. Court assignments will be made approximately three weeks before trial.
- C. The assigned Court will schedule a pretrial hearing that will take place no later than the Friday before your scheduled jury trial.

2. Composition of Remote Jury Trial Teams

- A. Trial Judge¹
 - (1) Considers panel member exemptions and qualifications issues;
 - (2) Provides pretrial Zoom admonishments and ensures that panel members are following admonishments; and
 - (3) Presides over *voir dire* and trial.
- B. Travis County Deputy District Clerks
 - (1) Attend *voir dire*; and
 - (2) Keep and preserve complete records of all proceedings.
- C. Staff Attorney and/or Judicial Executive Assistant

¹ Depending on circumstances, a second judge may preside over *voir dire* and/or trial.

- (1) Answer questions and receive/respond to email during trial;
- (2) May serve as Zoom Host; and
- (3) Assist jurors.

D. Court Reporter

- (1) Provides the record of the trial, including jury selection, if requested by any party.²
- (2) Provides a transcript of the trial, if requested.

E. Travis County Court IT Team Members

3. Notice to Panel Members & Preparation of Panel Member Packages

A. Panel members will receive three notices before *voir dire*:

- (1) The first and second notice will be sent from the District Clerk's office.
- (2) The third notice will be sent from the Presiding Court at least one week before trial and will include Zoom login information, written instructions, and a link to the Office of Court Administration's Remote Jury video: <https://www.youtube.com/watch?v=QDgKooRe2WU>.
- (3) If parties timely submit agreed written juror questionnaires, juror responses will be uploaded into the Court's Box link prior to the start of *voir dire*.

4. Jury Trial Equipment

- A. Panel members will receive Travis County iPads equipped with hotspots, the Zoom videoconference and Box applications, an iPad case with a stand, and a charger before jury selection.
- B. Travis County Constables will deliver iPads to all panel members the week before trial by curbside pick-up or home/office delivery.

5. Panel Member Packages and Shuffle

- A. Panel member packets will be delivered to attorneys and self-represented litigants by 9 a.m. on the Friday before trial.
- B. Jury shuffles must be requested by 12 p.m. on the Friday before trial.

² No other recording of the trial is permitted, including by phone, Zoom, or other device.

- C. If a jury shuffle is requested, new panel packages should be delivered by the District Clerk's office by 3 p.m. on the Friday before trial.

6. Pre-Marked Exhibits & Jury Questionnaires

- A. The Court will email a Box link to the parties during the week before trial. Parties must upload pre-marked exhibits individually to the Box folder no later than 9 a.m. on the Friday before trial.
- B. Parties shall submit **agreed** written juror questionnaires to the Court by 5 p.m. on the Monday before trial. If the Monday before trial falls on a county holiday, the deadline will be extended to 5 p.m. on the Tuesday before trial.

7. Check-in by Deputy Clerk

- A. Panel member check-in will take place on Zoom, beginning at 8 a.m.
 - (1) Panel members will be checked-in by Deputy Clerk.
 - (2) Deputy Clerk will rename the panel members with their panel member number in the following format: 01 JUROR LOPEZ, MARIA
- B. Due to the confidential nature of the information that may be shared and the limited benefit to the public, check-in will not be live streamed on YouTube.

8. Handling of Exhibits During Trial

- A. Parties may only offer exhibits that are pre-marked and individually uploaded into the Court's Box link no later than 9 a.m. on the Friday before trial.
- B. Parties shall confer and attempt to pre-admit all non-rebuttal trial exhibits.
- C. Court will handle objections to admissibility of exhibits at the pre-trial hearing, or during juror breaks.
- D. Jurors will have access to all admitted exhibits during deliberations via the Admitted Exhibit folder in the Court's Box link.

9. Remote Handling of Strikes and Jury Charge

- A. Each aligned side will have 6 peremptory strikes that must be returned to the deputy district clerk via DocuSign when instructed by the Court.
- B. Strikes for cause will be made in a Bench Conference breakout room. Parties must request a record in the breakout room, if needed.

- C. If the verdict is unanimous, the presiding juror will sign the Charge of the Court via DocuSign; if 10 or 11 jurors agree on all answers in the charge, those jurors will sign the Charge of the Court via DocuSign.

10. Protocols for Remote Jury Trial Conduct

- A. Decorum for All
- (1) Jurors, lawyers, and litigants shall conduct themselves with the same level of decorum as if they were physically present in the courtroom.
 - (2) Remain muted when not speaking to the Court or with the jury.
 - (3) Non-speaking trial team members should have video off.
- B. Juror Decorum
- (1) Jurors must stay visible and centered in their Zoom tiles at all times and cannot turn off their video during remote jury selection.
 - (2) Use of another computer, cellphone, or electronic device while participating in remote jury selection is prohibited. These devices may be used during breaks or recesses, but they may not be used to obtain or disclose prohibited information at any time.
 - (3) Jurors should use a separate room or space that is free from distractions and interruptions.
 - (4) Jurors may use headphones or earbuds to prevent household members from overhearing the trial proceedings.
 - (5) Jurors should alert the Judge and/or Court personnel if they are having technical difficulties by holding up their hand or using the “raise hand” feature.
 - (6) Jurors must be reached by telephone if the Zoom connection is completely lost.
 - (7) Jurors should ensure that the county-issued iPad is always fully charged and connected to the internet while Court is in session.
- B. Court’s Remote Jury Trial Schedule
- (1) Jurors trial schedule, unless modified by Court:
Monday-Friday, 9 a.m.-5 p.m. (except *voir dire*, which begins at 8

- a.m.)
- (2) Lawyers and parties should expect to login and be ready for bench conferences as early as 8 a.m. and as late as 6 p.m.
 - (3) Court breaks (Court may adjust, as needed):
10:15-10:30 a.m., 12-1 p.m., and 3:00-3:30 p.m.

Sample *Voir Dire* Schedule (Court reserves the right to adjust as needed):

8-9 a.m.	Check-in for all jurors Non-economic excuses Zoom/remote trial admonishments
9-9:30 a.m.	YouTube livestream start Presiding Judge introduction of staff Presiding Judge swears in entire panel Presiding Judge provides statutory admonishments (Rule 226a) Presiding Judge provides YouTube admonishments
9:30a.m.-10:15 a.m.	Plaintiff/Petitioner <i>Voir Dire</i>
10:15-10:30 a.m.	Comfort Break
10:30-11:15 a.m.	Defendant/Respondent <i>Voir Dire</i>
11:15-12:15 p.m.	Economic Excuses/Strikes for Cause
12:15-12:30 p.m.	Preemptory Strikes
12:30-1:00 p.m.	Jury Empaneling Release of all non-seated panel members Announcements from deputy clerks Admonishments to seated jurors

Appendix G – Virtual Jury Trial Talking Points

- Do not need consent of both parties per Supreme Court order
 - o Required to hear any motion /requests/objections on the record at least seven (7) days prior to hearing, to give enough time for a mandamus if needed.
- Starts with summons and Remote tech questionnaire
 - o Cannot dismiss juror for lack of technology
 - o Electronic survey tool, with option to call in for those that are unable to utilize online survey
 - Survey monkey, google forms, Microsoft forms, etc.
 - If your court cannot provide this survey, OCA can assist.
- **iPads:** We have procured iPads for remote jury trial use.
 - o **These iPads are locked down with parental controls.** And the only thing on the iPads is Zoom and DropBox.
 - o **They are on cellular service and do not require Wi-Fi.** If the juror would like to connect to their home Wi-Fi network, they are welcome to do so and have that ability through the settings.
 - o **Cell phones/smart phones are not sufficient devices for jury service.**
 - o We ask the courts to let us know as soon as a jury trial is scheduled so we can have you on our list of upcoming trials to reserve devices
 - At least one week in advance we ask that you tell us how many devices are needed.
 - Two methods:
 - 1) all selected jurors will use OCA iPads
 - 2) only jurors in need of technology will use OCA iPads
 - We have a form for the jurors to fill out when the devices are distributed to the jurors to ensure they understand it is state property and it must be returned
 - We have never had an issue with a juror returning an iPad
 - Distribution:
 - Courts can either have a Sheriff's Deputy/Bailiff hand deliver the iPads to the jurors' homes
 - Or Courts ask that jurors come between a certain time to the courthouse to obtain a device
- **Evidence:**
 - o For evidence sharing there are a number of applications that can be used, DropBox, Box, Google drive. We recommend DropBox and have accounts already registered with each iPad
 - o DropBox is set up with a number of folders for parties and jurors to have access to (examples below). The parties will put their exhibits into their respected folder and once admitted the court staff will move the exhibits to the admitted folder giving the jury access to this evidence. Admitted folder is READ ACCESS only.
 - Prosecution/Plaintiff (court and party only)
 - Defendant (court and party only)
 - Admitted (all parties and Jurors)
 - Jury docs (Court and Jury, read/write access): This includes juror instructions, verdict form, document for questions/notes)
 - DropBox gives the juror Read/Write access in the Jury Docs folder which also allows them to sign the verdict form. (instructions for Dropbox included).

- Voir Dire:
 - If the panel is larger than 24: split the panel in 2. Half in Voir Dire, the other half in a breakout room.
 - Zoom gives you the ability to view up to 49 participants per screen (in your video settings), but during Voir Dire, it is easiest to see the jurors if the panel is smaller.
 - Rename the jurors: for anonymity, especially if you are live streaming, it is recommended that you change the jurors' names in Zoom to Juror 1, Juror 2, etc. This is live streamed, and some jurors feel more comfortable if their full name is not listed on YouTube.
 - Zoom allows you to arrange the participants in a particular order, including jurors in numerical order. Only the host has this ability.
 - To do this you click the individual box and rearrange as needed. You will then select the option to "Follow Host View"
 - All participants need to ensure their zoom application is updated or they will not see the correct order. (OCA ipads will always be updated)

- Tips and tricks
 - Early Check-in (day before). To ensure the jurors know how to log in and use the general controls. This alleviates time consumption on day of trial.
 - Jury Check in is recommended to be handled by more than one clerk/ court staff member if possible.
 - Once jurors join, move them into separate break out rooms with jurors to being check in (Draft Check-in List included). Confirm name, email address and phone number, and ensure they have a phone number to call if they have technical issues.
 - Video for jurors/jury service: <https://youtu.be/ODgKooRe2WU>
 - During trial ensure you have multiple break out rooms for use
 - Jury, Defense, Plaintiff/Prosecution, Bench (approach the bench), Tech support, and one more for good measure
 - If you are live streaming your trial, note that breakout rooms are not live streamed. If there is something that needs to remain confidential, do it in a breakout room. If there is something that needs to be on the record, do it in the main meeting room.
 - **We recommend having a mock trial.** Ask other court staff, members of your agency or government staff members, call your grandparents, to ensure a wide number of participants with different levels of technology knowledge.
 - **Turn off 1:1 chat** to prevent jurors, attorneys, etc. from communicating with each other. Chat can still be used, and anyone can privately chat host or co-host but this way you prevent all participants from private chatting each other.
 - With all of the draft admonishments, jury bonding had been mentioned as a concern. We highly encourage you to give your jurors something to talk about. We do not want them scared to communicate with each other, as this is a vital part of jury services
 - Make sure all participants have updated their Zoom application
 - Ensure all participants keep their devices plugged in at all times during the trial. Zoom uses a lot of battery power and we do not want anyone dropping off.
 - **Take breaks.** Zoom fatigue is real. We recommend taking frequent breaks to allow all jurors and participants a few minutes away from their computer screens to stand up, move around, etc.
 - **TECH:** Ensure someone is running/managing the technical aspect of the zoom trial that is NOT the judge. We want the Judge to do what they are there to do, and that is be a judge.
 - **If you are streaming live on YouTube, turn off chat.**

- **Additionally, have what we call a technical bailiff on hand.** This person will be able to assist any juror or participant with technical problems if/when they occur.
- **Have a separate line of communication between the judge and all court staff that is outside of the Zoom application.**

Appendix H - Virtual Jury Trial Tips and Considerations

Initial Attorney Conference –

- Have the conference at least the week before trial
- Make sure everyone has the most recent version of Zoom installed on their desktop, laptop, ipad – whichever device(s) they plan to use for trial
- Make it clear that cell phone are not acceptable devices to participate in the virtual jury trial – confirm that the litigants and all testifying witnesses know this as well
- Have your initial Exhibits Conversation – format, expectations for attorneys to confer and agree, time (outside the jury) where objections will be raised/ruled upon, where the exhibits will be stored and how they will be available to the jury
- Emails & Cell Phone Numbers exchanged – amongst the attorneys and with the Court (I provided the attorneys with my cell phone number so it may be something to consider)
- Confirm trial time announcements – go over big picture scheduling, qualification, pre-trial hearing(s), voir dire, trial; provide time parameters for voir dire; discuss aligned parties' time sharing; general and/or specific voir dire timing/presentation
- Review last minute deadlines – pre-trial motions, exhibits exchanged/loaded to the drive, objections/pre-admission commitments, jury charge, etc.
- Discuss technical needs/assistance for attorneys, litigants, & witnesses (we had four ipads used in this matter for just the attorneys, witnesses, and parties)
 - o I opted to limit the chat function – the individual chatting function was disabled, people could only chat directly with the host/co-hosts or to everyone. I suggest if you opt to incorporate this chat limitation to you VJT that you have periodic checks because for reasons still unknown to me, the limitation reversed itself on the second day of voir dire and thankfully staff was able to alert me and the restriction was re-imposed.
- Discuss limitations of the chat function during the trial – invite the attorneys to have the conversation about communication tools to use with each other and their respective clients that are hosted outside the Zoom platform (texts, emails, etc.)
 - o LIKEWISE, have an alternative way for the co-hosts to communicate with each other – I relied primarily on text communications with my co-hosts and some chat communications but until we got into the trial, my monitoring of the chats was not consistent
- Discuss whether or not you plan to let in observers – we let in attorney observers that could enter with their cameras off and first and last name on their boxes. It made voir dire a little more intense but once the jury was selected and the trial was ongoing, courtroom observers were not overwhelming at all.
- Discuss whether or not The Rule would be invoked (it was in my case and caused a little bit of a hiccup)
 - o If it will be invoked, consider coordinating with the attorney to announce when they expect their witnesses to be in the waiting room so they are not inadvertently let into the courtroom as an observer
 - o Make sure the attorneys know to have their witnesses show up via zoom in a room ready to testify (i.e. not with a tv on and not on a phone) and with the Witness' first and last names on the zoom box to save time
- Consider allowing the attorneys to e-serve the Court with their pleadings filed after a time certain – this was very helpful for me to get e-served with the pretrial motion and motions filed during trial so I was able to read them at night and alert my clerk to pull them thru the queue as they were filed (or the next morning, we had more than a few late night filings) so we could get them accepted ASAP
- Let the attorneys know they will get the panel list and panel questionnaires electronically
 - o Coordinate with staff about when they can expect to receive it – we got it right just after our afternoon pre-trial conference so it worked out ok and they had the information to use overnight
- Things to do next time:

- Discuss/anticipate any expert witness issues – we had a witness that has been unfortunately misinformed about what she could and could not testify about per “federal regulations” and she was equally misinformed about the effect of a direct court order on her ability to testify (ie she was in contempt and refused to answer two questions she was ordered to answer). This could have become disruptive before the jury but we powered thru and I will be sending her notice of a show cause hearing at the end of the month. Perhaps having talked thru potential issues like this could have given us more time to determine how to better address it before we had the witness in front of the jury
- Discuss how the attorneys would like for the introduction of the case – parameters on how case is described and who will be introducing the litigants & witnesses (from the court or during their voir dire time or from the attorneys but not part of their voir dire time)

Qualifications/Excuses/Postponement Conferences –

- Have your script that you would ordinarily read during panel supervision
- Have your script of the oath to swear in the panel
- Coordinate with Julietta as to when she can expect you to log in to the central jury zoom to get started so the central jury staff can coordinate the pre-registration and instructions to the panel accordingly
- Consider having your #2 Judge be in a separate break out room so they can hear excuses and postponement requests
- Consider having Court Admin come into the central jury room to assist with tech issues and to help spot panel members that are having a hard time – connection, renaming, positioning, lighting, etc.
- Read off the panel members once the list is obtained from Julietta (this took a few minutes – maybe consider doing some zoom conference/tips during this time) for a roll call and so everyone can see what their zoom box name will become
- Let the panel members know how they will change their names – consider having them enter the virtual jury trial room with their numbers – give them the naming structure “5 Panel member” so they can try to name themselves to lessen burden on support staff
- Know that this process took about 2-3 hours so we finished just before noon
- Things to do next time:
 - Spend more time asking whether the panel members need technical devices
 - Ask individual panel members directly (either before the panel or in a break out room) whether the panel member has access to a device other than a cell phone and/or has internet connection issues that would be best overcome with the OCA hot spot ipads
 - Give more of an overview on zoom and tutorial on what is acceptable courtroom presentation on the boxes (maybe consider working this in the script *and* the registration process from central jury)

Voir Dire –

- Have your bench book scrip modified and ready to go
- Remind everyone that cell phones are not acceptable devices to participate in the courtroom and again ask if anyone needs to check out an OCA device with hotspot
- Have staff ready to rename the panel members
 - Staff gave us the panel list and we were able to circulate it quickly electronically to my staff, staff for the 224th, and court administration
- Alert the panel members and all in the virtual courtroom that you are recording for edification purposes
 - Reiterate need for the panel members to have only their number on their boxes
- Consider taking the court reporter’s record of the voir dire – particularly when the entire “zoom jury trial” is an issue that will be appealed
- Consider that your voir dire may take more than one day – ours took two days and we didn’t select our jury until just after 6pm on the second day

- Expect that all co-hosts will likely be messaging panel members to correct position, lightening, etc during the voir dire examinations
- Consider giving and repeating the instruction that the panel member numbers needs to be used at all times during the questioning of panel members – and when panel members unmute to address the court/attorneys with questions
- Expect that some tech savvy panel members (and jurors) may be raising their hand electronically so anticipate how you would like to address that – I allowed it and would simply indicate for the record what was happening
- The 56 panel members was a lot of boxes to organize and rename for one voir dire session
- Only the host (**and** not the co-host) can move the boxes around to follow the host’s view
- Co-hosts can help rename the boxes – recommended to have at least 4 co-hosts for voir dire
- Consider having central jury staff members (2) to assist the initial transition to the Court’s virtual courtroom as co-hosts to help rename panel members (and for greater access to the central jury room’s system – ie generating a list of emails and phone numbers and to monitor any absences)
- Consider having at least one, if not two, people from Court Admin in the virtual courtroom as a co-host for the duration of the voir dire to help panel members individually with tech issues – audio, video, signal, etc. – in a break out room
- Consider having the panel list *and* a potential shuffle list generated before the panel even enters the Court’s virtual courtroom for voir dire to minimize delay if that is anticipated – talk with staff to confirm but this second just in case shuffle list was not difficult to generate and have at the ready – - Some attorneys shared their screen with demonstratives during voir dire (pictures) so I made them co-hosts during their presentation but had to warn them about the distracting dings they would have as co-hosts and ask that they not let anyone in from the waiting room
- Things to have your co-hosts looking at during voir dire
 - o Lighting, seating, positioning, etc.
 - o Panel members raising/waving hands to ask questions/request breaks
 - o Monitor the chat – questions posed to everyone and/or directly to co-hosts
 - o Panel Member distractions – looking off to the side at TV, phone, etc. – and contact panel members directly via chat to try to cure the issues w/out interrupting the voir dire
- Bench conferences with individual panel members were held after atty voir dire examinations
 - o Create break room for all the panel members
 - o Deputy as co-host can go into the breakout room and call individual panel members into the main courtroom for additional examination – The Deputy was able to instruct panel members on how to leave the break out room without leaving the meeting
 - o Be ready to instruct panel members on how to reenter the break out room after the bench conference – some panel members were simply not able to do it and rather than spend more time on the tech issues, I wound up moving the panel member to the waiting room with the instruction to have them wait at their computer so they would be ready to go when they were brought back into the session
 - o Consider setting staggered break time for your panel members while they are in the breakout session
- Have your voir dire courtroom with at least 5 break out rooms so you can assign and create as you may need – attorneys and their clients; attorneys; panel members; staff to assist with tech issues; etc.
- Be prepared to cut off people who are monopolizing the voir dire courtroom and invite the continuation of their remarks to be reserved for a bench conference – sometimes the attorneys are not able to pivot or get back the conversation as quickly as they could in person
 - o Example – we had one woman who want to read a prepared speech against parents who have CPS in their lives
- Be prepared to interrupt the examination and suggest that the follow up or continuation of that line of questioning is better suited for bench conferences
 - o Example – intervenors were a same sex married couple, once Ms. Pearsall asked the question of “who is opposed to same sex couples serving as foster parents” she wanted to go further down that line of questioning and thankfully respected the Court’s instruction to follow up on that line of questioning

- during a bench conference otherwise we may have lost our panel (as it was we landed on panel member #48 out of a list of 57)
- Think of how you want the attorneys to do their strike sheets remotely
 - o We did an emailed PDF with their strikes and their signatures directly to the clerk
 - o For alternate strikes, the range was read onto the record and the strikes were simply emailed directly to the clerk
- Consider reading the jurors and the alternates to the attorneys/litigants on the record before letting in the panel members from the Break room/waiting room to ensure that the strikes were all captured (especially if you are hurriedly doing this after 5pm)
- Things to do next time:
 - o Have an answer to the following panel member questions:
 - “How do we get paid?”
 - “How do I get a work excuse?”
 - “How much do we get paid?”
 - “Who do we talk to talk to our employer?”
 - o Consider having a support staff be the “host” and move the boxes around in order while the Judge moves thru the script before the voir dire examination actually begins – you can probably save about 20-30 minutes this way, depending on how large your panel is – it took me about 30 minutes the first time I had to organize the 56 boxes for voir dire
 - o Incorporate and *repeat* often how appearance in the zoom box is the equivalent of courtroom presentation – that may minimize co-hosts having to reach out to individuals about positioning, lighting, free from distractions, etc.
 - o Have a good idea of the “voir dire math” for panel strike ranges – including the alternate strike range following the selection of the 12 jurors (MILLION THANKS TO J. Stryker for helping me with this in real time!)
 - o Do a technology check – again – with the panel members selected as the jurors and alternatives to confirm they do not need to borrow OCA iPads

Trial –

- Have your bench book ready to go – oath for the jurors and modified jury instructions
- Remind everyone in the courtroom about the recording for edification (and remember to do it – sometimes I forgot and sometimes the conversions did not take place and sometimes I left it running during breaks all things that are not ideal for the editing process)
- Consider having set start times (expect at least 10 minutes to arrange boxes before actually getting started in the mornings), break times, testimony end times; *and* communicate those to the jury so they know what to expect from their trial day – the jury found this helpful
 - o We had one morning break (10-15 minutes), lunch from Noon – 1:30, and one afternoon break (10-15 minutes)
 - o We often had the jury, attorneys, and litigants remain in the virtual courtroom during breaks so as to avoid having to rearrange everyone around as they entered back into the courtroom
- Consider setting up times with the attorneys for conferences outside the presence of the jury
 - o We had bench conferences/pre-trial conferences outside the presence of the jury at least 2-3 times per week – and all but the charge conference after the close of evidence just after 3pm on the 6th day of testimony took place in our second courtroom either in the mornings or during a shortened lunch break
- Consider a second zoom courtroom for pre-trial conferences (daily or at least a few) and to assist presiding so that the virtual trial courtroom can be left open for the jurors who arrive early so that the deputy and/or clerk can rename them before everyone shows up at 9:30 (or whenever you expect to start)
- Consider doing as much pre-trial admission of exhibits as possible
 - o I let in several exhibits over objections with the representation that *party* witnesses were the sponsoring witnesses and expected to establish the predicates

- Consider expressing to the attorneys of record clear expectations of trial etiquette in front of the jury (i.e. no talking objections, no responding to rulings, no side bars to each other, etc.)—expect that the room and space for trial practice behavior and practice nuances is much more narrow while in the zoom boxes
- During trial, the support and “co-host” support was limited to my court deputy and court clerk—they helped me keep eyes on the 15-person jury (12 jurors and 3 alternates) and I think that helped maintain the courtroom size
- Consider having the attorneys be “co-hosts” with the ability to share their screens only during the examination (and some attorneys requested not to be co-hosts if they did not plan to share their screens so they could avoid the ding distractions we hear as co-hosts)
- Consider having the court reporter taking the trial transcript to have enabled real-time capabilities even while taking the record remotely
 - o This is possible(!)—A reporter did it and it is*very* helpful
 - o There were 3 or 4 times that we lost jurors during the trial (mostly during the first two days) and I was able to use the real time transcript to help pinpoint where the “readback” needed to start
 - o The real time was also very helpful during the quick pretrial/atty conferences
- If you have a multi-party case, consider setting an order of the opening, examination, & closing so that all attorneys will have an idea of when they get to examine and plan their outlines accordingly
- Encourage the attorneys to talk with each other about their witness presentation order at least so there is an understanding of when the case will be passed and the respective attorneys can have their witnesses lined up and ready to go so as to not waste the jury’s time (our attorneys were very good about this)

Jury Deliberations

- Jury room will be in a breakout room
- Foreperson will have to be selected ASAP
 - o If the foreperson doesn’t have the technical ability to email Deputy and receive emails that may raise a communication issue that needs to be resolved
 - o If the foreperson doesn’t have the technical ability to share the screen, that may be an issue for exhibits review that needs to be resolved
 - o Before the foreperson, or a designated other jury member, can share the screen, they need to be made a “co-host” in the main courtroom before going back into the breakout room—I designated the Deputy as the “host” so he could be the one that designated the selected juror as a co-host to share exhibits on the break room screen
- Jurors were given electronic access to the exhibits by email and by sharing the google drive folder with them – I shared access both ways because two jurors’ email addresses could not be entered on google drive folder to share access that way
- Coordinate with IT and Court Administration to get the jury charge ready to be emailed to the jurors so that it can be signed and executed with Adobe Sign
 - o They were able to coordinate with me the day of closing arguments – it may be helpful to give them a head’s up right after the charge conference so they know it’s coming
 - o The jury charge for the jury cannot be file-stamped until the jury is excused to the jury room (break out room) to begin deliberations so there will be a slight delay (about 20 minutes) in getting the jury charge to the jury via the google drive access and the adobe sign email
 - o Have the list of jury’s email addresses ready to circulate to Court Admin and BCIT so they can work their magic
 - o Have the PDF emailed to Court Admin as soon as it is scanned in after getting the file stamp – that is the document they need to work thru the Adobe Sign to format it for the fill in marks for the questions and up to 23 potential fill in boxes for the verdict form and they need time to get that done (it helps to get them the draft so they can start working with it after the final jury charge conference)

- Encourage the jury to select their foreperson ASAP since the foreperson's email is the "primary" signer when setting up the charge of the court to be remotely executed by the jury with the Adobe Sign program/formatting
- Set up the google drive with the jury's email addresses and make sure their "viewer status" is adjusted – you don't want the juror's to be editors for the exhibits folder
- Consider making your deputy the "host" while the jury is deliberating so he can call out one of the jurors to the main room to make them a "co-host" before sending them back into the jury room in case the jury wants to have the screen shared during their deliberations
- Consider how you would like to the jury to communicate with your deputy and determine what type of communications you (and the attorneys) would like to have filed/preserved
 - Texts regarding breaks were fine and breaks were stated on the record in the main courtroom while the jury remained in the breakout room
 - Emails with substantive questions were printed and filed and read on the record for the attorneys to consider before responding – I gave all attorneys an opportunity to state their proposed responses on the record, I wrote out the response and stated it on the record and then my Deputy typed up the response and emailed it back to the Foreperson (and that typed response was printed and filed).
- Consider when the jury will be brought back into the main courtroom and back on the record
 - We did it when the jury wanted to break from their deliberations on the first day and come back Tuesday morning. On Tuesday morning I greeted the jury on the record in the main courtroom and then assigned them back to the jury room (Break out room) and then they were brought back into the main courtroom after their deliberations for the reading of the verdict
- Receiving the verdict electronically & On the Record –
 - Right after noon (12:02) we received notice via text to the deputy that they had reached a verdict and that was announced on the record – the emails with the Jurors signatures were coming to my email but Elyssa was available to come into the courtroom and remained there as standby tech assistance until all 11 signatures were received to make sure all worked as it should. The Verdict Form was emailed to all attorneys of record to review (since the technology – signing verdict form with Adobe – was new) but the attorneys were reminded that it was a confidential review and that all litigants would receive the verdict when it was read on the record. This process took about 16 minutes and at that point the jury was brought back into the main courtroom and the verdict was read on the record as is ordinarily done. The jury was polled on the record at Dad's attorney's request and the polled jury matched the verdict form that had been submitted.

Jurors & Alternates Feedback

- Summons was confusing – it said "virtual" but then listed the courthouse address so there were concerns (I don't know if the new system generated a new summons but this is probably worth a review since the feedback was provided by one of our more tech savvy jurors and shared)
- Would prefer to have all jury service performed in the virtual courtroom
- Suggested just a "general zoom tutorial" would be helpful and noticed the attorneys and Court became more comfortable on zoom after a couple of days (honestly, the comfort was more attributed to not have 70 people in the zoom courtroom during the voir dire)
- Should have a more extensive "tech check" before voir dire – at central jury
- Consider mandatory iPads for the jury only if the iPads provided are 12.9" tablets or bigger – tech savvy juror didn't want to give up her large screen that she was using from her desktop to watch the jury and the share screen documents
- There was an appreciation for not having a lot of interruption for the trial testimony – there was a questions as to whether the attorneys met with the Court outside of the trial they saw

- Juror suggested the attorneys consider using headphones so they can be heard better and the surrounding noise would be minimized and less distracting (on attorney had the office roof being worked on during many days of our trial)
- Another juror suggested a “gaming headphone set” could be used because they worked well – suggested the Astro 10s which can be found at Wal-Mart for about \$50
- Evidence organized on the google drive exhibit folder was helpful (this was largely/exclusively a function of the attorneys appropriately naming their exhibits)
- Suggestion was made to have the first break of the day to occur after an hour and that breaks should occur at the longest after 1.5 hours – one juror felt 2 hours of testimony was too long and many others agreed with him
- One juror described the expert witness who was ill prepared to understand her ability to answer questions as “irritating” – again a reminder that expert witness prep issues should be raised ahead of time during a pre-trial/attorney bench conference
- Several jurors asked pointed questions about what would happen to the children, and I had to step in and gently stop that discussion – we were off the record and no longer recording but the litigants (mom and dad who’s parental rights had just been terminated) were still in the virtual courtroom
- Foreperson let the attorneys/litigants know they worked hard thru all the questions – “put our hearts and minds” into making a decision – all jurors nodded emphatically in agreement
 - o I think it is safe to say this virtual jury worked no less hard and paid just as much attention as any in person jury could have worked on this case

General Thoughts –

Alternates stayed talking with attorneys, court, litigants, and observers for almost 2 hours to provide feedback – they were certainly paying attention and very interested in the trial

Jury stayed during the lunch hour for almost 30 minutes to provide feedback (it was a different space since the verdict had already been rendered and while the litigants turned off their cameras after requesting permission to be excused, they did not leave the virtual courtroom)

This case was a 5 party, “civil death penalty” parental termination rights case with 18 witnesses and 46 exhibits – if this case can be held as a virtual jury trial case any civil jury trial case can be tried in the virtual jury trial world. As a side note, I think parental termination right cases should be the *first* jury trial cases we bring back for “in person” jury trials given what is at stake. So, even more reason for our typical civil attorneys to get used to the idea of trying virtual jury trials since they will be behind the backlog *and* behind our CPS termination cases.

I think we need to spend more time, collectively, creating a more secure and more formal format than google drive for exhibits moving forward but until then here is a list of my google drive folders

- Admitted Exhibits – Jury (only folder jurors could access)
- Live Pleadings (for each party)
- Pretrial Motions (for each party)
- Proposed Exhibits (for each party)
- Proposed Jury Charge (for each party)

Also, I think we need to come to a consensus and formalize how we are going to have the verdict forms executed electronically/remotely – Adobe Sign worked well, and Court Admin/IT will no doubt perfect the system the more times they use it so it is something to consider and a bit more

formalized/secure then depending on scanning and emailing hardcopies and/or multiple emails confirming signature

Finally, we should consider a consensus/formalized procedure on capturing/filing Bailiff and Jury communications – we filed emails, I don't know if we want to continue doing that or do something else, but it is worth a more concrete discussion.