



BOARD ON PROFESSIONAL RESPONSIBILITY

District of Columbia Court of Appeals Board on Professional Responsibility Hybrid Protocol for Participants

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Pursuant to Administrative Order 2023-1, the Board on Professional Responsibility will conduct Board oral arguments and hearings before Hearing Committees in person, with the option of remote participation for those who cannot attend in person. All pre-hearings and negotiated discipline matters will remain remote under Admin Order 2023-1.

We are providing these protocols to all parties for review and encourage the parties to prepare well in advance of the hearing or argument. When the inevitable glitch arises, please exercise patience.

In-Person Instructions

A Staff Member of the Office of the Executive Attorney will provide laptops for all parties in the Courtroom. Even though proceedings are being held in person, each of these laptops will be logged into Zoom to display exhibits using Zoom's screen-sharing feature, to stream the proceeding via YouTube, and to facilitate remote participation where necessary. Each laptop will have the camera on and the sound turned off. Parties in the Courtroom will **NOT** be able to connect laptops to the Zoom audio. Audio will come from the Courtroom microphones. A Staff Member will serve as "Zoom Host" for all proceedings and will act at the direction of the Board or Hearing Committee Chair.

Parties may opt to use their own laptops in the Courtroom instead of the one provided. If the parties choose to use their own laptop, the laptop must have a camera and the ability to connect to the internet via a wired connection, and connect to Zoom. Each party who brings a laptop must have their exhibits loaded for screen-sharing. The Office of the Executive Attorney will provide a link to the Zoom meeting before the hearing begins.

If the parties agree to use the laptop provided by the Office of the Executive Attorney, they must provide a bookmarked PDF copy of their exhibits to casemanager@dcbpr.org no later than three (3) days before the start of the hearing. Staff from the Office of the Executive Attorney will upload the exhibits to the provided laptops.

If all Hearing Committee members are present in the courtroom, and with the Hearing Committee's permission, parties may distribute paper "courtesy copies" of exhibits, rather than using the screen-share feature. The party using a paper copy shall be responsible for ensuring that the paper copy is an exact duplicate of the PDF exhibit, and must distribute copies to each Hearing Committee member as well as the opposing party, and the witness. Distributing paper copies will not relieve a party of the obligation to file their exhibits electronically, in PDF format, pursuant to Board Rule 19.8(e), and to be prepared to present them at the hearing through screen sharing.

Technical Problems:

If either of the parties opt to use their own laptops, they are responsible for any technical issues that may arise. They should test their connection to Zoom, their ability to use the screenshare feature for displaying exhibits, and their camera. They should make sure they have their power cord and can connect to an ethernet cord in the Courtroom. Parties may schedule a test in advance with the Office of the Executive Attorney to ensure that their laptops connect to the internet and to address any technical issues.

Participating Remotely:

Parties must join the proceeding via Zoom Link no later than ten minutes before the scheduled start time. Parties must display their first and last names. Instructions for changing the 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 through the Zoom system. The Zoom Host will bring all participants into the remote proceeding at the appropriate time.

Board Arguments

For oral arguments before the Board, the respondent, the respondent's counsel, Disciplinary Counsel, and any counsel sitting as second chair may join the remote proceeding through the Zoom link. The name and email address of each person joining the argument through the Zoom link must be provided to the Board's Case Managers. Any non-arguing counsel must have their camera off and their microphone muted during the argument. Only arguing counsel may be on camera. As in an in-person oral argument, only one person may present argument at a time. Other persons may watch the argument through the Board's YouTube channel.

Hearings Before A Committee

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).

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

Preparing a witness for appearing at the remote proceeding is the responsibility of the party calling the witness. A witness will need to be alone in a room when they testify (to ensure there is no interference). If the witness is unable to appear with their own technology or does not have a quiet space free from interference, the party must inform the witness of a location from which they can participate on the date of the remote proceeding.

Exhibits will be displayed using Zoom's "Share Screen" feature. Further information on screen sharing may be found here: <https://support.zoom.us/hc/en-us/articles/201362153-Sharing-your-screen>. We recommend the parties practice screen sharing before the hearing.

The Zoom Host may assist a party in using the Screen Share feature to display evidence, but only if the exhibits have been filed with the Office of the Executive

Attorney with bookmarks identifying each exhibit, and only if the party requesting assistance identifies the specific exhibit and page of the PDF which is to be presented.

It shall be the responsibility of the party offering the exhibit to make certain that it is clearly identified for the record.

Confidential Communication:

If any participants in the remote proceeding need to confer confidentially, the party shall ask the Hearing Committee 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:

Each remote participant should participate from a private, quiet room that is free of disruptions. When not participating in the proceeding, the microphone should be on mute.

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

Zoom has a virtual background feature that allows remote participants to use a photograph as the background. The Case Managers will provide a background of the Courtroom that we encourage participants to use it if possible. For best results and to avoid blurring between the litigant's features and the background, remote participants should have a blank wall/surface immediately behind them. Please test this feature. Zoom provides instructions for using virtual backgrounds at <https://support.zoom.us/hc/en-us/articles/210707503-Virtual-Background>. Any remote participants who cannot use the provided virtual background, should choose a simple background.

Remote participants should place their camera on their computer, laptop, or mobile device at eye level and at approximately an arm length's distance. Mobile devices should be mounted on a stationary, upright surface. Remote participants may remain seated while on Zoom.

For those not familiar 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 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>.

Remote participants should have a good LAN (wired), Wi-Fi, or substantial LTE connection to ensure a quality connection. A LAN (wired) connection is preferred.

Parties must test their equipment's microphone and speaker controls and 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>.

Postponement Because Of Technical Problems:

If the Board or a Hearing Committee conducting the remote proceeding determines at any time that the audio or video connection is so poor as to interfere with the fair administration of justice, the remote proceeding shall be postponed until such time as a better connection can be obtained or the matter can be set for an in-person proceeding.

It shall be the responsibility of a party or counsel for a party to promptly inform the Zoom Host if there has been a disruption at their end of the communication that substantially interferes with his or her ability to see or hear what is occurring during the video conference. An objection to the quality of an audio conference or a video conference should be made at the time the connection is substantially impaired but must be made to the Board or Hearing Committee on the record before the remote proceeding has concluded.

