

GUIDELINES FOR VIRTUAL COURTROOM PROCEEDINGS IN THE TWENTY-SECOND JUDICIAL CIRCUIT



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Introduction

In an effort to address the unique needs created by the current COVID-19 pandemic and to create additional methods to allow for access to justice, the 22nd Judicial Circuit's Committee on Guidelines for a Virtual Courtroom has compiled the following guidelines and recommendations.

These guidelines are intended to assist judicial officers in conducting proceedings remotely. Some courtrooms already use CourtCall for telephonic appearances and protocols have already been developed for using that method to make a court appearance. These guidelines were developed in light of the sharp increase in use of video teleconferencing technology¹ and are designed to address video teleconferencing with the Zoom platform. Zoom has been chosen as one video teleconferencing platform in part because it includes security features, can be accessed via smart phone, tablet and/or personal computer, and does not charge litigants or witnesses who use the platform.

Each Judge shall use his or her discretion to determine if a Virtual Courtroom setting is appropriate, and which platform should be used. The considerations will be different depending upon the type of case, the type of proceeding, the participants, the anticipated evidence, and the applicable law.² For additional clarity, judges should consider using (or updating) standing orders to provide direction on when and how participants can remotely access a courtroom and which platform(s) may be used in their courtrooms.

Zoom Accounts Generally

1. Each Judge using a Virtual Courtroom will receive a Zoom account through which he/she can facilitate remote court appearances. Each Judge will be the "host" of the Zoom meeting.
2. Each Judge will be assigned a link specific to his or her courtroom (e.g., <https://zoom.us/my/mchenrycourtroom359>). Participants can use this address to access the Judge's Virtual Courtroom. The same address can be used repeatedly.

EXAMPLE: Judge A uses Zoom each day to conduct her 9:00 am status call, which generally consists of 20-30 cases. Participant B wants to appear on Monday and Thursday via Zoom. Participant B knows that he can always use the same link to access Judge A's Virtual Courtroom. So, on Monday, just before 9:00 AM, Participant B uses Judge A's link to enter the Virtual Courtroom. He does the same thing on Thursday. No specific invites were necessary.

3. Alternatively, the Judge can send invitations for a remote court proceeding at a specific time,

¹ Pursuant to Supreme Court Rule 45, adopted May 22, 2020 and effective immediately, courts may permit participants in nontestimonial civil and criminal matters to make a court appearances remotely, including by telephone or video conference.

² Supreme Court Rule 241, amended May 22, 2020 and effective immediately, provides for the use of video conference technology in civil trials and evidentiary hearings.

using email, and/or assigning a unique address.

EXAMPLE: Judge A uses Zoom each day for status calls but she also uses it for evidentiary hearings. On Thursday at 1:30 pm, she will preside over a hearing involving sensitive testimony from a minor. She has already ruled that this proceeding is not open to the public. Rather than use her regular courtroom link, Judge A creates a meeting just for this hearing, using a unique link and a password. The information is sent to only the parties. The information is not publicly available. Judge A's regular courtroom link will not provide access to the hearing.

4. The Judge's account will be configured by IT with the appropriate security and user settings.

Basics of Using Zoom

1. The Judge can access Zoom through an icon on the desktop. After the Judge starts the meeting, participants will be able to access the Virtual Courtroom.
2. As participants enter the Virtual Courtroom, they will appear in the Waiting Room. The Judge will see a list of people in the Waiting Room on the right side of the screen. The Judge can control who is admitted to the Virtual Courtroom from the Waiting Room, admitting each participant separately or all participants *en masse*. The Judge can also remove participants from the Virtual Courtroom, placing them back into the Waiting Room.

EXAMPLE 1: Judge A has started Zoom for her 9:00 AM status call. She reviews the names of the 20 participants in the Waiting Room and recognizes them to be the attorneys and parties scheduled to appear in her courtroom that morning. She chooses to admit all of them, muting everyone, and asking the participants to keep their microphone muted until Judge A calls their case(s). There is no need to shuffle participants in and out of the Waiting Room. As the participants are done, they can leave the meeting.

EXAMPLE 2: Judge A has started Zoom for her 9:00 AM plea and status call in traffic court. Her call is primarily self-represented defendants and she does not often recognize names. She chooses to admit participants in groups: first, the attorneys that she recognizes, then other participants in groups of 10, until each case has been called or the Waiting Room is empty.

EXAMPLE 3: Judge A has started Zoom for her 9:00 AM status call. She prefers to only see and hear from the participants in the case that has been called. She admits only the participants (attorneys and/or parties) necessary for each case. When that case is done, she returns the participants to the Waiting Room, or they leave the meeting, and then Judge A admits the participants for the next case.

3. As participants are allowed into the Virtual Courtroom, a video box should appear on the Judge's monitor showing each participant's video feed. The Judge can elect to display the participants in a gallery view, where several participants are seen at the same time or through

speaker view, where only the current participant speaking is displayed. These configuration choices generally are in the top right portion of the user's screen. We suggest utilizing gallery view.

4. Once the necessary participants are in the Virtual Courtroom, the Judge should ensure that each participant can see and hear the others. If the matter is to be livestreamed, the Judge should ensure that the livestream is active and then give any necessary admonishments.
5. Once a proceeding is concluded and the Judge is ready to adjourn, the Judge will End the Meeting. (Note: the Judge, as the host, is the only participant who can End the Meeting. This selection must be made by the Judge at the time of adjournment. It is also possible for a Judge to "Leave the Meeting"; however, "leaving" is not the same as "ending" a meeting. If a host simply "leaves", the Virtual Courtroom may remain open).

Scheduling & Notices

1. When the Virtual Courtroom is accessed through the URL specific to the courtroom (e.g., <https://zoom.us/my/mchenrycourtroom359>), notice of this URL can be provided to participants through Standing Orders, case specific Orders, or through Notices issued through the Clerk's office. A form Notice is included in Appendix D. URLs for specific courtrooms should be posted on the Circuit Court's website and be accessible to the public through the Clerk's website as well.
2. When the Virtual Courtroom is accessed through a meeting-specific URL, it will be necessary to have email addresses of all represented and self-represented participants. Thus, it may be necessary for the Court or its staff to contact litigants, or their counsel as appropriate, in advance of the proceeding to obtain email addresses. For these proceedings, the Judge will need to Schedule a Meeting in Zoom. This process will generate invitations which can be sent by the Judge or other person to whom scheduling privileges are assigned. The Court should direct the parties concerning the process it prefers them to use to allow their witnesses to participate in the Virtual Courtroom. Some Judges might direct attorneys for the parties to share the invitation for the proceeding with the witnesses they expect to call to testify, for instance.

Information Included with Notices or Orders for Virtual Proceeding

1. Whenever a Virtual Courtroom proceeding is scheduled, access instructions should be included with the Notice or Order scheduling the proceeding. See Appendix C.
2. If it is not practicable to include Access Instructions and Guidelines with the scheduling Order or Notice, then the Order or Notice should reference these items and state the public location of these items.

Participation by Phone in Zoom

1. In the event that a participant does not have the ability to join the proceeding through Zoom, the Court should consider permitting participation by phone. See, SCR 241. A dial-in number

can be provided which allows access to the Virtual Courtroom.

2. Note that audio problems have been reported when some users call into the proceeding using one telephone platform, like Court Call, while others access the proceeding using a different platform, like Zoom. Users have reported difficulty hearing in these situations.

Conduct & Decorum

1. The conduct of the remote hearing should mirror an in-person hearing.
2. Care should be taken to make a complete and clear record. For instance, at the beginning of the hearing, the Judge shall state the case number, case name, start time of the hearing. The Judge should require each participant to state and spell their name. It may also be wise to direct each participant to indicate how they are participating in the virtual hearing, e.g., physical presence, remote call with no video, videoconference or Zoom.
3. The Judge shall make every effort to maintain the same level of decorum as if participants were physically present in the courtroom. The Judge may remind those participating that the call is an extension of the Court and they are participating in a court proceeding. The same rules regarding dress codes, demeanor, language, and respect for all apply in the virtual setting.
4. The Judge and any court staff should consider what will be visible behind them. If necessary, the Judge and court staff in the Virtual Courtroom can display a professional virtual background. It may be wise to disable this feature for other participants in the proceeding.

Admonishments

Admonishments should be given on the record, during the livestream, at the commencement of the proceeding. The Court can also consider the use of written waivers, circulated and signed by participants in advance of the Virtual Courtroom proceeding, much like Exhibits would be.

Admonishments and waivers must be adapted by the Judge depending upon the particular context. For instance, a different set of admonishments will likely be required to be given to a defendant participating in a plea hearing on a petty offense than those that might be given to participants in an eviction proceeding. Form admonishments and waivers are found in Appendix A and Appendix B.

Oath

The oath should be administered by the Judge. This procedure will remain the same as during a physical court appearance if all parties appear by Zoom. If there is any question as to the identity of a participant appearing by Zoom, the Judge may require identification through a driver's license or another form of identification.

Exhibits

1. Parties should be directed to adequately plan, in advance of the proceeding, how to prepare, present, and use exhibits in the Virtual Courtroom. Communication beforehand on these issues will be crucial to an efficient proceeding in the Virtual Courtroom.

2. Documents, videos, photos, and other exhibits that can be circulated as computer files should be circulated to the Judge and all parties prior to the start of any hearing. If unanticipated exhibits are needed during the course of a hearing (e.g., for impeachment or rebuttal), the participants could use email, or a third-party file sharing service (e.g., Dropbox or Google Docs) to circulate exhibits.
3. All exhibits should be numbered and labeled accordingly. Parties should submit an exhibit list describing each item, along with a column that can help all parties identify whether a particular exhibit was admitted into evidence.
4. Exhibits can be shown to witnesses during the hearing using “Share Screen” on Zoom. Share Screen might be used to lay foundation, refresh recollection, and authenticate signatures. The Judge can control who is able to use the Share Screen function. Note that using Share Screen to display videos has limitations.
5. Zoom has a file sharing feature, but due to certain limitations, virtual hearing participants should not rely upon it.
6. Tangible exhibits may require a proponent to be present in court. If that is not possible, stipulations and photographs may be useful substitutes by agreement. Agreements regarding tangible evidence should be discussed by the parties in advance of the virtual proceeding.

Official Record for Virtual Courtroom

1. Only a Court Reporter can prepare an official record of a Virtual Courtroom proceeding. In most instances, the Electronic Recording System will be used to capture the official record just as it would if all persons were physically in the courtroom. There is both a local and a cloud recording feature within Zoom. For Virtual Courtroom proceedings, only the Electronic Recording System may be used and not the recording features inherent in Zoom.
2. In those circumstances when a Court Reporter is needed, the Court Reporter can attend the proceeding as a Zoom participant or be physically present in the courtroom.
3. When a Court Reporter participates as a Zoom participant, consider the following to assist in the creation of an accurate record:
 - a. Encourage the court reporter to use the Gallery View setting to allow the Court Reporter to see all participants and more clearly know who is speaking.
 - b. Change Participant’s names to include their role in the pending litigation, i.e. Plaintiff John Doe.
 - c. Ask the participants to state and spell their first and last names for the record at the beginning of the proceeding. Ask the participant to reintroduce himself or herself by restating their title or their first and last name each time they speak.
 - d. Direct participants to face the camera when speaking.

- e. Admonish participants to wait until another speaker is finished before beginning to speak; one-at-a time is even more critical in a remote video setting.
- f. Remind participants to speak slowly.
- g. Note that the Court Reporter has the same ability to interrupt and clarify if needed as if all participants were physically present in a courtroom.

Public Access

1. Public access to proceedings (otherwise open to the public) conducted in a Virtual Courtroom will depend upon the current state of access to the physical courthouse.
2. If the public's ability to physically access to the courthouse is restricted to emergency or essential matters only, then the public will not be allowed to enter the courthouse for the purpose of viewing proceedings. If proceedings are conducted during this time period in a Virtual Courtroom, the proceedings must be livestreamed to ensure public access to the proceeding.
3. If the public is allowed access to the courthouse, the public may appear in courtrooms while Virtual Courtroom proceedings are being conducted. Note that public viewing from the courtroom may be limited to hearing what is said, as most courtrooms are arranged with monitors only visible to the Judge and the courtroom staff. In order to reduce the number of people coming into the courthouse at any one time, the Judge shall consider live streaming all virtual proceedings regardless of who is physically present in the courtroom at the time of the hearing.

Press Access

Members of the press may attend court proceedings in the same fashion as members of the public. If members of the press desire access to the proceedings for the purpose of Extended Media Coverage, they should follow the procedures established in Local Rule 1.15.5—Extended Media Coverage.

Livestreaming

The 22nd Judicial Circuit has created a YouTube channel for each Courtroom hosting a Virtual Courtroom. Additional information regarding the daily docketed proceedings being held virtually can be found on the 22nd Judicial Circuit website and/or on the McHenry County Circuit Clerk website, with a link to the livestream feed. The YouTube content will be deleted immediately after it airs. A watermark may appear on the livestream feed reading "DO NOT COPY", or other words to that effect.

Features Pertinent to Virtual Courtroom

Waiting Room

1. The Waiting Room is the virtual space where participants first enter the Virtual Courtroom. They will remain there until they leave the Virtual Courtroom or until the Judge admits them

to the Virtual Courtroom. The Judge can also return participants to the Waiting Room after the Judge has admitted them to the Virtual Courtroom. During a hearing or trial, the Judge can use the Waiting Room to exclude witnesses during testimony.

2. While in a Waiting Room, a person is unable to see or hear anyone else involved in the proceedings. The Waiting Room is not recorded or livestreamed.
3. Only the Judge is able to place people in and out of the Waiting Rooms. It is important that the Judge be mindful of the Waiting Room for participants who arrive late or of the participants the Judge has placed in the Waiting Room.
4. The background displayed in the Waiting Room is customizable and may be used to display admonishments or other information. For example, the background might display a reminder to check your Participant Name for accuracy.

Participant Name

1. When a participant joins a proceeding, whether in the Virtual Courtroom or in the Waiting Room, they are assigned a "name." Sometimes that "name" may be created by default through the device. For instance, the participant's telephone number may be the default for their name. The name of the owner of a borrowed device being used for the proceeding could be displayed. We recommend IT configure user accounts so that telephone numbers that may appear as a participant's name are masked by default.
2. The Judge has the ability to rename participants. Each participant also has the ability to modify their own name. Before the proceeding is livestreamed, it is recommended that the Judge admonish participants to name themselves accurately and appropriately. Alternatively, the Judge may rename participants prior to livestreaming.

Muting & Disabling of Video

1. The Judge's account can be configured so that participants are automatically muted upon entry to the Virtual Courtroom. Participants that are not speaking should strongly consider using mute to avoid background noise. The Judge can allow all or some of the participants to mute/unmute themselves. For example, the Judge might mute everyone but allow the attorneys or self-represented litigants to unmute themselves when they need to speak.
2. Similarly, the Judge can disable participant's video or invite participants to enable their video.

Breakout Rooms

1. Breakout rooms allow some of the participants to speak outside the presence of the other participants without leaving the proceeding. For example, an attorney and his client can move to a separate, private virtual room to confer about the case. While those participants are in the Breakout Room, neither the other participants nor the Judge can see or hear what is happening in the Breakout Room.
2. The Judge can move participants to separate Breakout Rooms when appropriate. The Judge can create and name Breakout Rooms during the hearing or assign Breakout Rooms in advance of the hearing. The Judge can create one or multiple Breakout Rooms.

3. Conversations in a Breakout Room are not generally recorded or livestreamed unless the Judge participates. If the Judge participates in a Breakout Room, he or she should be mindful of the recorded record and the livestream.
4. Participants in a Breakout Room can select the option of rejoining the main Virtual Courtroom. Alternatively, the Judge can set a time limit for the duration of the Breakout Room; when that time expires, the Breakout Room participants will be automatically prompted to return to the main proceeding.

Interpreter

1. The Judge should ensure that the language interpreter has been identified for the record and that the record includes for whom the interpreter is present. The Judge should also administer the oath to the interpreter at the start of the proceeding.
2. In many proceedings, the interpreter will join the Virtual Courtroom once called for by the Judge and leave when the case requiring an interpreter is finished. Generally, using the interpreter in this manner will not allow for simultaneous interpretation. Instead, consecutive interpretation will be used. Only one person can speak at a time when consecutive interpretation is used. The Judge and the participants should take special care to wait until another speaker and the interpreter have finished before beginning to speak. The Judge should provide appropriate admonishments to participants concerning the need to speak clearly, in short segments, and to remain silent when the interpreter is speaking.
3. In some proceedings, the Judge may have the ability to enable language interpretation by designating a participant as the interpreter(s) in advance of the proceeding. When the proceeding begins, the Judge can start the interpretation feature which will give the interpreter access to their own audio channel(s). Participants can select an audio channel to hear their language of choice. Participants will hear the translated audio and can choose if they want to hear the original audio at a lower volume.

Appendix

Appendix A: Sample Admonishments

1. The court proceedings are on the record. (If applicable: we have a Court Reporter present on Zoom.) All conversations can be heard by all of the other parties present in the Virtual Courtroom and will become a part of the record. The public is also able to view these proceedings as a Livestream on YouTube.
2. Remember that this is a formal proceeding and you should treat it as if you were physically present in the courtroom.
3. There are multiple participants in this proceeding. If you are not speaking, mute yourself so we do not pick up background noise or unwanted audio feedback. Please take a moment to locate the mute button on your screen. Clicking the microphone will enable you to mute and unmute. Pressing the space bar on the iPad or personal computer will also unmute your microphone (push to talk). Additionally, the Court has the ability to mute you.
4. When you want to speak, unmute yourself and identify yourself by stating your name. Identify yourself each time there is change in who is speaking. If you fail to identify yourself when speaking, the Court Reporter may have a difficult time determining who is speaking. If you have an objection, state the objection followed by your name or other identifying title. Wait until questions are completed before announcing an objection. (When a court reporter is participating in the proceeding: The Court Reporter may interrupt from time to time to clarify who is speaking.)
5. When you speak, please make sure that you speak slowly and clearly. Please do not speak over one another or interrupt one another.
6. When a Motion to Exclude Witnesses or other similar motion is heard and granted, the Court will excuse those witnesses to the Waiting Room and then will admit each witness as they are needed to testify. No participant may watch the livestream during the hearing. Witnesses should not be communicating with anyone other than their attorneys or court staff through any format during the proceeding. Witnesses may not hold any notes or paperwork in their hands while they are testifying. Witnesses may not be prompted by others off-camera during their testimony.
7. Verbal responses are essential in order for the Court Reporter to take down what the speaker said.
8. Video or audio recording of this proceeding by any party through any device or format is strictly prohibited. Failure to comply with this admonishment may result in the imposition of sanctions or in a finding of contempt.

Appendix B: Waiver for Use of Virtual Courtroom

A Waiver of In-Person Proceeding and Consent to Remote Appearance Form has been approved for use in the 22nd Judicial Circuit in conformance with the Illinois Supreme Court Order, MR 30370 Illinois Courts Response to COVID-19 Emergency/Remote Proceeding in Adult Criminal Matters, revised 3.8.2021. A link to a fillable form Waiver can be found on the Circuit Clerk's website on the Remote Appearance Options page. It is reproduced here:

WAIVER OF IN-PERSON PROCEEDING AND CONSENT TO REMOTE APPEARANCE

I am the Defendant in the above case(s).

1. I have a right to be physically present in a courtroom for every substantive proceeding in my case(s), such as proceedings that are critical to the outcome of my case or where my presence in court has a reasonably substantial relationship to the fullness of my opportunity to defend the charges made against me.
2. A remote appearance means that I, the Court, and/or other participants may participate using video or telephonic conferencing.
3. Any remote appearance may be viewable by the public over the Internet or other method of streaming or broadcasting.
4. I may be in a different location than my defense counsel during a remote appearance. I understand it is my responsibility to tell the judge if at any time I need to privately communicate with my attorney during the proceeding.
5. The legal effect of the remote appearance will be the same as an in-person appearance.
6. I have discussed this waiver with my attorney before the proceeding indicated below begins.

I have read and understand the above, and by signing this document, I freely and voluntarily waive my right to an in-person proceeding and consent to a remote appearance for the proceeding indicated below. No force, threats or promises were used to obtain my waiver and consent. I have been provided a copy of this signed waiver.

Type of Proceeding: *(specify type of proceeding here)*

Date: _____ Defendant's Signature: _____

I am the attorney for Defendant. I have discussed the legal implications of waiving defendant's in-person appearance with my client.

Date: _____ Attorney for Defendant: _____

REMOTE COURT APPEARANCE INSTRUCTIONS

Follow the steps listed below to prepare for the remote court appearance. Start this process **BEFORE** your scheduled court appearance time to make sure you are in the virtual “waiting room” by the time court begins.

1. If you already have a Zoom account, or the Zoom app on your cell phone, go directly to the link on your Notice to join the courtroom “meeting.” Links to each virtual courtroom can also be found on the Circuit Clerk’s website at www.McHenryCircuitClerk.org under *Virtual Courtroom Information*.
2. If you do not have a Zoom account you can download the free Zoom app to your cell phone by going to the App Store and searching for *Zoom*. Or create a new account on your computer at Zoom.us. Click the **SIGN UP, IT’S FREE** button and follow the instructions to sign up for a free Zoom account.
3. Once Zoom opens, select the **JOIN** button on your cell phone, or the **JOIN A MEETING** link on your computer. Be sure the Zoom screen name being displayed is your legal name so you are recognized by the Court.
4. A message box will appear asking for a Meeting ID or Personal Link Name. The Meeting ID and Personal Link Name are both listed on your Notice. No password is required. Click the **JOIN** button.
5. Screen should now show your face and you must select **JOIN WITH VIDEO**. You may also need to select **JOIN WITH COMPUTER AUDIO**, or if using a cell phone select **CALL USING INTERNET AUDIO**.
6. Once the Court starts the “meeting” participants will initially be placed in a virtual “waiting room” pending admittance into the virtual “courtroom” by the Court.
7. Be sure your screen name being displayed in the “waiting room” is your legal name.
8. Once you are admitted to the “courtroom” your audio will be muted until the judge calls your case. When your case is called, your audio will be unmuted by the Court.

REMOTE COURT APPEARANCE TIPS

- Dress appropriately, as if you were coming to the Courthouse
- Make sure you are in a QUIET location
- Make sure your background is court appropriate

Appendix D: Notice to Participant(s) from Clerk
Civil Version

[Letterhead]

[Address]

[Caption information]

NOTICE OF REMOTE COURT APPEARANCE

Pursuant to Illinois Supreme Court Order, MR 30370, the McHenry County Courthouse is closed to all but essential court matters until further order of the court. However the 22nd Judicial Circuit is expanding the use of remote access and virtual courtrooms to allow access to the court system.

You have been selected to participate in the Circuit's pilot virtual courtroom proceeding for your upcoming court appearance. This is an optional proceeding. If you elect not to appear online, your case will be continued and you will receive a mailed notice of your new in-person appearance date.

Your remote court appearance is scheduled on _____ at _____. To participate in the virtual courtroom, use the below link or Meeting ID. Please login approximately 5 minutes prior to your scheduled court date and time to make your remote court appearance.

Link: <https://zoom.us/my/mchenrycourtroom359>
Meeting ID: 710-449-3254
Personal Link Name: mchenrycourtroom359
Password: no password required

Remote participants should take time prior to the call to become familiar with the Zoom controls and test your device's microphone and speaker controls. Directions for joining the court proceeding, including links and court policies for remote appearances are enclosed, and also available on the Circuit Clerk's website at www.McHenryCircuitClerk.org.

If you have any questions, please call the McHenry County Circuit Clerk's office at (815)334-4190.

Respectfully,

[Signature Line]

[Address]

[Caption information]

NOTICE OF REMOTE COURT APPEARANCE

Pursuant to Illinois Supreme Court Order, MR 30370, the McHenry County Courthouse is closed to all but essential court matters until further order of the court. However, the 22nd Judicial Circuit is expanding the use of remote access and virtual courtrooms to allow access to the court system.

You have been selected to participate in the Circuit's pilot virtual courtroom proceeding for your upcoming court appearance. This is an optional proceeding. If you elect not to appear online, your case will be continued and you will receive a mailed notice of your new in-person appearance date.

If your ticket is marked as payable without a court appearance ("May Appear"), you have the option to pay your ticket without an appearance before the scheduled court date. To avoid appearing in court pay your ticket online at www.McHenryCircuitClerk.org.

Your remote court appearance is scheduled on _____ at _____. To participate in the virtual courtroom, use the below link or Meeting ID. Please login approximately 5 minutes prior to your scheduled court date and time to make your remote court appearance.

Link:	https://zoom.us/my/mchenrycourtroom102
Meeting ID:	890-297-5604
Personal Link Name:	mchenrycourtroom102
Password:	No password required

Remote participants should take time prior to the call to become familiar with the Zoom controls and test your device's microphone and speaker controls. Directions for joining the court proceeding, including links and court policies for remote appearances are enclosed, and are also available on the Circuit Clerk's website at www.McHenryCircuitClerk.org.

If you have any questions, please call the McHenry County Circuit Clerk's office at (815)334-4190.

Respectfully,

[Signature Line]

Appendix E: Suggestions for Effective Remote Appearance

1. **Witness Testimony.** The Court should be aware of possible influences on witnesses that appear remotely. Unlike in a courtroom setting, the witness may be within earshot or within view of people unknown to the judge. Consider the following strategies:
 - After administering the oath, remind the witness that they should not be receiving information from anyone else, via any means. Ask the witness if anyone else is in the room. Ask the witness if they are livestreaming the proceedings.
 - Ask the witness to turn their device so that the other participants can see the rest of the room.
 - Watch for visual clues that the witness is looking at someone or something off-screen before answering a question.
2. **Attorneys with cases in multiple courtrooms.** Attorneys frequently schedule cases for the same time in different courtrooms, and then check-in with the courtroom clerks to let the Court know they are present and will be back. Consider the following strategies:
 - At the beginning of court, begin by asking the participants if they need to check-in and then leave to go to other virtual courtrooms.
 - Consider starting the courtroom a few minutes early and allowing participants into the virtual courtroom for the purpose of taking check-in's or agreed/uncontested orders.
3. **Wait times.** With volume court calls, there can be a long wait until the case is called. If all of the participants are in the Virtual Courtroom, they are visible to the other participants and possibly on the livestream. If they are in the Waiting Room, they cannot see or hear what is happening in the Virtual Courtroom. Consider the following strategies:
 - At the beginning of court, begin by asking the participants if they need to check-in and then leave to go to other courtrooms.
 - Start court a few minutes early and allowing participants into the virtual courtroom for the purpose of taking check-in's or agreed/uncontested orders.
 - Enable the chat feature and allow participants to notify the court that they have reached an agreement and are ready with an agreed order.
4. **Orders.** If no one is present to draft an order, or to limit the passing of paper, the Court may use electronic orders. However, this takes times. Consider the following strategies:
 - One party can prepare and submit an order electronically to the judge for signature, within 24 hours, to the proposed order email address or another designated recipient. The judge should be mindful of the difficulty caused by requiring the clerk and Court Administration staff to track dozens of orders after each court date.
 - Encourage parties to prepare orders in advance that can quickly be modified after the court appearance.
 - Orders can be prepared quickly on Smartbench, especially when using templates.

Appendix F: Appropriate Virtual Courtroom Behavior

After using Zoom for several months in multiple courtrooms, the Committee added this Appendix to provide additional guidance about what works well and what does not work well in the Zoom setting. This document reflects input from judges, clerks, court staff, and attorneys. The solid consensus is that gains in access to justice, convenience and health-related benefits outweigh the increased effort required to conduct a virtual courtroom consistent with Supreme Court Rules in most instances. Still, appropriate virtual courtroom behavior is essential to an effective remote appearance and to the continued success of remote court appearances.

The judge presiding in the courtroom will exercise judgment in determining exactly how Zoom will be used and, of course, fashioning a response to any inappropriate behavior. The Court may consider simply reminding participants to conform their conduct to expectations, discontinue the remote appearance, and/or require participants to appear in person for future court appearances.

Depending on the circumstances, findings of contempt and related rulings may be appropriate.

When appearing remotely, please consider the following:

1. **Courtroom Attire.** Everyone participating in the virtual courtroom appearance should dress as if appearing in the physical courtroom.
 - Does this require professional dress even from home? The answer depends upon the circumstances, but generally, yes.
 - What is not allowed? Consider some examples from our experience: Swim trunks. Items you wear to sleep. Items you wear for your significant other. Items that look like you wear them for your significant other.
 - Note: Others *can* tell when your dress shirt is untucked and you are wearing shorts instead of pants.
2. **Camera on Please.** Each Zoom participant should activate their camera when their case is being heard. The camera should be positioned so that the participant remains in camera's view and the frame remains steady throughout the appearance. The Zoom participant should look into the camera when speaking.
 - Conversely, do not turn on your camera in one courtroom while appearing in another. Watching you appear in another proceeding is not helpful.
 - Zoom has many backgrounds and background effects. Consider if blurring your background will improve your privacy or the general aesthetic of objects behind you. Also consider if using the Golden Gate Bridge, the Northern Lights, or the Earth as your background really conveys the message you want to send.
3. **Identification.** Attorneys should use a Display Name that is accurate, and if appropriate for the courtroom, that Display Name should provide the case number they wish to have called.

- The Clerk’s office offers daily court calls through their website. Giving the page and line number is very helpful for the judge and the clerk.
 - If you are borrowing the device you are using, remember that the owner may have their own Display Name and it may be inappropriate. Examples of inappropriate names would include profanity, random numbers, or unhelpful descriptions, like “Death” or “Princess.”
4. **Prepare your client.** Prepare your client *before* the remote appearance to be sure they understand how to connect to the remote courtroom. Practice with your client. Ensure they know how to connect to audio. If your client were coming in person to court, it would be appropriate to give them directions to the courthouse and to advise them about decorum and appropriate behavior.
 - We note that Zoom seems to invite represented clients interjecting after their attorney. Please instruct your client about what is and what is not appropriate.
 5. **Documents Ready.** Counsel and/or parties should have relevant documentation prepared and ready to present when their case is called. Consider ahead of time how the documents will be presented to the court or other participants.
 - Holding documents up to a laptop, tablet, or phone camera is not an effective way of sharing the document.
 6. **Communication with opposition prior to court appearance.** Discussion about the case and future availability should occur *prior* to the appearance.
 - Yes, that says prior.
 7. **Planning, Coordination and Waivers in Criminal Proceedings.** In criminal proceedings, attorneys should schedule a remote appearance with sufficient notice to all (including the custodial facility, if any), provide the court a valid basis for the remote appearance, and file the appropriate waiver of in person appearance in advance of the scheduled remote hearing.
 8. **Sound Carries.** Please do not converse with others during the court appearance who are either on or off camera. Provide your attention to the court. Remain muted until your matter is called.
 - Of course, things happen. Little children may not care the door is closed or that you have shushed them 14 times.
 - Yet, some interruptions can be avoided. Do not answer your phone during a Zoom court appearance. Do not leave the Zoom screen to answer the door. If you would not walk away from the bench to do it, do not walk away from the Zoom appearance to do it.

9. **Inappropriate “venue.”** No driving while Zooming. Multitasking is a way of life for many but driving while streaming a court appearance likely constitutes a violation of the vehicle code.
 - Other examples of poorly chosen venues include: lounging pool side, lounging in your bed, anywhere near a barking dog, and outside on the deck in the bright sun.
10. **Too Casual.** This is a formal proceeding, and you must conduct yourself accordingly. If you could not or would not act a certain way in court, do not act that way during a Zoom appearance.
 - No eating. No smoking. No playing with your pet cat. No counting your medication.
11. **Untimely/uncoordinated appearance.** Please be on time and coordinate with your client to appear together for the remote proceeding.