



JUDICIAL CHAMBERS  
COURT OF COMMON PLEAS  
FIFTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA  
ELK COUNTY CAMERON COUNTY

### **Counsel Instructions for Virtual Proceedings**

The following are the instructions and rules for the virtual proceedings held via Zoom or Lifesize. The Court of Common Pleas of the 59<sup>th</sup> Judicial District, Elk and Cameron Counties, is using both virtual platforms for hearings, as each platform offers certain features that the other does not. Counsel may not request one platform over the other; rather, Court Administration determines which platform will be used based upon a variety of factors. No paid license is required for your use with hearings or conferences scheduled with and by Elk or Cameron County.

#### **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 video conference hearings).**

#### **Participating in the ZOOM Virtual Courtroom**

Please visit [zoom.us](https://zoom.us) and create a free account. You will need to download and install the app on your computer, tablet and/or smartphone. If you attempt to join a hearing without previously having installed the app on your computer, tablet and/or smartphone, [zoom.us](https://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. *It is crucial that you and your clients install the app rather than relying on the web browser.* The full program allows for confidential, private breakout rooms which are not available in the plug-in version. This feature enables you to confer with your client or opposing counsel in a confidential setting, which means you and your client do not need to be in the same physical location during the hearing. Only those who are visible on camera will be permitted to testify, unless they are in the physical presence of a notary public who can verify their identity and properly swear them in. Audio only or telephone participation is not optimal and should be avoided to the fullest extent possible.

1. For each scheduled court proceeding, you will receive an e-mail from Court Administration or a court order providing a Meeting ID and Password. You will join the Virtual Courtroom by entering the Meeting ID and Password at the scheduled time. Only counsel and

self-represented parties will receive an e-mail or court order. It is incumbent upon you to forward the details to your clients and witnesses and inform them of the login information. Login information shall not be posted in any online forum so as to minimize the possibility of an unauthorized participant gaining access to the proceeding.

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. As with traditional proceedings, there is a possibility that the proceeding before yours runs longer than expected. Be assured that you will be permitted access to the hearing as soon as the Court is available. When your case is called, the Court will bring the attorneys and clients into the Virtual Courtroom. For that reason, **everyone must use their real names in setting up their Zoom accounts or when logging on.**

3. The Zoom app works on all modern smartphones, tablets and computers. Each attorney is expected to appear by video rather than by voice alone.

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, tap 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 the 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 the official court reporter. If your hearing is in front of President Judge McMahon, Senior Judge or juvenile master, you will submit your exhibits to [srs.reporting@yahoo.com](mailto:srs.reporting@yahoo.com). If your support hearing is in front Rebekka L. Dean, Esq., you will submit your exhibits to [cselk@pacses.com](mailto:cselk@pacses.com). Exhibits must be sent to the Court and opposing counsel no less than forty-eight (48) hours before the hearing. If extraordinary circumstances prohibit submission 48 hours before, exhibits not sent by at least 3:30 p.m. the business day before your proceeding may not be accepted. Additionally, the court reporter will not be sharing the exhibits with anyone until they are admitted during the proceeding at which time the court reporter will give the exhibits to the judge or juvenile master. Likewise, the support hearing officer will not consider exhibits until they are admitted during the proceeding.

10. All exhibits should be named in this format: The county initials "EC" followed by the case number followed by the initial for the party (P for plaintiff, D for defendant, C for Commonwealth) and finally followed by the number of the exhibit. For example: EC 2020-123 P1. 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 e-mails 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.

### **Participating in the LIFESIZE Virtual Courtroom**

A free account is not necessary, however, you will need to download and install the app on your computer, tablet and/or smartphone. If you attempt to join a proceeding without previously having installed the app on your computer, tablet and/or smartphone, Lifesize will force you to download the app before you can participate. This will cause undue delay to your proceeding if the app is not installed prior to your proceeding.

Only those who are visible on camera will be permitted to testify. Lifesize does not allow for telephone participation only, however, participants have the ability to participate by audio only. This is not optimal and should be avoided.

1. For each scheduled court proceeding, you will receive an e-mail from Court Administration or a court order providing a Meeting ID. You will join the Virtual Courtroom by entering the Meeting ID at the scheduled time. Only counsel or self-represented parties will receive e-mails or court orders. It is incumbent upon you to forward the details to your clients and witnesses and inform them of the login information. Login information shall not be posted in any online forum so as to minimize the possibility of an unauthorized participant gaining access to the proceeding.

Counsel, parties and witnesses must login with the real first and last name for each proceeding for ease of identification.

2. As with traditional proceedings, there is a possibility that the proceeding before yours runs longer than expected. In that circumstance, you may receive notification that "The Meeting is Locked" when you attempt to join. This means that the proceeding before yours is still in progress. You should wait, instead of sign-out, and you will be permitted access to the proceeding as soon as the Court is available.

3. The Lifesize app works on all modern smartphones, tablets and computers. Each attorney is expected to appear by video rather than by voice alone.

4. Hearings will be on the record through the use of the court reporter.

5. Lifesize does not have a virtual waiting room, so witnesses will be in the Virtual Courtroom for the duration of the proceeding. Only people on video will be permitted to testify. Witnesses are not to hold notes or paperwork in their hand while testifying, just as though they were on the witness stand.

6. Lifesize does not have a private chat or breakout room.

7. Exhibits and plea papers must be submitted to the official court reporter. If your hearing is in front of President Judge McMahon, Senior Judge or juvenile master, you will submit your exhibits to [srs.reporting@yahoo.com](mailto:srs.reporting@yahoo.com). If your support hearing is in front Rebekka L. Dean, Esq., you will submit your exhibits to [cselk@pacses.com](mailto:cselk@pacses.com). Exhibits must be sent to the Court and opposing counsel no less than forty-eight (48) hours before the hearing. If extraordinary circumstances prohibit submission 48 hours before, exhibits not sent by at least 3:30 p.m. the

business day before your proceeding may not be accepted. Additionally, the court reporter will not be sharing the exhibits with anyone until they are admitted during the proceeding at which time the court reporter will give the exhibits to the judge or juvenile master. Likewise, the support hearing officer will not consider exhibits until they are admitted during the proceeding.

8. All exhibits should be named in this format: The county initials "EC" followed by the case number followed by the initial for the party (P for plaintiff, D for defendant, C for Commonwealth) and finally followed by the number of the exhibit. For example: EC 2020-123 P1. However, just as in-person proceedings, the Court will not be looking at text messages or e-mails 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 to Court Administration for additional help.**