VIRTUAL PROTOCOLS

In addition to the Part 12 Rules,[1] all virtual proceedings before Justice Jaffe are also governed by the following guidelines:

1. All virtual proceedings will be conducted via Microsoft Teams. All participants are expected to be familiar with Teams and to have tested their equipment, including their cameras and microphones, before the start of the proceeding to ensure that they are in working order for the proceeding.

2. All virtual proceedings are governed by the same disciplinary rules and requirements of civility as in-person court proceedings. Accordingly, all participants are to be properly attired, and the consumption of food or drink during proceedings is prohibited. The use of a phone during proceedings is prohibited, unless otherwise permitted by these protocols.

3. All participants are expected to locate themselves in an adequate area with a secure internet connection, limited background noise, and appropriate camera positioning and lighting. *The use of a virtual background is prohibited.* Parties may request to use a blurred background, if appropriate, either before the proceeding or when the proceeding begins. All participants' faces must be clearly visible, and participants must speak directly to the camera, which must always be kept on during the proceeding. When not speaking, participants must mute their microphones.

4. At least one business day before the scheduled appearance time, the parties are to send an email to mkasper@nycourts.gov disclosing the names and contact information, including telephone numbers, for all individuals attending the proceeding and on whose behalf they are appearing. Any individual not disclosed before the start of the proceeding is prohibited from participating unless everyone agrees to their participation.

5. Counsel will be provided with a Teams link before the start of the meeting. Counsel is responsible for providing the Teams link to their respective team members, clients, and witnesses who have been disclosed as participating individuals.

6. To ensure public access, the parties may apply at least 24 hours in advance for the press and members of the public to be provided with a restricted Teams link. Arrangements may be made for remote access to the virtual proceeding from a courthouse location where ample social distancing may be assured.

7. Participants are expected to be in the Teams "lobby" *at least 10 minutes* before the scheduled start time.

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[1] A copy of the rules is available at: https://www.nycourts.gov/legacypdfs/courts/1jd/supctmanh/Rules/part12-rules.pdf.

8. Recording of the proceeding by any means, other than the court-approved stenographer, is strictly prohibited. This prohibition includes, but is not limited to, voice and video recording, photographs and screenshots, transcribing software, and external recording devices.

9. At the court's discretion, breakout rooms may be used to facilitate private conversations between participants. When breakout rooms are in use, participants may return to the main room at any time. Before a breakout room is closed, a 60-second countdown will be provided before participants are automatically returned to the main room. Otherwise, participants must exchange mobile phone numbers in order to text one another when an *ex parte* conference is finished.

10. If, for any reason, during the proceeding a participant is able to hear or see confidential communications, he or she must immediately cease listening and/or viewing that communication and notify the affected individuals that their conversation is overheard or their screen is shared.

11. If a participant becomes disconnected or has a technical issue during the proceeding that cannot be remedied within two minutes, he or she is to contact the court immediately by emailing mkasper@nycourts.gov. If the court deems it unfair to any party to continue the virtual proceeding because of a technical failure, the court may postpone or terminate the proceeding at any time and take such other steps as may be necessary to ensure the fairness and integrity of the proceedings.

The following guidelines govern all virtual hearings and trials:

1. Prior to the start of the hearing or trial, all trial documents, as described in the Part Rules, must be provided via email to cpaszko@nycourts.gov and all opposing parties.

2. Counsel is expected to be familiar with Teams's screen sharing function and be prepared to display sets of exhibits at any time in order to verify that documents do not bear any annotations.

3. Witnesses are to testify in rooms in which they are entirely alone. Before a witness begins testifying, they will be sworn in or affirm that the testimony they are about to give is the truth, and opposing parties will be permitted voir dire as to whether there is anyone else present in the remote rooms where the witnesses are testifying, and any other condition they deem appropriate. The parties are deemed to agree that they do not object to the administering of the oath virtually over Teams. Witnesses may be asked to provide a 360-degree view of the remote venue to confirm that no unauthorized persons are present.

4. Witnesses are prohibited from relying on notes or receiving off-screen instruction during the hearing and are required to give testimony from a desk or table that is clear of all

documents and objects, except for the exhibits and witness statements previously disclosed and necessary for the testimony. Witnesses may be asked to provide a closer view of materials in his or her possession to verify that they are not using or relying on unauthorized information while testifying. This ensures that the virtual proceeding as closely replicates an in-person proceeding as possible. Counsel who calls the witness for direct examination is responsible for ensuring the witness's compliance with these protocols.

5. To avoid unauthorized communications, Teams's "chat" feature will be disabled.

6. Any objections or proposed additions to these virtual proceeding protocols must be emailed to cpaszko@nycourts.gov no less than 24 hours before the start of the trial or hearing.