

Judges' Bench Guide for Using Videoconferencing Technology in Court Proceedings

Before outside parties video-connect:

- Instruct parties in the courtroom about where they should stand or sit when speaking, and where they should look if they wish to address parties appearing by video.
- Remind parties to deactivate the audio on any devices that are not being used in the video conference to avoid feedback or interference.
- Make sure the video participant has a phone number to contact someone with the court in case there is difficulty during the proceeding. Likewise, the court should have a number to contact the video participant if there is difficulty.

Initial script (comments and safeguards):

- Identify yourself as the Judge.
- Identify the case and hearing.
- *"The hearing today has a video participant(s)."*
- *"Can each video participant identify themselves for the record?"*
- *"Are you able to hear me sufficiently through your device's audio?"*
- Have the attorneys and any self-represented litigants in the courtroom introduce themselves.
- *"Were you able to hear each of them?"*
- *"Are you able to see me through your device's video?"*
- *"If you have any problems with hearing or seeing what is going on, please interrupt me immediately and let me know so we can try to fix the problem."*
- *"Do you have the court's contact number in case you are disconnected and cannot reconnect by video?"*

Acknowledging prior notice and lack of objections:

- *"The parties were given notice on __/__/__ that some in attendance would participate through video, and no party objected. When I identify you, please confirm that you agreed to allow (identify who is appearing by video) to participate through video."*
- Proceed to identify each attorney and/or self-represented litigant by name and ask them if they have an objection.

Explaining the nature and rules of the proceedings:

- *"For those participating by video, the area you are in is considered an extension of the court room during these proceedings. As such, I expect those participating by video to keep the area free of distractions."*
- *"This is court and an official hearing, and as such we will operate under the same procedural rules as if all participants were physically present in the courtroom."*

This guide was developed for the Arkansas Commission on Children, Youth and Families, but the protocols are applicable in all hearings where there is attendance through video technology.

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- *"The official record will reflect what is said, and pursuant to Administrative Order No. 4, the court reporter will make a verbatim record, which shall include anything occurring by video. Any other recording is prohibited."*

Closed dependency-neglect proceedings:

(Questions and script may need to be altered based on the age of the child to be certain the child understands.)

- *"Our proceedings today are closed pursuant to Ark. Code Ann. Section 9-27-325(i)(1)(A)."*
- Ask each video participant:
 - *"Is there anyone in the room with you?"*
 - *"Please identify those present in the room with you by name."*
- Remind any observers of the legal and confidential nature of the proceedings
- *"Can you please interrupt me and let me know if anyone else enters the room while you are on video?"* Get a verbal response from each video participant.
- *"If anyone in the room with you tries to tell you how to answer a question, can you please tell me immediately?"* Get a verbal response if video participant is a child.
- *"If anyone tries to tell you to say or not say anything during this hearing, please tell me immediately."* Get a verbal response from each child video participant.
- *"Anything you say today will be considered testimony just as if you said it in the physical courtroom."*

During testimony:

- Administer every oath in the same manner as live testimony.
- *"Anything you say will be considered part of the official record just as if you said it from the witness stand in the physical courtroom. Do you understand? Do you have any questions about this?"*
- Quickly advise the remote participant if any of his or her comments are muffled or if there are any video problems from the court's view.
- Note for the record any time that you turn cameras to change the view for remote participants.

Closing:

- *"The court appreciates all parties being willing to allow remote participation. Does anyone have any questions or comments about our use of video conferencing today?"*

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