

D.C. Board on Professional Responsibility Remote Proceeding Protocols for Participants

The District of Columbia Board on Professional Responsibility will conduct remote Board oral arguments and hearings before Hearing Committees via video conferencing using the Zoom platform. These remote proceedings are intended to facilitate the fair and timely resolution of disciplinary proceedings, while protecting the health and safety of the volunteer adjudicators, the parties, the disciplinary system staff and the public. These remote proceedings are formal disciplinary proceedings. Appropriate conduct and attire are required, as if these proceedings were conducted in-person.

We are providing these participant protocols for your review and encourage you to prepare, practice, and when the inevitable glitches arise, exercise patience. This is new technology and there will be a learning curve for all of us.

Technical Instructions:

A Staff Member of the Office of the Executive Attorney will serve as the “Zoom Host” of all remote proceedings, and will act at the direction of the Board or Hearing Committee Chair.

Prior to the remote proceeding, the Board’s Case Managers will email the parties a link to the Zoom meeting. The parties are responsible for sharing that link with others who will participate in the meeting (other counsel, witnesses, assistants, etc.). The link should not be shared with anyone not involved in the remote proceeding.

The Board will retain recordings of the remote proceeding, but it should not be otherwise recorded.

You may connect to the remote proceeding using a device with a camera—desktop or laptop computer, tablet, or smart phone. You should have a good LAN (wired), Wi-Fi, or substantial LTE connection to ensure a quality connection. A LAN (wired) connection is preferred.

If you are unfamiliar with Zoom videoconferencing software, please review the Zoom Quick Start Guide, which explains how to register for a zoom account and how to join a test meeting to check your audio and video. <https://support.zoom.us/hc/en-us/articles/360034967471-Quick-start-guide-for-new-users>

Additional Zoom training and support materials are available at <https://www.Zoom.us>

You must test your equipment's microphone and speaker controls and your internet connection prior to the remote proceeding. Directions may be found at <https://support.zoom.us/hc/en-us/articles/201362313-HowDo-I-Test-My-Video> You may wish to use a headset and microphone to increase the sound quality.

Prior to the hearing, the Zoom Host will contact the parties to schedule a video conference test. This will allow you to do a sound check and try out all the online conference functions that will be helpful during the hearing. If you are unfamiliar with Zoom, you are strongly encouraged to take advantage of this test.

Each party is responsible for making sure that its witnesses are able to appear via Zoom. The parties are required to test each witness' Zoom connection prior to the hearing. If the witness is unable to appear from their own home with their own technology, the party must inform the witness of a location from which they can participate on the date of the remote proceeding.

Participating in the remote proceeding

Respondent and all counsel must join the remote proceeding no later than ten minutes before the scheduled start time. Please configure your name to display appropriately (i.e, your name, and not the name of your computer). Instructions for changing your display name are available at: <https://support.palcs.org/hc/en-us/articles/226794367-Changing-YourDisplay-Name-in-Zoom-Rooms>

All participants will initially be placed in a Waiting Room and will be unable to communicate with anyone. The Zoom Host will bring all participants into the remote proceeding at the appropriate time.

For oral arguments before the Board, the respondent, counsel arguing the case and counsel sitting as second chair may participate in the remote proceeding, each person's name and email address must be provided to the Board's Case Managers in advance. (As in an in-person oral argument, only one person may present argument, the others will not have an opportunity to speak and should have their microphone and camera off for the duration of oral argument.)

For Hearings, any counsel representing a respondent or Disciplinary Counsel may participate in the remote proceeding, but only one may speak at a time (the others should have their microphone and camera off when not speaking), each person's name and email address must be provided to the Board's Case Managers in advance. Those who will be assisting a party, but will not have a speaking role in the matter, should join the meeting but not share their video camera.

Respondent shall keep his or her camera on throughout the hearing.

Confidential Communication

If any participants in the remote proceeding need to confer confidentially, the party shall ask the Chair to be placed in breakout room for a certain length of time. The Zoom Host will place the appropriate participants in a room that is both private and unrecorded. At the end of the time, the Zoom Host will begin the closing of the breakout room session and the parties will be afforded 60 seconds to wrap up any conversation, without prejudice to seeking another breakout session as may be appropriate.

Best Practices:

You should participate from a private, quiet room that is free of disruptions. Silence other phones/computers. When not participating in the proceeding, please put your microphone on mute.

Lighting in the room should be overhead or in front of you; warm-hued lights look best. Avoid side lighting, backlighting, and sunlit windows that illuminate surfaces unevenly.

Place the camera on your computer, laptop, or mobile device at eye level and at approximately an arm length's distance. If you use a mobile device, it should be mounted on a stationary, upright surface. Look at your camera, not your computer screen. Connect your device to a wall outlet, battery use can adversely affect video quality.

Zoom has a virtual background feature by which you may use a photograph as your background. The Case Managers will provide a background of the courtroom that we encourage participants to use if possible. For best results and to avoid blurring between the litigant's features and the background, have a blank wall/surface immediately behind you. Please test this feature. Zoom provides instructions for using virtual backgrounds at <https://support.zoom.us/hc/en-us/articles/210707503-Virtual-Background>. If you are unable to use the provided virtual background, please choose a simple background.

An example of a videoconference oral argument from the D.C. Court of Appeals is available at https://www.youtube.com/watch?v=_V9OS7dkLgc