## Contents

**Introduction** ......................................................................................................................... 4

**Conducting a Zoom Oral Argument** ....................................................................................... 5
- Log-In Procedures ..................................................................................................................... 5
- The Virtual Hearing ................................................................................................................... 6
- Calling the Session to Begin Arguments ................................................................................. 6
- Audio Quality ............................................................................................................................ 7
- Technical Problems .................................................................................................................... 8
- Sequence and Time of Cases ..................................................................................................... 8
- Countdown Timer ...................................................................................................................... 8
- Ending a Case and Beginning a Different Case ........................................................................ 9
- Requests for Leave to File Additional Papers ........................................................................ 9
- Disruptive or Unauthorized Participants ................................................................................. 9
- Post-Session Recording and Transcript .................................................................................... 9
- Feedback and Assessments ........................................................................................................ 9

**Getting Started on Zoom** ....................................................................................................... 10
- Downloading Zoom .................................................................................................................. 10
- Create a Zoom Account ............................................................................................................ 10
- Joining a Zoom Session ............................................................................................................. 10
  - (A) Join Using the Zoom Desktop Client .............................................................................. 11
  - (B) Join from a Web Browser (Google Chrome) ................................................................. 12
  - (C) Join from a Web Browser (Mozilla Firefox) ............................................................... 12
  - (D) Join from a Web Browser (Safari) ................................................................................ 12
  - (E) Join from a Web Browser (Internet Explorer/Microsoft Edge) ...................................... 13
  - (F) Join Using the Zoom App (Android) .............................................................................. 13
  - (G) Join Using the Zoom App (Apple) ................................................................................ 14

**In-Meeting Controls** .............................................................................................................. 15
- Mute button .............................................................................................................................. 15
- Start/Stop Video button ............................................................................................................ 15
- Virtual Background ................................................................................................................... 15
- Manage Participants button ...................................................................................................... 16
- Share Screen, Chat, Record buttons ........................................................................................ 16
- Leave Meeting button .............................................................................................................. 16

**Switching from Speaker View to Gallery View (and vice versa)** ............................................. 17
Switching Views on the Zoom Desktop Client................................................................. 17
Switching Views on the Zoom Mobile App if Using a Phone........................................ 17
Other Useful Zoom Features .......................................................................................... 18
Virtual Background ........................................................................................................ 18
Adding an Image to Use as a Virtual Background ........................................................ 18
Selecting a Virtual Background in a Session ............................................................... 19
Maximizing Your Appearance in Zoom ........................................................................ 20
The “Waiting Room” ..................................................................................................... 20
Introduction

Welcome to the Justices’ Guide to Zoom Oral Arguments.

This guide illustrates the basics of how to use Zoom to hold a virtual oral argument session including:

- How to download Zoom in preparation for an argument session;
- How to join a Zoom session;
- How to set a virtual background;
- How the “waiting room” function on Zoom works;
- How to operate the in-meeting controls; and
- How to switch from Zoom’s “Speaker View” to “Gallery View.”

This guide will also address several issues specific to the oral arguments, such as:

- How to call the session to begin arguments, including a recommended introduction;
- How to handle technical issues;
- How to deal with disruptive or unauthorized participants;
- How to notify the Clerk’s Office of a request for post-argument memoranda;
- How session recordings and live streams recordings will be handled; and
- How to provide feedback on the Zoom sessions.
**Conducting a Zoom Oral Argument**

**Log-In Procedures**

On the day of the argument, we request that you log in to the Zoom session at least **5 minutes** before the session is scheduled to begin. When you log into the Zoom session, you will automatically be placed in the Court’s “Oral Argument Waiting Room” and will see a welcome screen. You will not be visible to anyone except court personnel at this time. **Keep this screen open.** You will be admitted into the argument by the Clerk as soon as Zoom alerts the Clerk to your presence in the waiting room.

The participating attorneys will not be admitted until each Justice has entered the session and the panel chief informs the clerk that the panel is ready to begin. Only then will the attorneys be admitted and you will be visible to external persons on Zoom, and they will be visible to you – although the live stream to YouTube has not yet begun.

The session clerk has the ability to rename, mute, or stop video of any participant. For uniformity, the clerk will rename the caption of each Justice to “Hon. First and Last Name” and add “Atty First and Last Name.” Zoom has a limit of approximately 22 characters that appear under a speaker’s name, so it is unlikely we can include more content such as the name of the party represented.

**View Options**. The clerk will set the view to Gallery View so that each Justice, the countdown timer, and the advocate will display.

**Two questions for the panel** are:

1. Whether to instruct the clerk to “**stop video**” of the attorneys or self-represented parties whose turn it is not to speak, so that only the advocate whose turn it is to argue will be displayed, and not other attendees until it is their time to argue. Our April pilot sessions displayed all participants during the entire proceeding. We observed that non-speaking persons can be a distraction if they are moving around or gesturing, and otherwise cause screen congestion. If the clerk disables their video feed, they will still be a participant and hear what is being said, but they will not be seen until the clerk reactivates them. At the end of the session, the clerk may reactivate any “hidden” participant for the final moments of the hearing.

2. Whether to instruct the clerk to begin the session by reciting the **court cry**. A script of the cry is on file and can be provided to the clerk in question, but not all panels choose to observe this formality during the remote hearings.
The Virtual Hearing

A Zoom oral argument session will proceed similarly to a courtroom hearing – parties will arrive and check in, each case will be called separately, the attorneys will come to the virtual podium, the panel chief will identify the case and begin the session, a clerk will record it, each side will have 15 minutes to argue, and the proceeding will be open to the public via live stream to the Appeals Court’s YouTube channel.

In general, all participants in the Zoom session should follow the same etiquette that they would in the courtroom. For example, the Justices should follow the usual practice of introducing each member of the panel, identifying each new case, and reminding parties not to disclose impounded information on the record.

Additionally, it is important to confirm that each participant can see and hear all other parties prior to each party commencing their argument. Some virtual courts have adopted a practice of allowing each party to speak for 3 minutes before the Justices first ask a question. If your panel elects to adopt this or a similar practice, please let the Clerk know and we will advise the parties so they may prepare an opening.

Calling the Session to Begin Arguments

After the session clerk moves the attorneys and any self-represented litigant into the live Zoom session for a particular case, you will see them.

“Dial-in” telephonic participants. In some cases, including an inmate or an attorney without video capability, a party may appear telephonically and not on video. The Appeals Court is following its practice from the physical courtroom that in any case where 1 participant is appearing only telephonically then the other parties will appear telephonically too. Anyone calling in by phone will appear as a phone symbol with their name below (the session clerk will edit the caption from their phone number to their name). The session clerk has the ability to “Stop video” of any participant appearing by video to equalize the parties’ appearances. You and the session clerk should look at each participant to verify their names, that no phone numbers appear, and we recommend you conduct a quick sound check (“Please say hello if you can hear me.”).

When you are ready to commence the argument, please inform the session clerk you are ready because the clerk will need a moment to launch the “Livestream to YouTube” button and to start the Zoom recording. When the clerk confirms the session is recording and livestreaming, they will inform the panel. At this time you may begin the arguments.

The panel chief should establish and adhere to certain verbal practices, including:

- Stating the case name and docket number;
- Requiring each participant to state their name and the party they represent;
- Remind all participants to speak slowly, clearly, and one at a time.
Despite not being physically in the courtroom, the panel chief should continue to remind participants of the following:

- The proceeding is live. Anything said during the proceeding may be overheard by all of those observing and will be seen by any observers of the Court’s YouTube channel.
- The proceedings are being recorded. Everything said will be captured and made part of the record just as in a physical courtroom.
- Courtroom decorum rules still apply. Those participating should continue to operate as if they were inside the courthouse. Standards, including decorum, demeanor, and dress code, still apply.

**Recommended Introduction.**

Good morning and welcome to the Massachusetts Appeals Court oral argument session. As you know, this argument is being held on Zoom and live streamed to the Appeals Court’s YouTube page. We will follow the same rules and customs as in the physical courtroom – each side has 15 minutes to argue and the Justices will ask questions. Only one advocate may speak at a time; the session clerk will mute other advocates until it is your time to speak. The session clerk will display a countdown. The proceeding is live and being recorded. Anything said during the proceeding will be heard by all of those observing and become part of the record just as in a physical courtroom. A pseudonym must be used for any person’s name that is impounded, and impounded information must not be disclosed. If there is a technical problem with the Zoom session or any participant (for example a participant inadvertently drops out or is frozen due to a poor internet connection), the session clerk or a Justice may announce that there is a problem with the meeting. We may then instruct everyone that the argument is being suspended momentarily and the clerk may move participants to the waiting room until the problem is resolved.

**Audio Quality**

Because of a few second time delay when participating via telephone or video conferencing, parties may be more likely to overlap when talking. Attorneys have been reminded to pause occasionally, if possible, to provide opportunity for the Justices to ask questions. Justices should frequently remind parties to speak slowly and to not interrupt. If overlap occurs, the Justices should ask parties to repeat what they said. If background noise or feedback makes it difficult to hear, a participant may need to mute other devices or audio channels. If a person has poor audio or video, they should be told to either log in from a different device or simply dial in to the conference on their telephone and participate without video.
Technical Problems

If there is a technical problem with the Zoom session or any participant (e.g., a participant inadvertently drops out or is frozen due to a poor internet connection), the session clerk or a Justice may announce that there is a problem with the meeting. The panel chief may instruct everyone on the call that it is being suspended momentarily and the clerk may move participants to the waiting room until the problem is resolved.

If you happen to drop out of the session, you should immediately follow the steps to log back into the session (i.e., click on the Zoom link). The session clerk will be alerted you entered the waiting room and return you to the panel. If you have difficulty rejoining, you may also email the session clerk using their court email address or directly contact the panel chief.

If any participant is experiencing problems, they may either log in from a different device (such as a desktop, laptop, smart phone, or tablet) or simply dial in to the conference and participate without video. It is also possible for one person to log in from multiple devices such that one provides them audio and the other with video (although we do not recommend this because it will cause feedback unless one device is muted).

It is recommended that you observe the strength of your WiFi connection and set any other devices on airplane mode or turn them off during the session. VPN is not recommended to be used during Zoom. You may also try using your cellphone as a WiFi hotspot. It is possible that Zoom may be slow due to high volume of its customer base, due to weak or poor WiFi connections, and storms seem to disrupt WiFi settings.

Sequence and Time of Cases

The Court’s oral argument team will email you the bench slips before the argument. The Court will continue to hold staggered arguments based upon the sequence of the cases as appearing on the Court’s calendar at https://www.ma-appellatecourts.org/calendar. Attorneys or parties are instructed to log in to the Zoom session at least 15 minutes prior to the following:

- 9:30 a.m. for case #1;
- 10:00 a.m. for case #2;
- 10:30 a.m. for case #3 (followed by a break);
- 11:15 a.m. for case #4;
- 11:45 a.m. for case #5;
- 12:00 p.m. for case #6; and,
- 12:30 p.m. for any case #7.

Countdown Timer

The session clerk is responsible for running the clock. We made video recordings of the countdown timer in the standard increments (15:00, 10:00, 7:30, and 5:00). The session clerk will use their virtual background to display the timer. If there is any difficulty operating the video, the clerk will use the different colored virtual backgrounds to indicate there is 5:00 remaining (green), 1:30 remaining (yellow), and 0:00 time expired (red).
Ending a Case and Beginning a Different Case

In panel sessions involving multiple cases, when a case concludes it is critical that you do not click the “Leave meeting” button. The session clerk will remove the participants whose argument has been completed, and will admit new participants to the same session. If you need extra time between cases, please advise the clerk and they can pause and stop the video feed. When all the cases for the day are concluded, you may select “Leave Meeting” or wait for the clerk to end the session.

Requests for Leave to File Additional Papers

Please email APCOralArguments@jud.state.ma.us when the panel requests or allows a party to submit post-argument memoranda pursuant to Mass. R. A. P. 22(c). Identify the case name, docket number, and any due date for the memoranda.

Disruptive or Unauthorized Participants

Through the use of the private invitation and Waiting Room features, the Court expects to be able to confirm identities and allow only authorized participants into a session. If, however, someone uses false pretenses to enter a session and “Zoom bombs” the proceeding, the session clerk should quickly deactivate the video and audio of that person. If anything is amiss the panel chief or any Justice should immediately instruct the session clerk to mute or turn off the video of the participant.

Post-Session Recording and Transcript

The Clerk’s Office will download the Zoom audio recording to CourtSmart and post the audio recording to the court’s public docket at https://www.ma-appellatecourts.org/. After the audio recording is posted, generally the next business day after the argument, the Court will remove the Zoom video from the YouTube channel (it is not being deleted; the public setting is changed to “private” so if you want to view the YouTube recording please contact the Clerk’s Office).

Zoom also provides a transcript of each recording. It contains a lot of speaker names and time segments and generally accurate wording but does not constitute an official or verbatim transcript.

Feedback and Assessments

We will appreciate any feedback you provide on the Zoom argument sessions and this guide. Please email Joseph.Stanton@jud.state.ma.us with any comments.
Getting Started on Zoom

Downloading Zoom

The first step in participating in a Zoom argument is to ensure that you have downloaded Zoom to the device that you intend to use for the video session. If you have not already done so, you should download the Zoom desktop client to your computer, or the Zoom app to your phone.

The Zoom desktop client will automatically download when you begin your first Zoom session at zoom.us. However, we recommend that you download it in advance at zoom.us/download by selecting Zoom Client for Meetings.

The Zoom app can be downloaded from the Google Play Store (for Android users) or the App Store (for Apple users).

Create a Zoom Account

Zoom is free and although you are not required to create an account, since you will be conducting multiple sessions and possibly semble and other meetings with Zoom, we recommend you create a Zoom account. Please include your Court email address because that is where we will send the Zoom hearing invitations, and your first and last name preceded by “Hon.” or “Justice”. You may omit the “Hon.” or “Justice” reference when you log in, but the session clerk will rename your caption at the start of the session.

Joining a Zoom Session

There are several options for joining a Zoom session, depending on the device you are using. If you are joining from a computer, use the Zoom desktop client or log in to zoom.us on your web browser. We recommend you use your computer. If there is some difficulty with your computer, you may join from your iPad or a smartphone by opening the Zoom app. The illustrations below demonstrate what you will see depending upon how you log in.

Importantly, your Zoom invitation will include a hyperlink to the particular session. Please do not share this link with anyone because the link allows you to bypass entering the “Meeting ID” and password requirements that attorneys and self-represented parties must enter. Law clerks may watch the arguments on YouTube and should not log in to a Zoom session.
(A) Join Using the Zoom Desktop Client

1. Open your Zoom desktop client.
2. There are two ways in which you can join a session:
   a. If you **do not want to sign in**, click **Join a Meeting**.
   b. If you **want to sign in**, log in to your Zoom account and click **Join**.

3. Enter your **Meeting ID** number and a **display name**. Your display name should read “Justice [Last Name].”
   a. Whether or not you have signed in, change your **Display Name** to read “Justice [Last Name].”

4. Choose your settings.
5. Click **Join**.
(B) Join from a Web Browser (Google Chrome)

1. Open Chrome.
2. Go to join.zoom.us.
3. Enter your meeting ID provided by your host.

4. Click Join.
5. If you are prompted by a dialog box, confirm that you wish to open Zoom.

(C) Join from a Web Browser (Mozilla Firefox)

1. Open Firefox.
2. Go to join.zoom.us.
3. Enter your meeting ID provided by your host.

4. Click Join.
   a. You may be asked to open Zoom or the Zoom installer package. Click Open Link.

(D) Join from a Web Browser (Safari)

1. Open Safari.
2. Go to join.zoom.us.
3. Enter your meeting ID provided by your host.

4. Click Join.
5. If you are prompted by a dialog box, click Allow.
(E) Join from a Web Browser (Internet Explorer/Microsoft Edge)

1. Open Edge or Internet Explorer.
2. Go to join.zoom.us.
3. Enter your meeting ID provided by your host.
4. Click Join.

(F) Join Using the Zoom App (Android)

1. Open your Zoom app.
2. You can join a session in one of two ways:
   a. If you want to join without signing in, tap Join a Meeting.
   b. If you want to sign in, sign into your account then tap Join.
3. Enter your meeting ID number and your display name.
   a. Enter your display name as “Justice [Last Name].”
4. Tap Join Meeting.
(G) Join Using the Zoom App (Apple)

1. Open your Zoom app.
2. You can join a meeting in one of two ways:
   a. If you want to join without signing in, tap **Join a Meeting**.
   
   ![Join a Meeting](image)

   b. If you want to sign in, sign into Zoom, then tap **Join**.

3. Enter the **Meeting ID** number and your **display name**.
   a. Enter your display name as "**Justice [Last Name].**"

4. Tap **Join**.
In-Meeting Controls

There are a series of controls that appear on a bar at the bottom of your screen during a Zoom session. This section explains how to access those controls, and what each control does. In general, however, your audio volume is controlled by your computer so you need to use your computer to increase or decrease your ability to hear other speakers.

When you launch your Zoom session, you should see a bar along the bottom of your screen containing several icons. From here, you can manage several useful functions:

Mute button

Mute prevents your microphone from transmitting audio to the session. Generally, you should not activate the Mute button. Please turn off the Mute button during the session unless you prefer to have it on when you are not asking a question. In the alternative, you may remain on mute and hold down your space bar when you wish to speak, but you must remember to press the bar before each comment or the session will be unable to hear you. You will control your mute button, and the session clerk also has access to control all participants’ mute buttons.
  - Selecting ^ beside the mute button opens a menu for audio settings.

Start/Stop Video button

Pressing Start Video will allow Zoom to enable your video to display you to the session participants. Pressing Stop Video prevents Zoom from displaying your video. It needs to be started for you to be seen in the session.
  - You can choose in your settings whether your default is to start with or without video.
  - Selecting ^ beside the video button opens a menu for camera settings.
  - The session clerk has access to control all participants’ video settings. All Justices will be displayed on video during a session.

Virtual Background

On bottom left corner of screen, to the right of the “Video” button, click the tab to see “Choose Virtual Background”. Zoom allows you the option of using a virtual background instead of broadcasting your surroundings to the session participants and via the live stream. Chief Justice Green would prefer that all Justices use a standard background, such as the bench in courtroom 4 which we have provided to you by email. You are welcome and encouraged to use a virtual background, although it is not required. For instructions on downloading and adding an image, see infra at 18.
Manage Participants button

The Manage Participants button allows you to adjust some of your settings, such as your display name, during the session. We request that your name appear as “Hon.” or “Justice” followed by first and last names. The session clerk has access to control the appearance of all participants’ names and will modify your screen name to include “Hon.” or “Justice.”

Share Screen, Chat, Record buttons

The Share Screen, Chat, and Record functions will be disabled during your session. Only the session clerk will have access to these functions.

Leave Meeting button

If there are several arguments scheduled for a session, it is important that you do not select Leave Meeting in between arguments. The session clerk will remove the participants whose argument has been completed, and will admit new participants to the same session.

While you have the option of exiting the session by selecting Leave Meeting, we recommend waiting for the session clerk to end the entire session for you, rather than exiting on your own.
Switching from Speaker View to Gallery View (and vice versa)

Zoom provides two view options: Speaker View and Gallery View. Speaker View displays only the person presently speaking on your screen. Gallery View displays all participants at the same time.

We recommend you set your display to Gallery View, since it allows you to see all participants and to pick up on nonverbal cues that might otherwise be missed in Speaker View. The session clerk will set Gallery View on the display visible to the participants and public.

Switching Views on the Zoom Desktop Client

1. Hover your cursor at the upper right corner of the video screen. An icon should appear indicating whether you are on Speaker View or Gallery View. Click the icon to change your viewing layout.

2. Alternatively, you may use the keyboard shortcuts:
   a. Alt + F1 for Speaker View
   b. Alt + F2 for Gallery View

Switching Views on the Zoom Mobile App if Using a Phone

3. Your default setting will be Speaker View. From your default Speaker View screen, swipe left to display Gallery View.
   a. Mobile Gallery View displays up to 4 participants at a time. You can view the remaining participants by continuing to swipe left.
Other Useful Zoom Features

Virtual Background

Zoom allows you the option of using a virtual background instead of broadcasting your surroundings to the session participants and via the live stream. Chief Justice Green would prefer that all Justices use a standard background, such as the bench in courtroom 4 which we have provided to you by email. You are welcome and encouraged to use a virtual background, although it is not required.

The Court’s recent ThinkPads and laptops do sustain the virtual background. Some older devices are not compatible with virtual background (for example, some older laptops might not sense where you end and the background begins, which can result in some odd visuals).

One drawback of the virtual background can be that if you are too far from your device, portions of you may disappear or appear “glitchy,” so you should observe yourself using it and move closer to the device if necessary. If you plan to use the virtual background feature, we recommend you **check how it looks in advance**. If the background is distracting or is cutting off parts of you, it is preferable to move closer to the video camera and to limit physical gestures.

If you opt not to use a virtual background, consider your actual surroundings when selecting a place from which to join the meeting. Backlighting and cluttered backgrounds can be distracting. Avoid places where sounds from surrounding activity will be picked up on your microphone.

Adding an Image to Use as a Virtual Background

1. To add a virtual background, in the **Zoom desktop client**, click **Settings**. If you are on a phone, select **More**.

2. Select **Virtual Background**.
Choose one of the images provided to use as your background, or choose a custom image by clicking + and **Add Image** from your device. We will provide you with a courtroom backdrop that you may use by following the “Add Image” steps. (Note: Do not select “I have a green screen.”)

3. To disable Virtual Background, choose the **None** option.

**Selecting a Virtual Background in a Session**

1. Click the arrow next to the camera icon. Select **Choose Virtual Background**.

2. This will open a menu of images that you can choose from. Select the background of the bench in courtroom four, which you can upload by following the instructions above. Ensure that the “I have a green screen” option is not selected.
Maximizing Your Appearance in Zoom

Camera. Ensure that your device has a camera, and that it is uncovered for the session. Position the camera around eye-level, and ensure that your head and shoulders are visible. If you find the top of your head or the bottom of your chin are cut off, it is likely that your camera is at too high or low of an angle, or that you are sitting too close to the camera. Adjust your positioning until you are fully visible.

When in doubt, follow the “Rule of Thirds”: the top of your head and your hairline should fall in the top 1/3 of the screen. Your chin should fall into the middle 1/3, and, depending on how far away you are sitting, your shoulders or torso should fall in the bottom 1/3.

Lighting. Sit facing towards a light source, such as a window or a bright interior light, so that your face is illuminated. Avoid sitting with your back to any natural or artificial light source, as this may result in your face being dim or heavily shadowed. If possible, check how you look on camera in advance of the session – using too much or too little light can seriously impact your appearance on Zoom, and observing yourself on camera can allow you to make necessary adjustments to lighting.

The “Waiting Room”

A waiting room is used as a kind of virtual lobby where participants will wait for their oral argument. Participants who join the session are greeted with a screen welcoming them to the waiting room. Once their case is ready to begin, the session clerk will admit them from the waiting room into the live argument session.

The default setting currently is to require all participants to enter the waiting room and be admitted by the host session clerk. For this reason, you will be greeted by the Court’s “Oral Argument Waiting Room” screen upon your entry to the session. Simply remain on the screen, and the session clerk will admit you into the argument as soon as Zoom notifies them of your entry.