

MOHAVE COUNTY SUPERIOR COURT
INFORMATION TECHNOLOGY
POLICIES AND PROCEDURES

PUBLIC PROCEDURE
REMOTE CIVIL JURY TRIAL PILOT - ATTORNEY PROCEDURES

Policy P-468a
Public
Version 1.1



OVERVIEW

Mohave County Superior Court is expanding the remote Jury selection process into a full remote Jury Trial.

During this process it is expected that all Jurors, Witnesses, Case Managers and Attorneys will all participate in the hearing from a remote location with the Judge having the option of appearing remotely or in person.

The following is the process the Attorneys will need to follow for a remote Civil Jury Trial.

PREREQUISITES

In order to complete a full remote Jury Trial, the following prerequisites must be met prior to the trial date.

- The attorney must receive training on the use of Zoom video conferencing and the remote jury process.
- All parties are certified by the Jury Clerk or Court IT prior to appearing remotely for any court hearing. This certification process ensures the remote party understands the technology well enough to participate in the hearing.
- Known evidence is to be stipulated to admission prior to trial.
- All evidence is to be submitted digitally into CaseLines and marked by the Clerk prior to the date of the Trial. Any physical evidence the Attorneys wish to display during the hearing must be converted to a digital format using a video or photograph.
- All preliminary matters, such as Motions in Limine or any other trial issues have been taken care of prior to the day or time of the trial.
- The Attorneys must be trained sufficiently in CaseLines prior to Trial to present evidence during the Trial using that platform.
- Attorneys shall provide a list of witnesses appearing via Zoom to the Court, prior to trial starting.
- Witnesses must have the ability to receive email communications.
- Witnesses will be viewing evidence via CaseLines during the Trial
- Attorneys will be taking on the responsibility of registering and training all Witnesses on how to log into and use CaseLines to view the evidence.
- Pro-per litigants would be excluded from participation in a full remote Jury Trial at this time.
- Litigants and Prospective Jurors who require the assistance of a Court Interpreter would be excluded from participation in a full remote Jury Trial at this time.

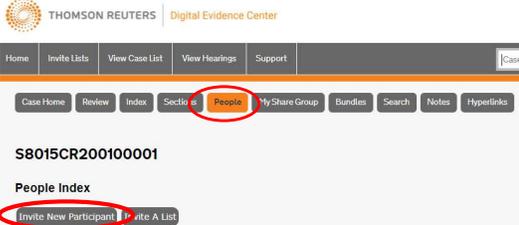
ROLES AND APPEARANCE LOCATION

- Case Manager (Co-Host)
 - The Case Manager will be connecting into Zoom as a remote participant as they will be using Microsoft Word for the Verdict Form.
 - The Case Manager is assigned to each Jury and will act as the liaison between the Judge and the Jury in a remote capacity, but will not have audio capabilities when joining the Jury Deliberation room
 - Additional Case Manager responsibilities:
 - Display evidence to Jury using CaseLines
 - Provide verdict forms to Jury Foreperson
 - Communicate through chat with Jury Foreperson for all needs and verdict
 - During the hearing and while in the main session the Case Manager will monitor the parties and mute individuals who are not actively addressing the court.
- Attorneys
 - All Attorneys would be appearing remotely.
 - Responsible for registering and training Witnesses on the use of CaseLines to view Evidence.
- Jury
 - All jurors would be appearing remotely.
- Witnesses/Expert Witnesses
 - Appear remotely.
- Public
 - Appear remotely.

Commented [OC1]: Is this for deliberations only?

ATTORNEY - REGISTERING WITNESSES IN CASELINES

To register a witness in CaseLines, click on People then Invite New Participant



Type in the witness' e-mail address, select *Interested Party* as the Role, select the check box to *Pre-Register* the witness, then enter their title, first/last name, mobile phone number and select United States of America as the Location.

Invite A New Case Participant

Instructions

Person's Email: ✓

Role:

- Appellate
- Attorney
- Clerk
- Interested Party
- Judicial Administrative Staff/Court Staff
- Judicial Officer
- Juror
- Law Office Staff
- Litigant
- Public Access Request
- Self Represented Litigant
- System Support

Pre-Register:

Title: *

First Name: *

Last Name: *

Mobile Number: *

Location: *

Select the appropriate *Bundle Access* (i.e. Defendant's Exhibits (do NOT include the Jury Exhibits)), Leave the *Access Permissions* as they are set (*View Documents* selected only), then type an invitation message and click *Invite*. Adding access to the *Shared Bundle* prior to the hearing, will result in the witness being able to view all exhibits. If the witness will need access to the opposing party's exhibits, the Clerk will add the Shared Bundle to their access during the hearing.

Bundle Access

03: Defendant's Exhibits ?

04: Jury Exhibits ?

05: Shared Bundle ?

Access Permissions

Add/Remove Party Documents ?

Download Documents ?

View Documents ?

Add Hyperlinks ?

Invite People ?

Emails

Send bundle update notifications by Email ?

Send Advisory Invitation Email ?

Invitation Message

Please use this invitation to view evidence.

Invite

The witness will receive a text message and e-mail that states:

"You have been invited by Ms. Full Name to view evidence in the case of S8015CRXXXXXXXXXX.
Please click the following link to view the evidence. <https://digitalevidence.azcourts.gov/s/...> "

The witness will simply create a password and confirm the same. They will then receive a second e-mail / text message directing them to use a verification code to complete their log in.

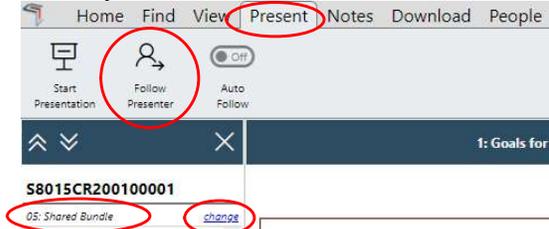
Advise the witness that they may be asked to review evidence during the hearing by using their email and password for CaseLines.

During the hearing, the attorney should begin by clicking *Start Presentation* in the *Present* tab.

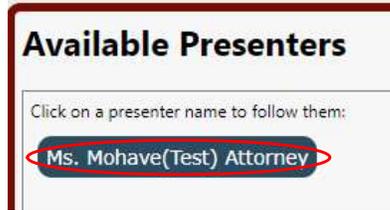


They will direct the witness to enter the *Review* tab of the case, then click [change](#) to select the *Shared Bundle*.

Next, they will click on *Present*, then *Follow Presenter*.



They should now be able to click on the attorney's name in the list of Available Presenters.



The attorney will click on the appropriate document to share with the witness and ask foundational questions, as necessary. After the exhibit is either admitted into evidence or denied admittance, the attorney may stop presenting in CaseLines and return to Zoom or their laptop / courtroom PC and instruct the witness to do the same.

TRIAL PREPARATION - COURT CLERK / JURY CLERK / CASE MANAGER

- *Conference call settings*
 - *Participants will automatically be placed into a waiting room and must be admitted into session*



Mohave County Jury Selection

Mohave County Superior Court Jury Selection

- *Participants microphones will be muted upon entry*
- *Participants will not have the ability to rename themselves*
- *Participants will not have the ability to unmute their microphone without the Host approving the request.*

TRIAL IS READY TO BEGIN

- Clerk will notify the Judge electronically that Attorneys are ready to proceed.
- Judge will take the bench if appearing from the Courtroom or unmute microphone and enable video if remote.
- Judge will go on record and Preliminary discussion will begin.
- Once the Judge, Court Reporter, Attorneys and Parties are ready to proceed, the Clerk will close the breakout room which will move the Jurors back into the main session.
 - ALL WITNESSES WILL REMAIN IN WAITING ROOM UNTIL CALLED
- Clerk will verify all Participants are muted apart from the Attorneys and Judge who will remain unmuted.
- Judge will give preliminary instructions
 - Instructions may include
 - Inform all parties to keep your microphones muted until you are ready to speak
 - Jurors, please keep your microphones muted at all times unless requested to unmute them. Raise your virtual hand if you have a question during the Trial.
 - Suggested view will be Gallery to see all participants.
- Opening Statements
- Attorneys will present witness testimony and evidence
- Witness Testimony:
 - Clerk will admit Witness back into the session from waiting room.
 - Unmute Witness mic and make sure video is enabled.
 - Clerk will swear in the witness
 - Direct examination will begin

PROCEDURE FOR - DIGITAL EVIDENCE PRESENTATIONS

Evidence will be presented to the Court via CaseLines Digital Evidence platform.

*Attorneys will be directed to have CaseLines open, logged in and readily available prior to trial.

- **Any evidence displayed through CaseLines in Zoom during a Jury trial, must be displayed from the Jury Exhibit Bundle only.**

- To begin, the Attorney must open CaseLines and select the applicable case, they will then click on "Review Evidence".
 - The Attorney will present their evidence to the Jury via the Jury Exhibit bundle in the Review Evidence tab to ensure exhibits are not seen by the Jury that have not been admitted.
 - Ex: The Attorney would like to show Exhibit A5, they will navigate to Exhibit A5 from the left menu in the Jury Exhibit bundle within the Review Evidence Tab. Once finished with Exhibit A5, they will then find and click on the next Exhibit from the left menu that they would like to present
 - To establish foundation for an exhibit, the Attorney will present evidence to a witness via the Shared Bundle in Presentation mode in the Review tab and will NOT share their screen in Zoom until the evidence is admitted into evidence.
- To display evidence, the Attorney will select Share Screen in Zoom
 - Zoom will prompt to select a screen to share, Attorney can select "screen 1", then click "Share", they will then open the web browser that is logged into CaseLines.
 - If Evidence being presented requires audio, the Attorney will select "Share computer sound" prior to clicking "Share".
- Once the Attorney is finished presenting Evidence they will then select "Stop Share"; that will end their Screen Share Presentation.

Commented [OC2]: I changed this from court

Commented [OC3]: Added 5/3/21

PROCEDURE FOR – WITNESS TESTIMONY

All evidence should have been stipulated to during Exhibit Hearing prior to trial; however, in the event new evidence needs to be displayed to the Witness without being viewed by the Jury, the Attorney will Start Presentation in CaseLines (the Attorney must NOT share their screen in Zoom), the witness will log into CaseLines and follow the presenter, the Attorney will select the applicable exhibit in CaseLines and lay foundation for the admissibility of the exhibit.

PROCEDURE FOR - QUESTIONS FROM JUROR DURING TRIAL

Juror has a Question

- Juror will select Chat from the Ribbon.
- Juror will type the question into the chat box, select the drop down box and select **Case Manager**. This will allow the message to be sent to the Case Manager only.
- Case Manager will forward the question to the Judge electronically.
- Judge will address the court in response to the question.
- Judge will return a response to the Case Manager, back to the Jury.

NOTE: all chat messages are retained within the main room or breakout room. If a chat message is sent to everyone while inside the chat room only the recipients in the breakout room will receive the chat. If a chat message is sent to everyone while in the main session only the individuals currently in the main session will receive it.

PROCEDURE FOR - BENCH CONFERENCE REQUESTED

Bench Conference is called

- Judge will direct the Clerk to open Jury Breakout Room.
 - This will assign Jury members to their respective breakout room and leave the Judge, Attorney, Court Reporter, Clerk and members of the public in the main session.
 - If requested, the Clerk will also move the Witness and or Expert to the waiting room during Bench Conference.
- Once finished, the Judge will direct the Clerk to close the breakout room.
 - All Jurors will be placed back into the main session.
 - The Clerk will also move any parties back into the main session that may have been placed in the waiting room.

PROCEDURE FOR – BREAK DURING HEARING

Break is called:

- Judge will direct the Clerk to open Jury Breakout Room.
 - This will assign Jury members and Case Manager to the Jury breakout room and leave the Judge, Attorney, Court Reporter, Clerk and members of the public in the main session.
 - If requested, the Clerk will also move the Witness and or Expert to the waiting room during Break.
- Once court is ready to resume after the break, the Judge will direct the Clerk to notify the parties and the Case Manager the session will resume shortly.
- The Case Manager will notify the Jury the break will be ending using chat.
- The Judge will then direct the Clerk to close the breakout room.
 - All Jurors will be placed back into the main session.
 - The Clerk will also move any parties back into the main session that may have been placed in the waiting room.

PROCEDURE FOR - JURY DELIBERATION

- Judicial Assistant will forward a copy of the final Jury Instructions to the Judge, Clerk and Case Manager
- Judicial Assistant will forward copy of the final Verdict form(s) to the Judge, Clerk and Case Manager (NOTE: the verdict form must be in the table format to allow the Jury Foreperson to populate.)
- Closing Arguments
- Clerk will open final Jury Instructions and share screen.
- Judge reads Instructions to Jury
 - Jury instructions will include the following items:
 - Inform the Jury they must select a Jury Foreperson to interact with the evidence through the Case Manager.
 - Inform Jury the Case Manager will not have the ability to hear during the deliberation process.
 - Instruct the Jury Foreperson that they will need to use the Chat window within Zoom to communicate with Case Manager during deliberation.
 - Inform Jury Foreperson that the Case Manager will have a copy of the Jury Instructions to review

- Inform the Jury Foreperson that the Case Manager will have the ability to retrieve all evidence admitted into court.
 - Inform the Jury Foreperson that the Case Manager will have the verdict forms ready but must be filled out by the Jury Foreperson and Juror number placed by placing their Juror number on the verdict form.
- The Clerk will ensure that the Jury Exhibit bundle in CaseLines has the appropriate exhibits attached and that the Program Manager has access to the exhibits, as necessary
- Clerk will send final Jury Bundle in PDF format to Case Manager
- (NOTE: Case Manager will only use the final Jury Exhibit bundle to display any evidence to the Jury.)
- Case Manager is duly sworn
 - Judge will direct the Clerk to open the Jury Breakout Room.
 - Stop FTR
- Clerk will open all Breakout rooms.
- Once all members of the Jury and the Case Manager are added to the Breakout room.
 - Jury Deliberation will begin
 - **NOTE – THE CASE MANAGER WILL REMOVE HEADSET TO PREVENT THE CASE MANAGER FROM HEARING ANY DISCUSSION.**
- Once in Breakout room, the Jury Foreperson and the Case Manager will open the Chat Window inside Zoom to communicate with one another.
- Case Manager would hide Thumbnails to prohibit seeing the Jury.
- The Case Manager would open Jury Instructions, PDF Exhibit bundle, Verdict Forms
- Questions received that need to be directed to the Judge, will be sent from the Jury Foreperson via chat to the Case Manager. The Case Manager will then send the question to the Judge electronically.
- The Judge may need to go on record to address the question from the Jury.
 - Make sure all parties needed are present
 - Address question on record
 - Judge will type a written response that will be sent back to the Case Manager
 - Case Manager will forward the written response from the Judge to the Jury Foreperson via chat
 - Jury Deliberation will resume

(NOTE: during Jury Deliberation the zoom session will remain active)

PROCEDURE FOR – VERDICT PREPARATION AND SUBMISSION

- Once a verdict is ready, the Jury Foreperson will notify the Case Manager via zoom chat
- Case Manager will open the forms necessary from the Case Managers PC
- Case Manager will pass the keyboard and mouse control to Jury Foreperson
 - **(NOTE: Before passing control, the Case Manager will inform the Jury Foreperson that they must return keyboard and mouse control to the Case Manager in order to see the chat window)**
- Jury Foreperson will resume control of the Case Manager's PC to fill out the verdict forms and, if not unanimous, the Jury Foreperson will list Jury Numbers next to Jurors name on verdict form.
- When finished, the Jury Foreperson will relinquish control of Case Manager's PC and notify the Case Manager via chat that the Verdict is ready
- Case Manager will save the Verdict.
- Case Manager will save the chat, which captures a date and time stamp of all questions from Jury.
- Case Manager will select "End Share"
- Case Manager will notify the Judge and Clerk that a verdict is ready
- Case Manger will forward the Verdict and chat file to the Judge and Clerk electronically.
- Case Manager will leave the breakout room and join the main session
- Clerk would close the breakout sessions to return all participants.
- Once all parties are back in the session, the clerk will notify the Judge that they are ready to proceed
- Verdict is read by the Clerk
- Judge polls Jurors of verdict.

- The Clerk will make the necessary changes to CaseLines to ensure that all necessary permissions have been modified and that exhibits cannot be deleted or changed.

TECHNICAL REFERENCES AND SUGGESTIONS

Gallery view

- The Gallery view offers a glimpse of all remote jurors at once and may offer up a better view.
- Open the participants window by clicking on the Participants on the bottom tool bar. By doing this the Judge will have the ability to quickly see a list of all the participants and manage them from this one window.

Spotlighting Jurors:

- When spotlighting Jurors, use the **Participants window** by hovering over the Jurors name, click on More and then Spotlight Video. Once you have finished speaking with this juror, Click on "Cancel the Spotlight Video" located on the upper left hand corner of the Jurors window.
 - By spotlighting the Juror from this window, it will now bring to focus that Juror for all participants to see.
 - This needs to be done when asking them questions as well as spotlighting the Attorneys when they are speaking as they do not have "video following voice" capabilities.
 - If you spotlight the video from the top video bar, the "Judge" will only see the spotlighted view as the other participants view will remain as they establish it.

Admitting people into the conference

- As host you will have the ability to admit individuals in the video conference or you can admit them all at once, but you must move them back into the waiting room one at a time.

Keyboard shortcuts to help participants

- Alt F1 – Switch to Active Speaker mode
- Alt F2 – Switch to Gallery video mode
- Alt A – Mute and Unmute

For Participant only -

- Alt Y – will raise and lower your digital hand

Breakout Rooms (HOST ONLY capabilities)

In the event a participant wishes to communicate in private, a breakout room can be created by the Host.

- To create a breakout room ensure you are the host and click on Breakout rooms on the bottom ribbon.
- Click on Options in the breakout room settings (Only the first two boxes should be checked)
 - Ensure Move All Participants into breakout room automatically is enabled
 - Ensure Allow participants to return to the main session any time is **enabled**
 - Remove a check from breakout room closes automatically after a specified time
 - Remove a check from Count down after closing as you want them back as soon as you close the room
- Click on "Assign" next to the breakout room you wish to use
- Select the individuals wishing to speak in private
- Click on Open All rooms
- If the Judge wishes to join the breakout room they will click on JOIN next to the break out room
- Close all breakout rooms will move all parties back into the conference.

Commented [OC4]: enabled? I thought we wouldn't want them to be able to return to the main session at any time. So, would it be disabled?