Supreme Court of the Virgin Islands
Best Practices for Remote Oral Arguments

This guide will help you with your upcoming remote oral argument in the Virgin Islands Supreme Court. We recognize that you may not be able to follow all of these tips, but using as many as you can, the argument will be smoother.

Prior to the Remote Oral Argument

<u>Test Meeting</u>

During the week prior to the Oral Argument, the Clerk will setup a test meeting involving all counsel participating in the oral argument docket. At that test meeting, you will have an opportunity to ask questions about the procedures for video oral arguments. Some of these procedures are set forth in detail under the "During the Remote Oral Arguments" section, below.

You will also be able to check your internet, audio, and video connection, as well as check your lighting and background. Court personnel will be able to assist you with troubleshooting any audio/video problems that you may be having and suggest alternate audio/video methods. It is very important to test the equipment in the same location and, to the extent possible, under the same conditions that you will encounter during oral argument. During the test meeting, you should practice leaving the meeting and following the procedure given to reconnect, to simulate what to do if there is an interruption in internet service or other technical issues.

We recommend that you join the test meeting about five (5) minutes before the start time.

Prior to or during the test meeting, you will be asked to provide a mobile phone number and email address to court personnel so that they can contact you in the event of technical difficulties. You should also be prepared to indicate to the Clerk how you will be dividing your argument time, if applicable.

Setup for your Remote Oral Argument

There are numerous tips on the internet to help you be effective during a video oral argument. Here are some of our suggestions for how to have an effective and optimum video experience for your remote oral argument.

Location/Background:

> Your location during the video conference is important – find a quiet place where audio and visual interruptions and distractions are minimized. Avoid a distracting, cluttered, or overly personal background – oral arguments will be livestreamed and also recorded and archived on the Court's website.

Connection:

> It is important that you test the computer, audio, video and internet connection technology that you will use during the oral argument. A hardwired internet connection using a cable will be more stable than relying on a Wi-Fi network. If using a hardwired internet connection, you may still want to have a smart phone or tablet available with the Cisco Webex, Microsoft Teams or Zoom app on it as a wireless data connected device can serve as an emergency backup should there be a problem with your network. To maintain a strong connection, it is very helpful to close out of all other applications on your computer, such as browsers and your email/calendar. This will also prevent any applications from inadvertently making sounds during the argument (such as email chimes).

Sound:

How To Test Audio

> Turn off all other applications on your computer, such as Chrome, Explorer, and Outlook. Configure and test your audio and video prior to joining the argument conference or once you have joined it. Click the Connect audio and video icon, select your audio playback device, and microphone, and then click Connect Audio and Video.

Mute

> During the conference you will keep the Mute button on unless you need to speak. Locate the Mute button/icon and familiarize yourself with how to turn it on and off.

Headset

> If you have a headset, plug it in to your device prior to logging in to the remote oral argument. If you do not plug the headset in before joining the argument, you may have to log out and log back in before the other participants will be able to hear you.

<u>Lighting:</u>

General Lighting

Sitting with your back to a window or bright light source reduces the video's quality by creating a harsh silhouette effect. Whenever possible, sit facing a window, a desk lamp, or another light source so that your face is well illuminated and clearly visible. Avoid being backlit, if at all possible, as that puts your face into shadows.

Create a Three-Point Lighting Setup if You're in an Interior Room

When looking at your room's lighting, think of a clock: if you're facing noon, try to position light sources at 11 and 2. Adding an overhead light rounds out a great three-point lighting setup — the go-to lighting kit for portrait photographers and videographers.

Optimize Natural Light Sources if You are in a Room with Windows

Natural daylight renders more accurate colors. If possible, setting up your conferencing system in a room with a lot of window light, unless it is behind you, helps to create a well-lit, professional setting.

Use Soft Directional Light

Avoid using bare bulbs in your video conference room lighting. A lampshade or a diffuser will reduce harsh shadows and soften the lighting in the room. Contrary to popular belief, the closer a light source is to a subject, the softer the shadows will play on that subject: if a lamp is too harsh, bring it closer to you. This may help make your face clearer in the video.

Use the Right Amount of Light

It is important that there is plenty of light in the room to get maximum clarity. However, it is possible to have too much light. If your window is too bright, lower the blinds or move away from the window to avoid overexposure. If a light source, such as a lamp, is too bright, move it away from you or dim it with a shade. If possible, use multiple light sources pointed at your face to fill in shadows and to make the overall room lighting as even as possible.

<u>Camera:</u>

Location

Locate your device's camera and make sure that it is uncovered for the oral argument. Please remove any stickers, Post-Its, or sliders from covering the lens during the entire argument and clean the lens to remove fingerprints and debris.

Camera Position/Angle and You

Position the camera as close to eye level as possible rather than tilting your screen. Consider propping your device on books to elevate it if necessary. Make sure that your head and shoulders are visible on camera. Remember the Rule of Thirds. Position

yourself to ensure your hairline and forehead are the top 1/3 of the display. Closer is better.

During the Remote Oral Arguments

Oral argument expectations

This oral argument is as real and as formal as if counsel were arguing in the Supreme Court courtroom. Counsel should therefore dress professionally.

WebEx/Teams/Zoom v. Livestream link

Only attorneys presenting arguments in the oral arguments will be included in the Zoom, Teams or WebEx session. Do not forward the Zoom, Teams or WebEx link to others. Co-counsel, represented parties, interested parties, etc., should log into the live stream and watch from that link. We are live-streaming and archiving these arguments. All participants participating in the Zoom, Teams or WebEx conference will be visible throughout the conference, and the fewer participants we have, the clearer both the audio and visual will be.

Steps after Logging In

1. After you have logged in, we will do a quick check to ensure that all systems are working properly and then you will be placed in the Waiting Area.

2. When you are moved from the waiting area to the conference, we recommend that you change your view from Active Speaker to Grid View. You will see the Clerk and you will also see the Justices and all other attorneys who will be arguing.

3. Please MUTE. If you do not mute yourself, we will mute you. This is necessary to prevent feedback noise and to record a clear argument.

Oral argument etiquette:

1. Stay muted until your turn to argue is recognized by the Chief/Presiding Justice.

2. Be aware of all the Justices at all times — they will indicate when they want to ask a question and will unmute.

3. If you are reading something, please try to stay facing forward and near the mic. Generally, when we encounter audio problems, it is because a person turns away from the camera/microphone and reads from something to the side.

4. Appellant should reserve time for rebuttal prior to presenting the argument. Counsel should watch the clock in order to avoid being asked to stop.

<u>Stay Calm</u>

We plan for the unexpected — and that is why we will do a test run with all counsel in the week before the argument. If you suddenly lose connection or if you have issues with your audio, we may ask you to log out and to log back in. Do not panic, we will walk you through the issues. The timer will be paused if any audio or visual problems or other interruptions arise. If your bandwidth gets stretched, the first thing WebEx or Zoom will do is to limit your video. If you turn off your video, you often will regain sight of the rest of the conference participants. The audio portion is the most critical. **During oral arguments, if you have an issue, you may text or email Attorney Veronica Handy, Clerk of the Supreme Court, to ask for help.at the numbers/addresses that will be provided.**

Summary of Tips for Successful Remote Hearings

- Dress in a soft solid color (like a black robe for judges). If a tie is worn, use a solid tie rather than one with a pattern.
- When speaking, remember to look directly at the webcam, not at the screen.
- Position the camera at your eye level or slightly above eye level.
- Be mindful of what is behind you, choose a solid neutral wall if possible.
- Check the lighting. Light from a window behind you might blind the camera, making you look dark. Light above you in the center of a room might also cast shadows. Ideally, position a lamp, or sit facing a window, where light is directly on your face. Also be aware that your monitor casts light that can make you look blue.
- Participants should speak one at a time and pause prior to speaking in case there is any audio/video lag.
- Participants should mute themselves when not speaking in order to avoid any potential background noise.
- Test your connection and setup with your remote application by testing your connection with WebEx, Microsoft Teams, or Zoom test meeting site.