

**Virtual Trials - Instructions and Guidelines for Attorneys and Pro Se Litigants
Part 19, Hon. Helen Voutsinas, Supreme Court, Nassau County**

1. In order to participate in the Virtual Courtroom your device must have video conference capabilities (camera, microphone and monitor/screen, internet service with enough broadband for video conferencing).

- A headset or earbuds with a built-in microphone is preferable to a desktop or a device microphone and a landline connection is preferable to a WiFi connection.
- If a participant uses portable device, the device should be fully charged prior to any proceeding.

2. The virtual proceeding will be conducted using the **Microsoft Teams** conferencing platform.

3. In advance of the Virtual Trial, you will receive an email from the Judge’s chambers with a link to join the **Microsoft Teams Virtual Trial**. The meeting will be named with the case caption and Index Number. The email will also state the date and time the Virtual Trial is to commence. Click on YES or Accept in order to accept the invitation.

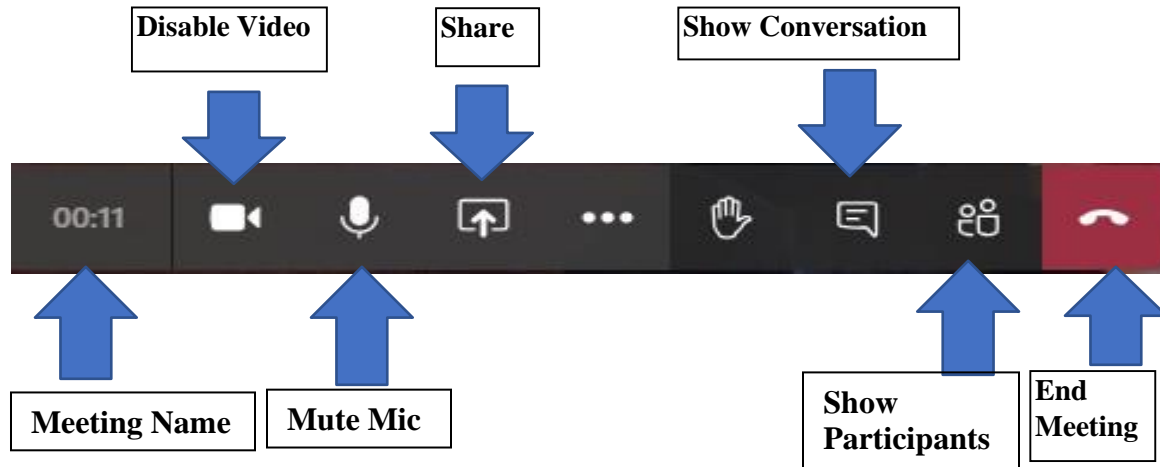
4. On the day of and shortly before the Virtual Trial is scheduled to commence, click on the link in your email invitation that says “**Join Microsoft Teams Meeting**” to join the Virtual Trial. If you do not have Teams installed on your device, you will be prompted to download the Teams App. Select download app and it will download and install.¹ If you have a Microsoft 365 Account, sign in with that. If you do not, enter your full name and sign in as a guest. This will bring you to a screen where you can join the Virtual Trial by clicking on “**Join Now**”.

(a). In the event the Judge schedules a **Virtual Trial Preparation Conference** (“VTPC”), the Teams meeting invitation will be titled accordingly, and you will follow the above procedure for joining the VTPC.

5. When you join the Virtual Trial/VTPC, you will be placed in the **Teams lobby**. The court monitor will admit you to the Virtual Trial/VTPC at the appropriate time.

¹ Depending on the type of device you are using, you may be given the option to download the Teams app or use Teams via your web browser. It is recommended that you the download and install the app.

6. The Teams Meeting Control Bar: The control bar icons for the Teams meeting are shown below.



7. Practice Guidelines for the Virtual Trial Preparation Conference

(a). Trial counsel/pro se litigant are required to attend.

(b). At least 10 days prior to the scheduled VTPC, or as directed by the Court, the parties shall provide to the Court and to the opposing party via email, a list of the proposed exhibits and witnesses who will be called to testify at the Virtual Trial.

(c). The witness list shall include: (i) the name of each witness; (ii) the type of witness – fact or expert; (iii) telephone number where the witness can be reached at the time of the Virtual Trial; and (iv) the email address of each witness expected to be called to testify at the Virtual Trial. The witness list should also indicate where counsel/pro se litigant, and the various witnesses will be physically located during the Virtual Trial.

(d). Parties shall submit all exhibits to chambers via the e-File system (or if applicable, the Electronic Document Delivery System [“EDDS”]) ² all proposed exhibits, including documents, and photographs at least 10 days prior to the scheduled VTPC, or as directed by the Court. The exhibits must be in PDF format. Each proposed exhibit should be separated into its own PDF file (voluminous records should be Bates stamped, or otherwise paginated). Trials exceeding 15 exhibits per side should contact chambers immediately to make additional arrangements.

² The Court will provide basic instructions for using the EDDS system for this purpose. The EDDS webpage can be accessed here: <https://iappscontent.courts.state.ny.us/NYSCEF/live/edds.htm>

- The parties should assure that the opposing party has a copy of all the proposed exhibits prior to the VTPC (The EDDS system does not provide the opposing party with a copy of the proposed exhibits and therefore the parties should agree upon a method for the exchange of the proposed exhibits. For example, email, cloud service, regular mail, delivery, etc.)³

- The file name of the actual PDF document to be uploaded to e-File or EDDS should use the following naming convention: exhibit number or letter (plaintiff: numerical / defendant: alphabetical).

Example for plaintiff: Exhibit 1.pdf, Exhibit 2.pdf, etc.

Example for defendant: Exhibit A.pdf, Exhibit B.pdf, etc.

(e). Exhibits not capable of being reduced to PDF format should be sent to the Court prior to the VTPC. This process should be coordinated with chambers.

(g). Exhibits will be marked for identification.

(h). The parties should stipulate to the admissibility of exhibits whenever possible.

(i). For scheduling purposes, counsel/pro se litigant should be prepared to give a projected timeline of when witnesses will be called to testify and an estimate of the length of time each witness will testify on direct examination and cross-examination, keeping in mind that the trial will be conducted virtually.

8. Practice Guidelines for the Virtual Trial

(a). The court proceedings are on the record. All conversations can be heard by the other party and will become a part of the record.

(b). Only one party may speak at a time; non-speaking participants should activate the mute function on Teams; all participants should immediately notify the Court if it appears anyone has been dropped from the proceeding.

(c). During the Virtual Trial, counsel should be present at their law offices or other location as permitted by the Court. Clients and witnesses will appear at the law offices of counsel or other location permitted by the Court. For pro se litigants, the Court should be made aware of the location of the litigant and any witnesses.

³ Pro se litigants without the technical proficiency or the means to electronically submit the PDF files, should contact chambers.

(d). At the time of the Virtual Trial, counsel should be prepared to have their witnesses testify without a mask. If counsel and the client/witness are in the same location, it is counsel's responsibility to ensure that the proper precautions are in place (e.g. social distancing using multiple Teams capable devices, and PPE). The same requirements apply to pro se litigants.

(e). At the time of the Virtual Trial, if the witness is to testify from a location other than a law office, it is the responsibility of the attorney to ensure that the witness has: (i) a computer, smart phone, tablet, or other device with video conferencing capabilities (camera, microphone and monitor); (ii) a fully charged portable devices (if one is being used); (iii) Teams video conference software; (iv) an email address; (v) internet service with sufficient broadband for video conferencing; and (vi) counsel must advise his/her client/witness that no one should be in the room while the witness is testifying, and to wear clothing that is appropriate for a formal court proceeding. It is the responsibly of a pro se litigant to assure that these requirements are met.

(f). Prior to the Virtual Trial, counsel/pro se litigant should test the Teams conferencing capability of all witnesses they intend to call at the Virtual Trial. For example, perform a practice Teams conference call with each witness.

(g). It is the responsibility of the party calling an out-of-state witness to provide a person authorized to administer the oath in the place where the witness is located.

(h). All participants should be situated in a location with an appropriate background – avoid backgrounds that are distracting and avoid backlighting, such as being in front of a window. The setting should be quiet and without distractions.

(i). All non-party witnesses are prohibited from watching or listening to the proceedings prior to giving their own testimony, except by leave of the Court.

(j). All non-party witnesses testifying must be at different physical locations and unable to hear the testimony of other witnesses prior to giving their own testimony, except by leave of the Court.

(k). Neither counsel nor a pro se litigant shall have ex parte communication with any witness while the witness is testifying through any format during the proceeding.

(l). Witnesses must be fully visible on Microsoft Teams. Witnesses may not consult any notes or paperwork while testifying and may not view any other monitor or device while testifying, except by leave of the Court.

(m). Participants may not record the proceedings.

(n). If counsel and their clients are in separate locations, they may confer privately with one another via telephone (except during a client’s testimony), with leave of the Court.

(o). The same decorum that applies to all formal court proceedings applies to this virtual proceeding, including appropriate attire.

(p). The attorney must be visible on camera when his witnesses are testifying. If counsel and the client/witness are in the same location, it is counsel’s responsibility to ensure that the proper precautions are in place (e.g. social distancing using multiple Teams capable devices, and PPE). The same requirements apply to pro se litigants.

9. Additional Guidelines

(a). A subpoena issued for the appearance of a witness at the Virtual Trial shall state the address that the witness will need to appear to offer sworn testimony. This location may be the law office address of the attorney who issued the subpoena or requested the subpoena be issued by the Court, but may be any location designated in the subpoena as permitted by the Court.

(b). In the event that items are subpoenaed and made returnable to the Court, the subpoena should request that the items be reduced to an electronically stored format such as a DVD, CD or thumb drive, except if doing so is not possible given the nature of the evidence.

(c). Any request for an adjournment due to a last-minute change of circumstances, such as illness of a party or witness, must be made on notice to the adversary as soon as the information leading to the request for the adjournment becomes known.

(d). Participants shall not appear at a location other than their residences if they fall into any health categories designated by a governmental entity related to COVID-19 advising against or prohibiting such travel/movement (e.g. quarantine, isolation, shelter-in-place order). The Court should be informed immediately if an issue arises that is related to this guideline.