
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

, Plaintiff, v. , Defendant.	SUPPLEMENTAL TRIAL ORDER FOR VIRTUAL BENCH TRIAL Case No. _____ District Judge _____
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IT IS HEREBY ORDERED that the virtual bench trial scheduled to commence on _____, 20__, at 9:00 a.m., will be conducted using the following procedures and protocols, in addition to those in the Trial Order filed _____, 20__, docket no. ____.

A. Remote / Virtual Trial Format

The entire trial, [] will take place using the ZoomGov.com platform. The parties, counsel, witnesses, and court staff will not be physically present in the courtroom. The public will have telephonic access via a number published on the court’s trial calendar.

B. Resources for Virtual Trial

The court has prepared and posted documents which counsel must review immediately upon receipt of this order. While not all parts of these documents are applicable because this is a bench trial, the documents will help.

[Virtual Trial Handbook for Attorneys – Utah](#)

[Virtual Trial Juror Reference Guide – Utah](#)

Any questions about these documents should be sent to [chambers email address] with a copy to all counsel. The documents are works in progress, so suggestions and comments are appreciated.

C. Final Pretrial Conference

The Final Pretrial Conference will be conducted in the ZoomGov.com platform. The Final Pretrial Conference will include any necessary discussion of this order and the resources listed above. Counsel should consider:

- a. Testing presentation of evidence in the ZoomGov.com platform, including annotation and saving annotated evidence.
- b. Raising questions about the [Virtual Trial Handbook for Attorneys – Utah](#).

D. Preparation

1. Counsel must familiarize themselves with the ZoomGov.com platform by reviewing the tutorials located at [\[Utah version added here\]](#).
2. Counsel must ensure that they and each of their witnesses have the hardware, software, data bandwidth, and Internet access required to participate remotely. The minimum system requirements are posted at [\[Utah version added here\]](#).
3. Counsel must also ensure that they have one or more alternative means of communicating with their clients and witnesses, as well as with the court, outside the ZoomGov.com platform (*e.g.*, via cellular phone or email).
4. Counsel must consider establishing a high-speed Internet connection (a hard-wired connection is generally preferable to a wireless Internet connection). Counsel shall also consider the feasibility of participating from their office if the impact of others

requiring Internet usage during the proceedings might impact a participant's connection speed.

5. Parties and counsel must participate on _____<date>_____ at ____<time>_____
with the court and court staff for a technology check.

E. Recording

The court will provide a court reporter for the trial. No part of the trial may be reproduced, distributed, or transmitted in any form or by any means, in whole or in part, by any participant (attorney, party, or witness) or public observer. This prohibition includes any audio or video recording, photographs, and/or screenshots. The parties and counsel must ensure that each trial participant for which they are responsible acknowledges and agrees to this prohibition.

F. Witnesses and Participants

1. Counsel must provide, via email to the court's Trial Coordinator [insert name, title and contact information], the following information for each party, attorney, paralegal, legal assistant, trial or technical consultant, and witness who will participate remotely:

- Name
- Email address
- Phone number
- Participant status (*e.g.*, party, attorney, witness, etc.)

2. All parties are required to prepare a separate witness list for the court's use at trial. The list contained in the pretrial order will not be sufficient. Standard forms for witness lists are available [from the court's website](#), and questions regarding the

preparation of these lists may be directed to the case manager, [*case manager*, at 801 524 -----]. Witness lists must be emailed as a Word document to [chambers email]@utd.uscourts.gov by the stated deadline.

3. Prior to trial, the court's Trial Coordinator will supply to counsel the links for the ZoomGov.com sessions. Counsel shall forward the links to other participants, including witnesses, as appropriate.

4. After using the link to access the ZoomGov.com session, participants will enter a virtual Waiting Room. They will be admitted from the virtual Waiting Room into the Virtual Courtroom when appropriate. Counsel are responsible for notifying witnesses when and how they are expected to report to the virtual waiting room.

5. Participants who will not be examining witnesses, testifying, or otherwise presenting matters during the proceedings (e.g., attorneys, paralegals, legal assistants, and trial or technical consultants) must use the ZoomGov.com platform controls to mute their microphones and deactivate their cameras.

6. During the virtual hearing, each party will be visible on video with microphones muted.

7. Counsel and the witness are not to communicate through any other device or be in the same room without disclosure to the court and other counsel.

8. Witnesses may not use notes or other documents to aid in their testimony unless those documents are known to the court and all parties. The court must consider and resolve any objections to the use of the documents.

G. Exhibit Lists/Marking Exhibits

1. Parties must meet and confer to avoid marking the same exhibit twice.

2. After eliminating duplicate exhibits, each party must prepare an exhibit list in Word format for the court's use at trial. [Standard forms for exhibit lists](#) are available from the court's website, and questions regarding the preparation of these lists may be directed to the Trial Coordinator.
3. All parties are required to pre-mark their exhibits to avoid taking up court time during trial for such purposes. This can be done using the [exhibit stamping tool](#).
4. Plaintiff must mark exhibits by number starting at "1." Defendant must mark exhibits by letter unless defendant anticipates using more than twenty (20) exhibits, in which case counsel must agree on number ranges to accommodate numbering all exhibits. Examples of alternative methods would be assigning numbers 1 – 99 to plaintiff and 100 – 199 to defendant. In a case with multiple parties who require separate exhibit numbers, counsel must agree on number ranges to accommodate numbering all exhibits.
5. Pages of documentary exhibits must retain bates stamps used when the documents were produced in discovery.
6. Original exhibits must be stapled.
7. Exhibit lists, marked exhibits, and courtesy copies must be submitted to the court by the stated deadline. The exhibit list must be emailed as a Word document to [chambers email]@utd.uscourts.gov.
8. [May substitute Box.com instructions] Courtesy copies of exhibits on a thumbdrive in PDF format are preferred. Optical Character Recognition (OCR) must be run on the PDF files to enable text searching of the exhibits. If a party marks more than ten (10) exhibits, courtesy copies of exhibits must be provided in PDF format on a thumbdrive. The naming of PDF format exhibit data files must enable sorting by exhibit

number.

9. If a thumbdrive with courtesy copies of exhibits in PDF format is not provided (because the party is marking less than ten exhibits and has elected not to provide courtesy copies of exhibits on a thumbdrive in PDF format) two (2) paper courtesy copies of exhibits in a tabbed binder must be delivered to the court.

10. A tabbed binder containing paper copies of exhibits must be made available for witnesses to use while testifying.

11. At the end of each trial day, the courtroom deputy will email a copy of the Exhibit List to counsel who must meet and confer regarding any perceived discrepancies.

H. Professionalism During the Trial

1. Ambient Noise Protocols:

All participants who are not actively being questioned as a witness, asking questions of a witness, defending a witness, or providing or responding to opening statements, closing arguments, or other arguments, must use the ZoomGov.com platform controls to mute their microphone and deactivate their video camera. The court's Trial Coordinator, who will "host" the ZoomGov.com sessions, will mute any participant who fails to follow this protocol.

Participants using multiple devices in a single workspace to access the trial should avoid audio feedback issues by using the microphone and speakers on only one device at a time, or by using headphones.

2. Courtesy and Decorum:

To the extent possible, remote trial participants should conduct themselves in the same way they would if they were physically present in a courtroom. They should not

engage in activities such as eating or conversing with others while on camera. They should avoid interrupting someone who is speaking, except as necessary to raise an objection. Virtual trial participants should silence electronic devices other than the devices necessary to their remote participation, close unnecessary computer programs or applications (such as email or calendar notifications), and take steps to remove or minimize anything in their remote workspace that might distract from the integrity of the proceedings. The court understands that conducting trial virtually, from one's home, for example, presents many challenges. The court asks all remote participants to do their best to maintain professionalism to ensure a fair and efficient trial.

3. Objections:

Counsel should raise their hand to signal an objection either physically or virtually using the "raise hand" function on Zoomgov.com. When an objection is made, the witness must stop talking until the court rules on the objection.

4. Disconnection:

If the court, a party, an attorney of record, a witness, or anyone else necessary to the proceedings becomes disconnected from the remote trial, any participant aware of this should call it to the court's attention. The trial will stop while the connection is reestablished. If the participant has difficulty reconnecting, he or she should call or text [insert name and mobile phone contact information]. In advance of calling a witness to the virtual stand, counsel must establish with the witness a protocol for contacting the witness in the event of disconnection and ensure that the alternative means of communication (e.g., a mobile phone) is operational.

5. Appropriate Dress:

Parties, witnesses, and counsel must dress in the same manner as they would if they physically appeared in a courtroom.

6. Screen Names:

Each time remote participants join a Zoom session, they should use a screen name in the ZoomGov.com platform that indicates their actual name and role. The number of characters you may use for a name is limited. The court recommends the following naming convention:

{First Initial} {Last Name} (Role) or
{Last Name} (Role) or
{Last Name} Role

Abbreviations for Roles:

Pla	:	Plaintiff
Def	:	Defendant
Pla Rep	:	Plaintiff's Representative
Def Rep	:	Defendant's Representative
Pla Atty	:	Plaintiff's Attorney
Def Atty	:	Defendant's Attorney
Witn	:	Witness

Examples:

J. Austen (Pla)
Hemingway (Def Atty)
Koothrappali (Pla Rep)
M. Hansen (Witn)

As "Host," the court's Trial Coordinator will rename any participant whose screen name is incomplete, confusing, unprofessional, or otherwise improper.

Dated April 8, 2021.

BY THE COURT:

United States District Judge