

# Remote Hearing Witness Instructions

## Please read the following instructions in advance of your scheduled hearing

**IMPORTANT** - Remember that a proceeding held through videoconferencing (Zoom) or by telephone is the same as an in-person hearing in the courtroom. Standards of decorum, behavior, and dress are the same. The virtual courtroom is an extension of the physical courtroom, and the judge, magistrate, and referee has the same authority in both courtrooms. Follow the instructions below when you testify as a witness.

### 1. You are **NOT** permitted to:

- Discuss your testimony with anyone, except lawyers and their staff, until after the remote hearing has concluded in full.
- Listen to, read, or watch anything that would reveal what is happening in the courtroom if you are told not to before your testimony. This includes text messages and social media. If the court orders your sequestration to continue after your testimony, you may not engage in these activities even after your testimony has concluded.
  - **NOTE:** Victims will receive further instruction, consistent with the Crime Victim's Rights Act, MCL 780.761, about how to watch the proceedings.

### 2. **Zoom Hearing Invitation:**

You have received or will receive an invitation to join the video conference either via e-mail or on your Notice of Hearing with Remote Participation from the court. If you do not receive the invitation within three business days before your hearing, please e-mail **[court e-mail address]** for additional instruction. Remember that this is a notice for a court hearing.

### 3. **Downloading and Testing Software:**

When you receive the hearing invitation, it is your responsibility to click on the link and download the Zoom software. The software can be downloaded via computer, smart phone, or other device (such as a tablet). Download the application on the device you intend to use during the hearing and make sure that the device has a microphone and webcam (most laptops, smart phones, and tablets do). You can test your connection and set up with a [Zoom test meeting](#).

### 4. **Joining the Hearing:**

**Please wait for the lawyer or party coordinating your testimony to direct you to connect to the courtroom.** Keep in mind that you may be in an electronic waiting room until the court admits you to the remote hearing.

### 5. **Sequestered Witnesses:**

There may be a need for you to be sequestered during the proceeding. This means that the court will order you to be excluded from the proceeding until it is time for your testimony. In order to protect you from being influenced by other evidence or tailoring your testimony to fit the stories of others, you will not be allowed to listen to or watch the proceedings and will be put in a virtual waiting room until it is your turn to testify. **Violation of a sequestration order could be considered contempt of court and may be punishable by a term of incarceration and/or a fine.**

### 6. **Recording of Proceedings:**

The proceeding that you are participating in will be recorded and may be either livestreamed or uploaded for review at a later time.

- Everything said will be captured and made part of the record just as in a physical courtroom.

- Many of these remote proceedings are being livestreamed or will be posted to the Internet to comply with public access requirements for court proceedings.
- Be careful of any small talk or personal conversations during a recess or in between cases as they may end up on the Internet as part of the livestream or posted recording.
- No recording or dissemination of any court proceeding or its livestream is permitted. Recording the proceeding and showing it or posting it on the Internet is strictly prohibited.

#### **7. Environment During Testimony:**

- You must be alone in a quiet area where you will not be overheard or disturbed by others.
- Apart from a party's lawyer and the lawyer's staff, no third-parties shall be physically present in the room where you are testifying. Victim advocates and support persons are allowed as permitted by the court.
- You cannot reference any notes or any other items during your testimony unless that has been authorized by the court on the record.
- You shall turn off all electronic devices, except for the device enabling participation in the hearing.
- You shall not exchange any electronic messages during your testimony.

If you have any issues, please advise the party you are testifying on behalf of or the court in advance of the hearing if possible.

#### **8. Tips for a Successful Remote Hearing:**

- Ensure a good video or telephonic conference connection to the court.
- Your screen will identify you during the proceeding. Make sure that the personal identifier on the screen shows your name and not your phone number. See instructions [here](#).
- When speaking, remember to look at the webcam.
- Try to place your mobile device on a solid surface with the camera at eye level or slightly above eye level. Avoid carrying the mobile device in your hand during the proceeding.
- Be mindful of what is behind you. Choose a solid neutral wall, if possible, as a background.
- If you will be using video, make sure there is good lighting. It is best to position a lamp or sit facing a window where light is directly on your face.
- Do not talk over others and wait until the judge asks you to speak. Speak one at a time and pause prior to speaking in case there is any audio/video lag.
- Keep your device on mute when not speaking. This reduces feedback and limits background noise. There is an icon located on the screen to mute or unmute.
- Do not participate while operating a motor vehicle.
- Do not do other things while on the call/video conference. Pay attention so that you do not miss anything. Turn off any televisions, radios, or other devices.
- Behave as normally expected of you during a court proceeding. If you become disruptive or there is a need to remove you from the proceeding, you could be placed in the waiting room or removed from the virtual hearing.