

MASSACHUSETTS APPEALS COURT

GUIDE ON THE USE OF ZOOM VIDEO CONFERENCING FOR ORAL ARGUMENT SESSIONS



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Webpage: [Guide on the Use of Video Conferencing for Oral Argument Sessions](#)

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Contents

Introduction	3
Court Procedures During Zoom Sessions	4
Prior to Date of Argument	5
Verify You Have Received the Zoom Meeting ID and Password.	5
Notify the Court of Any Time-Splitting.....	5
Downloading Zoom or Alternate Methods for Participating	5
Test Session.....	6
Virtual Background.....	7
Display Name.....	7
Joining and Participating in a Zoom Session	8
Signing Into Zoom Session.	8
Waiting Room.	8
Commencing Oral Arguments.	9
Timer.	9
Best Practices During Arguments.	9
Illustrations for Joining the Zoom Session	10
A. Join Using the Zoom Desktop Client	10
B. Join from a Web Browser (Google Chrome).....	11
C. Join from a Web Browser (Mozilla Firefox).....	11
D. Join from a Web Browser (Safari)	12
E. Join from a Web Browser (Internet Explorer/Microsoft Edge).....	12
F. Join Using the Zoom App (Android)	12
G. Join Using the Zoom App (Apple).....	13
Illustrations for Setting Virtual Background	15
In-Session Zoom Controls	16
Mute.	16
Start Video/Stop Video.	16
Manage Participants.	16
Leave Meeting.....	17
Switching from Speaker View to Gallery View	18
Selecting View Settings Before the Session Begins	18
Changing View Settings While the Session is Underway.....	19
Technical Problems	20

Introduction

During the COVID-19 crisis, the Massachusetts Appeals Court is implementing measures to allow oral arguments to be heard by video conferencing. Presently, hearings by video conferencing will be conducted on the Zoom platform. Parties are strongly encouraged to review this Guide and other available resources to familiarize themselves with Zoom.

This guide summarizes the basics of how to use Zoom to participate in a virtual oral argument session and how the oral argument session will proceed. The guide illustrates the following topics:

- How to join a Zoom session, and what to expect during your session;
- How the “waiting room” function on Zoom works;
- How to operate the in-session controls;
- How to switch from Zoom’s “Speaker View” to “Gallery View”;
- How to set a virtual background; and
- How to test your system and respond to any technical difficulties during an argument.

We hope that the guide will assist you to feel at ease using this videoconferencing platform and enable you to participate in oral arguments as you would in the courtroom.

Court Procedures During Zoom Sessions

Despite not being physically in the courtroom, the Zoom session is a court proceeding and an extension of the court. An Appeals Court oral argument session on Zoom will operate similar to a courtroom hearing – parties will arrive and check in, and when their case is called will argue for fifteen minutes per side (unless the time is otherwise divided). A countdown timer will be displayed. There will be no opportunity for rebuttal. All participants are expected to observe the Court’s rules, practices, and etiquette as if they are appearing before the Court physically in the courthouse. The only exception is that you are not expected to stand at the start or conclusion of the session. You may stand during your argument if you prefer. Arguments will be recorded and a live stream of the court proceedings is available to the public on the Appeals Court’s [YouTube channel](#). Persons observing on YouTube should note the live stream has a delay of approximately 30 seconds. Participants must be aware:

- a. The session is live and public. Anything said during the proceeding will be overheard by all observers. Impounded information in the record should not be disclosed at oral argument.
- b. The proceeding is being recorded. Everything said will be captured and made part of the record just as in the courtroom. The sessions are recorded by the Clerk. No other recording is allowed.
- c. Courtroom decorum rules still apply. Participants should act as they would in the courtroom.
- d. While the Court expects participants to be dressed professionally, it is understood that everyone is working remotely.
- e. To the extent possible, please be aware the Justices will be asking questions at different times during your argument so you should be listening for the Justices’ questions.

Prior to Date of Argument

Verify You Have Received the Zoom Meeting ID and Password.

For purposes of the Appeal Court's notices of Zoom argument sessions, the Court will send notice by email to an attorney's business or a self-represented person's email address that is on file with the court. If, due to COVID-19, you are using a different email address you must notify the Court in writing a week in advance by sending an email to APCOraArgument@appct.state.ma.us

Approximately 2 business days prior to oral argument, the Court will send an email to attorneys and self-represented parties appearing at the oral argument with an invitation to the session that will include a **Meeting ID** and **Password**. You are not permitted to share the **Meeting ID** or **Password** with anyone.

Notify the Court of Any Time-Splitting.

If you are splitting or sharing your side's 15 minutes of argument time with another party, prior to the date of your argument you should notify the Court by sending an email to APCOraArgument@appct.state.ma.us detailing how you intend to split your time. At the start of your argument, you must also inform the panel of the time sharing.

Verify the Time of Your Oral Argument.

The Appeals Court will hold arguments based upon the sequence of the cases as appearing on the Court's calendar at <https://www.ma-appellatecourts.org/calendar>. Attorneys or parties participating in an oral argument must log in to the Zoom session at least 15 minutes prior to the following:

- 9:30 a.m. for case #1;
- 10:00 a.m. for case #2;
- 10:30 a.m. for case #3;
- 11:00 a.m. for case #4;
- 11:30 a.m. for case #5;
- 12:00 p.m. for case #6; and,
- 12:30 p.m. for any case #7.

For example, attorneys and parties arguing in case #2 should sign in by 9:45 a.m. Please note that the sequence in which cases will be heard is subject to change. **Please check the Court's web [calendar](#) 48 hours prior to the date of argument to confirm the final schedule of cases.**

Downloading Zoom or Alternate Methods for Participating

Zoom references its video conferences as a Zoom Meeting, but for the Court's purposes this guide refers to it as a "Zoom session" or "Zoom argument session." There are several options for

joining a Zoom session, depending on the device you are using. Prior to the date of argument, you should determine what device you will use for the Zoom session. **You do not need to pay to use Zoom to attend a Court session.** We strongly encourage litigants to sign up for a **free**¹ Zoom account prior to participating in a Zoom session. This can be done by visiting <https://zoom.us/>.

Downloading Zoom. The first step in participating in a Zoom argument session is to ensure that you have downloaded Zoom to the device that you intend to use for the video session if you have not already done so. You can download Zoom at <https://zoom.us/>. The software is free and can be installed on your desktops, laptops or notebook computers. While Zoom can be downloaded onto phones and tablets, we strongly encourage litigants to participate in oral arguments using laptops or desktop computers outfitted with a camera and microphone. For further information on downloading Zoom, please go to <https://support.zoom.us/hc/en-us/articles/201362233>.

The system requirements for use of Zoom videoconference are:

- (a) An Internet connection (broadband wired or wireless (3G or 4G/LTE));
- (b) Speakers and a microphone (built-in, USB plug-in or Bluetooth); and
- (c) A webcam (built-in or USB plug-in) or a HD cam or HD camcorder with video capture card.²

If you do not have a video webcam on a device, you may still participate in the Zoom session by dialing into it by calling the number provided by the Court for the session and entering the identification code. You must alert the Clerk's Office prior to the Zoom session if you will be dialing in to the session. Please note, if one party does not have video capabilities, all parties in that case will be required to argue without video, consistent with the Appeals Court's practices for telephonic arguments held in the physical courthouse.

Test Session.

To familiarize yourself with how to join a meeting, you may join a test meeting at: <https://zoom.us/test>. For more information on using Zoom to joining a meeting, please go to: <https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting>. Zoom also hosts free and interactive live training webinars daily on joining a meeting, which can be accessed at <https://support.zoom.us/hc/en-us/articles/360029527911>.

Attorneys and litigants are encouraged to test the Zoom display name and virtual background settings in advance of argument. Attorneys and litigants are also encouraged to test the in-session Zoom controls, discussed below.

¹ A free Zoom account allows a party to *host* a multi-party meeting for up to 40 minutes. When you join a hearing by Zoom you are doing so as a participant (not as a host) and your participation in the hearing is not limited to 40 minutes per session.

² The detailed system requirements can be found at: <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>).

The Appeals Court Clerk's Office will provide practice Zoom sessions when you can test the program and ask any questions. If you would like to attend a practice session or Zoom with a member of the Clerk's Office, send an email requesting such to apcoralargument@jud.state.ma.us.

You may also visit the Appeals Court's [YouTube channel](#) and view previous Zoom sessions. Hosting a moot court with others acting as the judges and engaging in a question and answer session might be helpful to adjust to a video argument and to further familiarize yourself with the platform.

Virtual Background.

Zoom allows you the option of using a virtual background instead of broadcasting your actual surroundings to the session participants and via the live stream. You are welcome and encouraged to use a virtual background, although it is not required. The Appeals Court is providing images of its courtroom for download and use as a virtual background, see <https://www.mass.gov/guides/video-conference-oral-arguments-in-the-appeals-court>.

Please note that some devices are not compatible with virtual background (for example, older laptops might not sense where you end and your background begins, which can result in some odd virtual visuals). One drawback of the virtual background can be that if you are too far from your device, some portion of your head or shoulder may disappear or appear "glitchy." To avoid this, you should observe yourself using the virtual background and move closer to the device if necessary. You should also verify that in the Virtual Background field, the "I have a green screen" box is not checked unless you are using a green screen.

If you plan to use the virtual background feature, we recommend you **check how it looks in advance**. If the background is distracting or is cutting off parts of you, it is preferable to move closer to the video camera and to limit physical gestures. If you opt not to use a virtual background, consider your actual surroundings when selecting a place from which to join the session. Backlighting and cluttered backgrounds can be distracting. Avoid places where sounds from surrounding activity will be picked up on your microphone. For either setting, you will appear best if you have some lighting in front of you, such as a lamp, and are not in a shadow. However, please note that the Justices are focused on the merits of your argument, so if you are having issues with your virtual background on the day of argument, it will not affect your argument.

Display Name.

As your display name, there is a limit of approximately 22 characters that displays on Zoom. **Please set your display name as follows: (1) Appeals Court docket number (includes a "P"); and (2) your first and last name.** For example, "19P1234 Joseph Smith." The information you include must be sufficient for the Court to identify you after you have entered the virtual waiting room.

Joining and Participating in a Zoom Session

Signing Into the Zoom Session.

You will be required to use the **Meeting ID** and **Password** provided by the Court to sign in. At least 15 minutes prior to the designated hearing time, sign into the Zoom session. You can do this using one of these methods (depending on the device you are using, the interface may appear slightly differently):

1. Click **Join a Meeting** if you want to join without signing in.
2. **Sign in to Zoom** then click Join.
3. Find the **Meeting ID** assigned for your hearing in the Clerk's Notice. Enter the 9, 10, or 11 digit number.
4. You will then be prompted to enter a **Password**. Enter the Password from the Clerk's Notice.

If prompted, click "Join Audio by Computer" to connect your computer's speakers and microphone to the Zoom Meeting. You should also click on "Join with Video" if prompted. Do not select "Do not connect to audio." Do not select "Turn off my video."

After you sign in, you will automatically enter the Appeals Court's oral argument "waiting room" and will see a welcome screen. **Keep the welcome screen open.** While you are in the waiting room, you cannot communicate with other parties or the Clerk. The Clerk will be able to see that you have logged in and are in the waiting room. You will be admitted into your argument by the Clerk when the Justices are ready.

Waiting Room.

A waiting room is used as a kind of virtual lobby where participants can wait for their oral argument. The Court's default setting for a Zoom argument session is to admit all participants through the waiting room. When you log in and join your session, you will be greeted with a screen welcoming you to the Appeals Court oral argument waiting room. **You should remain on this screen until you are admitted to your argument. Do not close the screen.**

While you are in the waiting room, you cannot be seen or heard, and you cannot see or hear the ongoing court proceedings. However, during this time you may view a live stream of all of the proceedings in the session on YouTube at the following link:

https://www.youtube.com/channel/UC5m3QM1dmvSvc42I_9tTwtw/videos? Note that the YouTube stream has a delay of approximately 30 seconds. You will need to mute or stop your YouTube connection when your case is called.

Commencing Oral Arguments.

When the Court is ready to hear your case, the Clerk will admit you from the waiting room. The Clerk will place you on mute until it is your time to argue, and will unmute you where appropriate. At this point, if prompted, please select “Join with Video” and “Join with Audio”. Prior to commencing the arguments, the Justices will greet you, give introductory instructions, and confirm that the audio and video of all participants is functioning properly. If you can see and hear but are not heard by the panel, your mute button might be on. If you cannot see or hear the Justices, or have a frozen connection, you should disconnect from the Zoom session and log back in following the same steps above. The clerk will readmit you to the argument. If you still cannot see or hear, see the “Technical Problems” section at the end of this guide.

Timer.

The 15-minute video timer will begin after the Court has verified that everyone’s audio and video are working and the Justices invite you to begin the argument. Please give the Court notice if you will be sharing time with another party. The timer will appear on the screen where the member of the Clerk's Office initially appears. The timer cannot be paused, but if any technical difficulties should arise during the argument, the Clerk will adjust the timer accordingly. **To ensure you can see the timer, we recommend that you set your display to Gallery View.** See below for instructions on how to set the display view.

Best Practices During Arguments.

To minimize the risk of distractions, silence your cellphone and any other devices in the area that may make noise.

You should also mute any other devices or audio, including the YouTube page, to avoid creating background feedback.

When the other party is making their argument, mute your microphone in Zoom so that the court does not pick up any extraneous audio from you. The process for muting yourself is discussed below. If you do not mute yourself, the Clerk may place you on mute. The Clerk may also stop your video feed while the other party is arguing to limit distractions.

Illustrations for Joining the Zoom Session

A. Join Using the Zoom Desktop Client

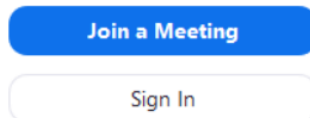
1. Open your Zoom desktop client.
2. There are two ways in which you can join a meeting or court session (the Court strongly recommends the second option, of signing into your account):
 - a. Log in to your Zoom account and click **Join**.



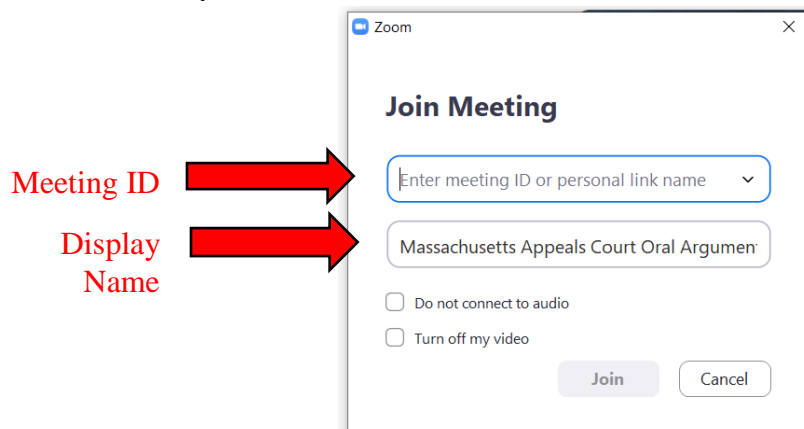
Join

- b. If you elect **not to sign in**, click **Join a Meeting**.

zoom



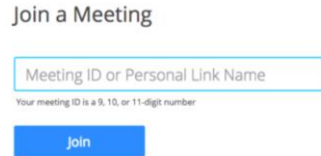
3. Enter your **Meeting ID** number and a **display name provided by the Clerk's notice**.
 - a. For your display name, please state the (1) Appeals Court docket number (includes a "P"); and (2) your first and last name. For example, "19P1234 Joseph Smith." There is a limit of approximately 22 characters that displays on Zoom. Whether or not you have signed in, your display name must identify you and your case.



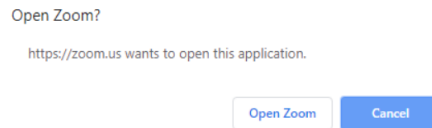
4. Choose your settings.
5. Click **Join**.
6. You will then be prompted to enter the **Password**. Enter the **Password** from the Court Notice.

B. Join from a Web Browser (Google Chrome)

1. Open Chrome.
2. Go to **join.zoom.us**.
3. Enter your **Meeting ID** provided by the Clerk's notice.

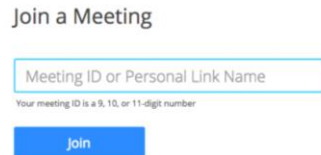


4. Click **Join**.
5. If you are prompted by a dialog box, confirm that you wish to open Zoom.
6. You will then be prompted to enter a **Password**. Enter the **Password** from the Court Notice.

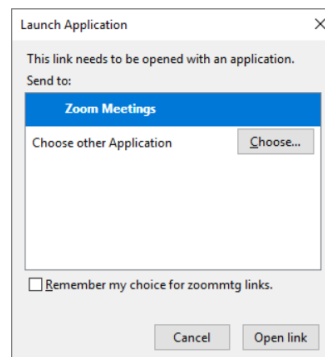


C. Join from a Web Browser (Mozilla Firefox)

1. Open Firefox.
2. Go to **join.zoom.us**.
3. Enter your **meeting ID** provided by the Clerk's notice.



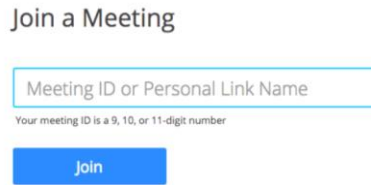
4. Click **Join**.
 - a. You may be asked to open Zoom or the Zoom installer package. Click **Open Link**.



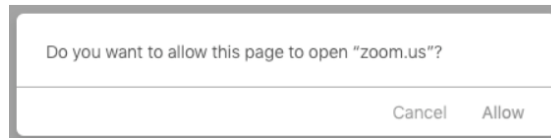
5. You will then be prompted to enter a **Password**. Enter the **Password** from the Court Notice.

D. Join from a Web Browser (Safari)

1. Open Safari.
2. Go to **join.zoom.us**.
3. Enter your **meeting ID** provided by your host.

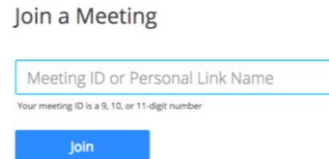


4. Click **Join**.
5. If you are prompted by a dialog box, click **Allow**.



E. Join from a Web Browser (Internet Explorer/Microsoft Edge)

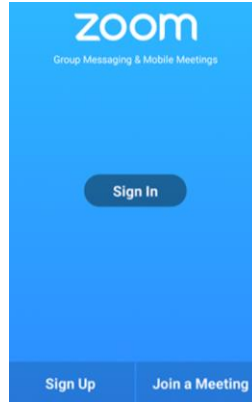
1. Open Edge or Internet Explorer.
2. Go to **join.zoom.us**.
3. Enter your **meeting ID** provided by your host.



4. Click **Join**.
5. You will then be prompted to enter a **Password**. Enter the **Password** from the Court Notice.

F. If You Cannot Join Using a Laptop/Desktop Computer, Join Using the Zoom App (Android)

1. Open your Zoom app.
2. You can join a meeting in one of two ways:
 - a. If you want to join without signing in, tap **Join a Meeting**.



- b. If you want to sign in, sign into your account then tap **Join**.



3. Enter your **meeting ID number** and your **display name**.
4. Tap **Join Meeting**.
5. You will then be prompted to enter a **Password**. Enter the **Password** from the Court Notice.

G. Join Using the Zoom App (Apple)

1. Open your Zoom app.
2. You can join a meeting in one of two ways:
 - a. If you want to join without signing in, tap **Join a Meeting**.



- b. If you want to sign in, sign into Zoom, then tap **Join**.



Join

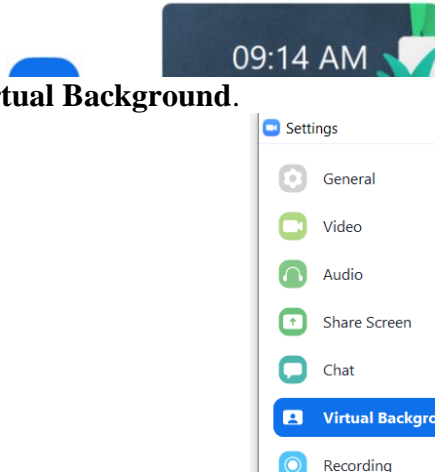
3. Enter the **Meeting ID number** and your **display name**.
4. Tap **Join**.
5. You will then be prompted to enter a **Password**. Enter the **Password** from the Court Notice.

Illustrations for Setting Virtual Background

1. In the **Zoom desktop client**, click **Settings** (or, if using the Zoom App on a mobile device, click the “More” button).



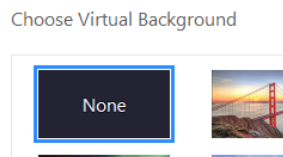
2. Select **Virtual Background**.



3. Choose one of the images provided to use as your background, or choose a custom image by clicking + and **Add Image**.



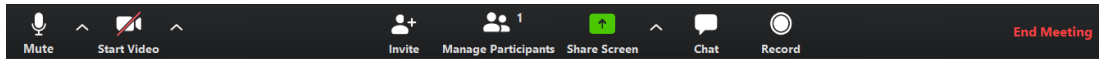
4. To disable Virtual Background, choose the **None** option.



In-Session Zoom Controls

There are a series of controls that appear on a bar at the bottom of your screen during a Zoom session. This section will discuss what each control does, however, as host of the video session the Clerk will disable some of these controls from being activated during the argument session.

When you launch your Zoom session, you should see a bar along the bottom of your screen containing several icons. If you are using a free account, you should see the following icons:



If you are using a premium account, you should see the following icons:



From here, you can manage several useful functions:

Mute.

Mute prevents your microphone from transmitting audio to your colleagues in the session. The session clerk will mute any attorney or party who is not arguing. You also may, and should, activate the mute button yourself without waiting for the clerk.

- Selecting ^ beside the mute button opens a menu for audio settings.

Start Video/Stop Video.

Pressing **Start Video** will allow Zoom to display you on video. Pressing **Stop Video** prevents Zoom from displaying you.

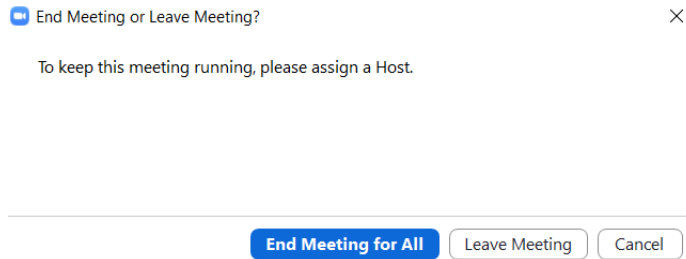
- You can choose in your settings whether your default is to start with or without video.
- Selecting ^ beside the video button opens a menu for camera settings.

Manage Participants.

The **Manage Participants** button allows you to adjust some of your settings, such as your display name, during the session. Please state as your display name in the following order: (1) Appeals Court docket number (includes a “P”); and (2) your first and last name. For example, “19P1234 Joseph Smith.” The information you include must be sufficient for the Court to identify you after you have entered the virtual waiting room.

Leave Meeting.

When all arguments in a case have been completed, you can select **Leave** or **Leave Meeting** to exit the session. However, we recommend waiting for the Clerk to end the session, rather than leaving yourself. The Clerk will remove you from the meeting after the case has concluded.



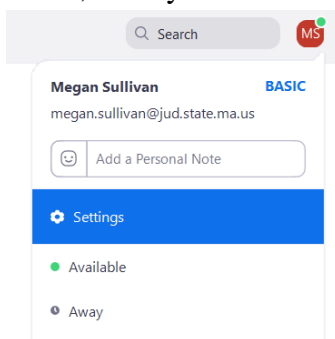
Switching from Speaker View to Gallery View

Zoom provides two options for how you view the session: Speaker View or Gallery View. Speaker view displays the person presently speaking in a large panel, and the remaining participants in small icons along the top of the screen. Gallery view displays all participants at the same time in the same size.

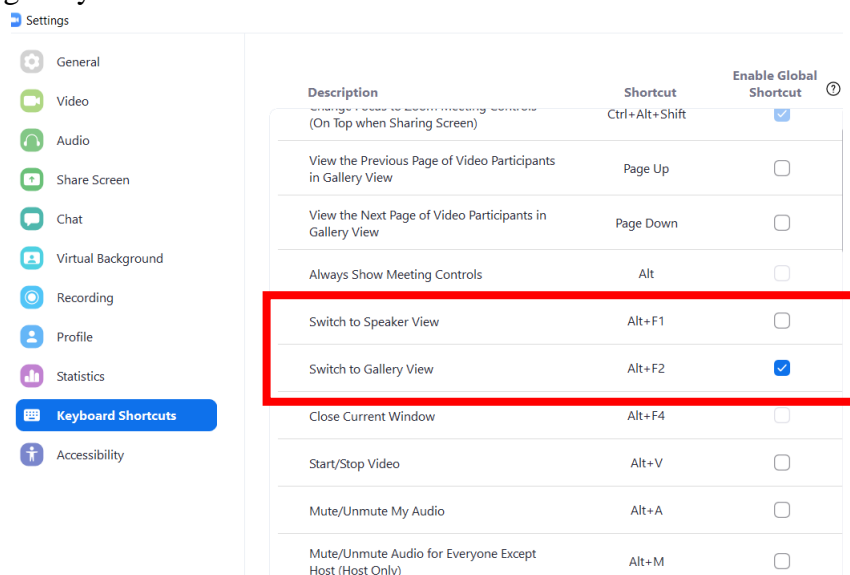
We strongly encourage you to set your display to **Gallery View**, since it allows you to view all participants, to see the Clerk with the countdown clock, and to pick up on nonverbal cues such as a Justice who intends to ask a question, which you might otherwise miss when in Speaker View.

Selecting View Settings Before the Session Begins

1. In the Zoom app or desktop client, click your account icon and select **Settings**.



2. Select the **Keyboard Shortcuts** tab. You can then select your preferred setting – speaker view or gallery view.

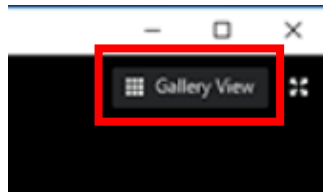


- a. You may also opt to use the indicated keyboard shortcuts:
 - i. **Alt + F1** will activate **Speaker View**.
 - ii. **Alt + F2** will activate **Gallery View**.

Changing View Settings While the Session is Underway

1. On the Zoom Desktop Client

- a. Hover your cursor at the upper right corner of the video screen. An icon should appear indicating whether you are on Speaker View or Gallery View. Click the icon to change your viewing layout. Note: If you are in Speaker View, the icon will show Gallery View. Alternatively, if you are in Gallery View, the icon will read Speaker View.



- b. Alternatively, you may use the keyboard shortcuts:
 - i. **Alt + F1** for **Speaker View**
 - ii. **Alt + F2** for **Gallery View**
- ### 2. On the Zoom Mobile App on a Phone or Mobile Device
- a. Your default setting will be **Speaker View**. From your default Speaker View screen, **swipe left** to display **Gallery View**.
 - i. Mobile Gallery View displays up to 4 participants at a time. You can view the remaining participants by continuing to swipe left.

Technical Problems

It is recommended that you observe the strength of your WiFi connection and set any other devices on airplane mode or turn them off during the session. As stated above, we strongly encourage litigants to sign up for a **free**³ Zoom account prior to participating in a Zoom session. This can be done by visiting <https://zoom.us/>. While Zoom can be downloaded onto phones and tablets, we also strongly encourage litigants to participate in oral arguments using laptops or desktop computers outfitted with a camera and microphone.

If there is a technical problem with the Zoom session or any participant (e.g., a participant inadvertently drops out or is frozen due to a poor internet connection), the session clerk or a Justice may announce that there is a problem with the meeting. The panel chief may instruct everyone on the call that it is being suspended momentarily and the clerk may move participants to the waiting room until the problem is resolved.

If you happen to drop out of the session or your feed freezes, you should immediately follow the steps to log back into the session (i.e., click on the Zoom link and enter the Meeting ID and password). The session clerk will be alerted you entered the waiting room and return you to the argument. If you have difficulty rejoining, you should email the oral argument team at APCOralArgument@appct.state.ma.us

You may also try using your cellphone as a WiFi hotspot. If you continue to experience connection problems, you may log in from a different device (such as a desktop, laptop, smart phone, or tablet) or simply dial in to the conference using your cell phone and participate without video. The telephone number for the meeting will be included on the Zoom invitation you received with the Meeting ID and Password. It is also possible for one person to log in from multiple devices such that one provides them audio and the other with video (although we do not recommend this because it will cause feedback unless one device is muted).

It is possible that Zoom may be slow due to high volume of its customer base, due to weak or poor WiFi connections, and storms seem to disrupt WiFi settings.

³ A free Zoom account allows a party to *host* a multi-party meeting for up to 40 minutes. When you join a hearing by Zoom you are doing so as a participant (not as a host) and your participation in the hearing is not limited to 40 minutes per session.