



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

GUIDANCE FOR REMOTE PROCEEDINGS
ORAL ARGUMENT

The following protocols and guidelines are provided to assist participants in preparing for and participating in remote oral arguments. Participants should be familiar with this document in advance of the oral argument.

PARTICIPANTS

Participants in the oral argument include: Panel of Disciplinary Board Members, Office of Disciplinary Counsel staff counsel, respondent or petitioner, counsel for respondent or petitioner, court reporter, and Disciplinary Board staff.

IN-PERSON RESTRICTIONS

At the discretion of the Panel of Disciplinary Board members ("Panel") and in accordance with any restrictions as set by the Disciplinary Board or Court, certain staff and other participants may be permitted to participate in-person using existing Disciplinary Board or Court space. If more than 1 participant will be in Disciplinary Board or Court space, any restrictions on in-person oral arguments in place by the Board or Court must be adhered to by those participants. Such restrictions may include, but are not limited to:

- Limitations regarding the number of people allowed in a particular room or suite
- Limitations on the physical distance between the participants (i.e. social distancing)
- Requirements to wear face masks and/or coverings
- Requirements to wash and/or sanitize hands prior to entering the space

OFFICIAL RECORD OF THE ORAL ARGUMENT

The official record of the oral argument shall be the transcript as generated by the court reporter. If the oral argument is a public proceeding, it will be streamed on YouTube Live for the public to view.

PROTOCOLS FOR TECHNOLOGY

TECHNOLOGY REQUIREMENTS

Upon guidance from the Administrative Office of Pennsylvania Courts (AOPC), the Disciplinary Board utilizes Cisco WebEx technology to conduct secure video conferences. Participants shall ensure that all necessary equipment and software are in good working order prior to the scheduled oral argument. Each participant is responsible for his or her own equipment (i.e. laptop, desktop, smartphone, webcam, etc.).

In order to participate in the remote oral argument, each participant must have the following technology available for use:

- Access to one of the following types of equipment:
 - (1) computer with a webcam, microphone, and speakers (a headset with microphone is recommended);
 - (2) video-conferencing system that supports Session Initiation Protocol (SIP) calling;

- (3) a tablet running Apple iOS or Google Android that has a forward-facing camera, microphone, and speakers; or,
- (4) a smartphone running Apple iOS or Google Android that has a forward-facing camera, microphone, and speakers.

** If connecting from a laptop, tablet, or smartphone, the device should be plugged into wall power.*

- An internet connection download speed of at least 1.0 Mbps and upload speed of at least 1.5 Mbps (to test your internet connection, please visit <https://www.speedtest.net/>).
- An email address to be used to receive the invitation to the oral argument. The invitation will come from a "@pacourts.us" email address.

GETTING STARTED WITH CISCO WEBEX

Participants should have the WebEx Meetings application downloaded to their computer or device. The application can be downloaded at <https://www.webex.com/downloads.html>. Click the blue Download button to begin downloading the application.

If possible, you may wish to download the Cisco WebEx application to a secondary device that has access to a data plan (i.e. smart phone). This will provide a backup in the event you encounter internet connectivity problems with your primary device.

Participants are encouraged to further familiarize themselves with the Cisco WebEx technology. Specifically, the following are recommended:

- [Getting Started with Cisco Webex Meetings for Attendees](#)
- [Join a Webex Meeting](#)
- [Choose Your Audio and Video Settings Before You Join a Webex Meeting or Event](#)
- [Cisco Webex Meetings Video Tutorials](#)

USING WEBEX AND PREPARING FOR THE ORAL ARGUMENT

Close all other applications on your computer (e.g. Microsoft Edge, Internet Explorer, Chrome, etc.), your email (e.g. Microsoft Outlook, Gmail, etc.), and calendar. This will also prevent any application from inadvertently making sounds during the oral argument (such as calendar or email alert chimes). If you have remote or virtual private network (VPN) access to any other system, ensure you are disconnected from such remote access so as to prevent technical difficulties.

Sit facing a light source (i.e. face a window or a desk lamp) so that your face is well-illuminated and clearly visible. Sitting with your back to a window or bright light source reduces video quality and reduces your image to a silhouette.

Locate your device's camera and make sure the lens is not blocked. Position the camera as close to eye level as possible rather than tilting your screen. Consider propping up your device on books to elevate it. Make sure your head and shoulders are visible on the screen.

Configure and test your audio and video prior to joining the WebEx conference. Click the "Connect Audio and Video" icon, select your audio playback device and microphone, and then click "Connect Audio and Video." *If*

you are using a headset, plug it in to your device prior to logging into the WebEx conference. If you do not plug in the headset prior to joining the oral argument, you will have to log out and log back in in order to allow other participants to hear you.

WEBEX CONTROLS DURING THE ORAL ARGUMENT

Participants have access to various functions within the WebEx software.



From left to right, the controls above are:

1. Mute/Unmute microphone
2. Turn On/Off camera
3. Share your desktop or files
4. Recording control (only available to the host)
5. Open/Close the participant list
6. Chat windows
7. Options – has more controls available within
 - a. If you are having audio difficulties with your computer, you can have the system call you directly.
 - i. Click the ... icon and then choose “Audio Connection.”
 - ii. Click the “Call Me” option. Enter the phone number that the system should call and press the switch button. When the call comes in, you will be prompted to press the number “1” to connect.
 - iii. At the end of the proceeding, press the red X to be disconnected.
8. Leave/End the meeting. At the end of the proceeding, press this icon to be disconnected.

PROTOCOLS PRIOR TO ORAL ARGUMENT

The protocols outlined below will be employed in advance of the oral argument:

- Within three days of receiving the notice scheduling the matter for oral argument, participants must send a response email to Marcee.Sloan@pacourts.us with the following information:
 - Disciplinary Board Docket Number
 - Full Name of Participant
 - Email Address for Participant
 - Cell Phone Number for Participant
- All participants will be required to participate in a test session that will be scheduled with Disciplinary Board staff within one week prior to the scheduled oral argument.
- At least one business day prior to the scheduled oral argument, the Disciplinary Board shall provide all participants with the information required to connect to the remote video conference. This invitation is sent by email from a “@pacourts.us” email address. Participants should monitor SPAM and/or junk

folders for the invitation if they have not received it. Participants who have not received the invitation should contact the Board Prothonotary via telephone at (717) 231-3393.

- Participants must appear by video connection unless otherwise authorized by the Disciplinary Board.
- Participants should join the WebEx conference approximately 15 minutes before the scheduled start time. When joining the WebEx conference, each participant will be prompted to enter their full name and email address. It is important to use your full name, as this will be displayed to all participants. Once logged in to the WebEx conference, each participant will be placed in the virtual lobby and will be unable to communicate with others in this location. Upon the opening of the meeting by Disciplinary Board staff, the participants will be brought into the meeting room. Once all participants are present and have confirmed both audio and video functionality, the Panel will commence the oral argument.

PROTOCOLS DURING THE ORAL ARGUMENT

The Panel shall conduct the oral argument as if all parties were physically present in the same physical space, subject to any rules specifically adopted for remote oral arguments by the Disciplinary Board.

DECORUM

The scheduled oral argument is a formal proceeding and is therefore an extension of the courtroom. The Panel has the power and duty to conduct the oral argument as if all participants were present in the same physical courtroom. General guidance for participant conduct is “if you would not do it in a courtroom, do not do it in the remote conference.”

Appropriate attire and camera background are expected. Remote participants shall use a private and quiet space and provide for no interruptions, just as if the participants were in the physical courtroom. Appearing for the remote oral argument while outdoors, in-vehicle, occupying a public space, or performing personal functions is not permitted.

INTRODUCTION

The Panel Chair will say a few words of introduction and ask the parties to introduce themselves. Following the Chair's remarks, counsel should commence the argument.

GENERAL GUIDELINES

- Counsel is allowed twenty minutes for argument.
- The Board does not ordinarily permit rebuttal. However, when necessary and appropriate, the Board may in its discretion allow rebuttal.
 - Counsel must reserve time for rebuttal from their allotted twenty minutes at the start of their argument.
- The Board is familiar with the cases to be heard at oral argument.
 - Accordingly, counsel should avoid recitation of the facts and procedural history and focus on the issue(s) to be argued.
- The Board recognizes that oral argument is only one part of advocacy. Counsel should be selective in the issues to be argued and may rely on their briefs for the remainder of the issues. Nothing is waived by this process.

TECHNICAL DIFFICULTIES DURING THE ORAL ARGUMENT

Any participant who encounters technical difficulty during the oral argument shall first try to reconnect to the WebEx conference. In the event that a participant is unable to reconnect, the participant shall immediately notify the Board Prothonotary of the difficulty via telephone at (717) 231-3393. In the event of technical difficulty during the oral argument which cannot be overcome, the Panel shall have the discretion to continue the oral argument until such time as the parties can reconvene, but not longer than 5 business days from the date of the oral argument. An objection to the quality of a remote proceeding shall be made at the time the connection is substantially impaired, but must be made on the record prior to the conclusion of the oral argument. Any objection made thereafter will be deemed untimely.

TIPS FOR PARTICIPATION USING REMOTE TECHNOLOGY

All participants are encouraged to follow these tips for successful participation:

- Enter your name completely (e.g. John M. Doe) when signing in.
- You should “mute” yourself when not speaking in order to avoid background noise. The host of the WebEx conference may mute any participant if background noise is disruptive.
- Use earbuds, headphones, or a headset with microphone to avoid feedback and ensure good audio quality.
- Be mindful of your behavior. On a video conference, you are visible at all times. If you wouldn't do it in the courtroom, don't do it on the video conference.
- Be respectful of others when talking. Participants should speak one at a time and pause briefly prior to speaking in the event of any audio or video lag.
- Position the camera at or slightly above eye level. Do not hand-hold mobile devices and do not lay phones or tablets flat on a desk or tabletop.
- Check your lighting. Ideally, sit facing a window or position a lamp where light is directly on your face. Do not position yourself in front of a window, as the light may blind the camera and darken the image.
- Dress in a soft solid color. If wearing a tie, choose a solid color.

Adopted 2020.06.07