

April 20, 2020

Counsel:

The following are the instructions and rules for the video conference hearings held via Zoom Cloud Meeting. At the presiding Judge's discretion, all hearings until further Order from the Pennsylvania Supreme Court, shall take place via Zoom Cloud Meeting.

Please visit zoom.us and create an account. You will need to download and install the app on your computer, tablet and/or smart phone. If you attempt to join a hearing without previously having installed the app on your computer, tablet and/or smart phone, zoom.us will force you to download the app before you can participate. This will cause undue delay to your hearing, if the app is not installed prior to your hearing.

The basic Zoom account is *free*. No paid license is required at this time; however, full functionality costs only \$15 per month. It is crucial that you install the app rather than relying on the web browser. The full program allows for confidential, private breakout rooms which are not available on the plug-in version. This feature enables you to confer with your client in a completely confidential setting, which means you and your client do not need to be in the same physical location during the hearing. Your clients can call in to the meeting using *any* telephone. However, only those who are visible on camera will be permitted to testify, unless they call in on the telephone and they are in the physical presence of a notary public who can verify their identity and properly swear them in. For clarification:

At this time, parties who call in and are not in the presence of a notary public can participate, but cannot testify under oath. Witness who are not on camera will not be permitted to testify.

Should you need an interpreter, Zoom does have the ability to allow for an interpreter. You must contact Court Administration in advance for additional instructions for an interpreter.

Dress Code:

Attorneys are expected to be in Business Attire. Dress code for attorneys is unchanged from in-person proceedings. While we may be at home or in our offices, we still represent the justice system and must instill confidence in the witnesses and litigants. We should use this opportunity to enhance, rather than degrade, public confidence in the legal profession.

Parties and witnesses are expected to be dressed as if this was an in-person proceeding. It is incumbent upon you to ensure that your client is properly dressed. **Your client should be fully clothed and in appropriate attire (for example, pajamas are not appropriate for a video conference hearing).**

Participating in the Zoom Virtual Courtroom:

1. You will join the virtual courtroom at the scheduled time by navigating to Zoom.us and selecting Join a Meeting. You will enter the Meeting ID followed by the Passcode provided on your scheduling order.
2. When you join a virtual setting, you will be appearing in a virtual waiting room with all other parties, attorneys and witnesses. There may be several cases set on the docket at that time. When your case is called, the Court will bring the attorneys and clients into the virtual courtroom, in turn. For that reason, EVERYONE must use their real names in setting up their zoom accounts.
3. The Zoom app works on all modern smart phones, tablets and computers. Each attorney is expected to appear by video, rather than merely by voice. Attorneys must show good cause for failure to appear by video.
4. When you enter the virtual courtroom, your video will automatically be on and your audio muted until the hearing begins. The Court may conduct a microphone test shortly before the hearing begins to ensure every party can be heard.
5. Hearings will be on the record through the use of the court reporter.
6. Witnesses will be called, as in any case, and the Court will bring them in one at a time from the waiting room. Remember, only people on video will be permitted to testify unless they are in the physical presence of a notary public.
7. You may "slip notes" to your clients using the private chat feature. To do so, hit the "chat" button and, at the bottom of the chat window, pull-down the recipient arrow and select your client's name. However, you are not to communicate with your clients while they are testifying. You are also prohibited from using the chat feature to communicate with witnesses and the Court. Witnesses are only permitted in the virtual courtroom while they are testifying. Witnesses are not to hold notes or paperwork in their hand while testifying just as though they were on the witness stand.
8. You may, upon request, confer in private with your clients. You should request a moment to confer with your client and, if granted, identify the client with which you wish to confer by name. The Court will send you into a confidential room to confer for a few moments. You will also be permitted to confer with opposing counsel outside the presence of the Court should you so desire.

9. Exhibits and plea papers must be submitted to exhibits@mifflinco.org. Exhibits need to be submitted forty-eight (48) hours prior to your proceeding. Exhibits not sent by at least 4:00 p.m. the day before your proceeding may not be accepted. Additionally, the judicial law clerks will not be sharing the exhibits with anyone until they are admitted during the proceeding at which time the judicial law clerks will give the exhibits to the Judge and the court reporter.
10. All exhibits should be named in this format: The county initials "MC" followed by the case number followed by the initial for your party (P for Plaintiff, D for Defendant, C for Commonwealth) and finally followed by the number of the exhibit. For example: MC 123-20 P 1. Evidence not anticipated or submitted prior to the hearing may be submitted during the hearing through the chat/file feature in Zoom. However, just as in person proceedings, the Court will not be looking at text messages or emails that are on a party's phone. If a party is anticipating needing a text message from their phone, it should be prepared as an exhibit, just as it would be in an in person proceeding.

The Court understands this process seems complicated; however, the Court believes you will find that all of our comfort levels will grow quickly with each proceeding we handle virtually. These instructions are subject to change as we grow in our knowledge of this video conference platform. The Court appreciates your flexibility and willingness to adapt to this new reality. Should you have any questions or need clarification on these instructions, do not hesitate to reach out Court Administration for additional help.

Thank you,

David W. Barron
President Judge