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Alabama

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Currently, the use of Zoom technology for hearings is different across Alabama's judicial circuits. Some courts conduct hearings via Zoom, while others do not. The vast majority of courts in Alabama have returned to in-person hearings following the COVID-19 pandemic. We are unaware of any courts who conduct trials via Zoom. There are no rules or regulations requiring the use of Zoom for hearings or trials.

Arkansas

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

In 2022, Arkansas adopted Arkansas Rule of Civil Procedure, Rule 88. This rule allows each court discretion on how to conduct hearings and trials, as virtual or blended.

“Virtual proceedings” are proceedings in which all parties, counsel, the court reporter, witnesses, and the judge are simultaneously participating in the proceeding via electronic means. “Blended proceedings” are proceedings in which at least two of the above individuals are participating in the proceeding from the physical courtroom and at least one of the above is participating simultaneously via electronic means. Jury trials may be blended only as to specific witnesses or the court reporter, but parties, counsel, the judge, and the jury must all be present in the physical courtroom.

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California

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

California Rule of Court, Rule 3.672, subd. (a) states: “[t]o improve access to the courts and reduce litigation costs, to the extent feasible courts should permit parties to appear remotely at conferences, hearings, and proceedings in civil cases consistent with Code of Civil Procedure section 367.75.” However, the court has discretion to require in-person attendance at a particular proceeding. (*Id.*, at subd. (d).)

Thus, Zoom and Microsoft Teams are quite common throughout courts in California for status conferences, motion hearings, and settlement conferences. But some judges require in-person appearances for final pre-trial conferences.

The California Rules of Court permit an evidentiary hearing or trial to take place via remote technology, but the court must give notices to all parties if it intends to conduct such a proceeding remotely. (Rule 3.672, subd. (h).)

We are aware of trials taking place remotely during Covid-19. It seems like most trials now take place in-person. With that being said, courts have discretion to allow witnesses to appear virtually for examination. It is important to make sure the particular court room is set up for virtual appearances for trial, including the sharing of exhibits virtually.

Colorado

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Colorado trial courts may use Zoom technology and other audiovisual platforms for hearings and trials, with specific rules and regulations governing their use.

Colorado trial courts may permit the appearance of any person in court via interactive audiovisual devices.^{xv} A party may request by motion that testimony be presented at trial or hearing by a person absent from the courtroom by means of a suitable "medium of communication."^{xvi} The party must present the reason for allowing such testimony; a detailed description of all testimony; and copies of all documents or reports which will be used in such testimony.^{xvii} The trial court must determine whether in the interest of justice absentee testimony should be allowed weighing factors which include, but are not limited to, the following:

1. Whether there is a statutory right to absentee testimony.
2. The cost savings to the parties of having absentee testimony versus the cost of the witness appearing in person.
3. The availability of appropriate equipment at the court to permit the presentation of absentee testimony.
4. The availability of the witness to appear personally in court.
5. The relative importance of the issue or issues for which the witness is offered to testify.
6. If credibility of the witness is an issue.
7. Whether the case is to be tried to the court or to a jury.
8. Whether the presentation of absentee testimony would inhibit the ability to cross examine the witness.
9. The efforts of the requesting parties to obtain the presence of the witness.^{xviii}

Additionally, Colorado provides guidelines and tutorials for using WebEx for virtual hearings. These guidelines and tutorials emphasize the importance of courtroom behavior and appearance, the need for all participants to have separate devices if in the same location, and the requirement for participants to appear via both video and audio unless instructed otherwise.^{xix}

Connecticut

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing the use of zoom technology for hearing and trials?

Connecticut permits the use of remote witness testimony. Depending on the district parties may be granted access to the court network. Otherwise, a private connection will be required.

In either case, all hardware must be provided by the parties.

Delaware

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing the use of zoom technology for hearing and trials?

Delaware courts allow zoom technology for certain hearings, but it is generally within the Court's discretion as to whether a hearing will be conducted via zoom or in person. Court Call is the recommended remote testimony service and information, arrangements for remote hearings are generally made through court staff, and arrangements for trial can be made at the pre-trial conference.

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Georgia

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Effective March 1, 2023, the Supreme Court of the State of Georgia amended the uniform Superior, Juvenile, Probate, Magistrate and Municipal court rules to allow for Georgia's courts to conduct proceedings (excluding trials, or any criminal proceeding for which the Constitution or other law requires in-person proceedings) using video and other remote technology, so long as the judge and the parties consent and public access is ensured. *See* Unif. Super. Ct. R. 9; Unif. Juv. Ct. R. 12; Unif. Prob. Ct. R. 11; Unif. Mag. Ct. R. 15; Unif. Muni. Ct. R. 15. The Supreme Court and the Court of Appeals of Georgia also amended their rules to allow for a party to request remote oral argument. *See* Supreme Court of the State of Georgia Rule 51(6); Court of Appeals of Georgia Rule 28(a)(5).

Illinois

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Courts across the country have generally upheld the use of Zoom technology to conduct civil proceedings remotely. See *People ex rel. R.J.B.*, 482 P.3d 519, 2021 COA 4; *In re TJH*, 2021 WY 56, 2021 WY 56, 485 P.3d 408 (Wyo. 2021); *In re Doe I*, 480 P.3d 143 (Idaho Ct. App. 2020). In Illinois, it has been held that the use of Zoom to conduct a termination of parental rights hearing does not violate the parents' due process rights, though acknowledged there may be fact-specific instances when using Zoom may violated due process rights. *People v. N.D. (In re R.D.)*, 2021 IL App (1st) 201411 ¶ 26.

Iowa

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Iowa courts adopted rules governing the use of zoom technology for hearings and trials, which went into effect on January 1, 2024. I.C.A. Rule 15. Chapter 15 of Iowa Rules of Practice and Procedure addresses the rules governing all remote and hybrid court proceedings in Iowa, “unless another rule specifies otherwise or unless a statute provides different procedures for certain courts or cases.” I.C.A. Rule 15.101. The chapter is entitled “Iowa Rules of Remote Procedure.” I.C.A. Rule 15.

Division II provides definitions and categorization of different types of proceedings available to litigants. I.C.A. Rule 15.201. The rules provide general provisions that govern virtual proceedings in Division III. I.C.A. Rule 15. There are also separate divisions that cater remote proceeding regulations to the needs of different types of court proceedings. I.C.A. Rule 15. For instance, Division IV addresses criminal proceedings, while Divisions V and VI address juvenile and family law proceedings, respectively. I.C.A. Rule 15.

Rule 15.301 addresses remote proceeding requirements. This rule states that “[t]he inherent power of the court to regulate the courtroom applies to remote and hybrid proceedings.” I.C.A. 15.301(1). Rule 15.301(2) provides that a “judge may participate in a proceeding by remote appearance subject to the requirements of Iowa Code section 602.6105” while 15.301(3) provides participants with a link (www.iowacourts.gov) to the Iowa Judicial Branch Remote Proceeding Toolkits to aid in compliance with remote appearance procedures. I.C.A. Rule 15.301. 15.301(4) specifies that, if a represented party appears in person, “that party’s attorney must also appear in person at the proceeding unless the party consents . . . or . . . the court finds good cause exists for the attorney to appear remotely.” I.C.A. Rule 15.301(4).

Rule 15.302 addresses motions for remote, hybrid, or in-person appearances or proceedings and court considerations for determining whether to sustain a party’s motion under the rule. I.C.A. Rule 15.302. Rule 15.302(3) states that “[t]he court may, on its own motion, choose to have a participant appear remotely or in person,” and Rule 15.302(4) lays out factors for the court to consider in deciding a Rule 15.302 motion. I.C.A. 15.302. The factors are as follows:

- a. Ability of participants to appear remotely and fully participate in the proceeding.

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- b. Timeliness of the motion and resistance, if any, including whether there is sufficient time to provide all parties with reasonable notice of the court's decision.
- c. Case type and type of court proceeding.
- d. The court's schedule.
- e. Number and location of participants and anticipated length of proceeding.
- f. Complexity of legal and factual issues.
- g. Whether the proceeding requires a formal record or whether any party has requested the proceeding to be reported.
- h. Nature and amount of evidence to be submitted during the proceeding.
- i. Agreement among or objection by parties.
- j. Parties' and nonparty participants' English proficiency or need for interpreter or translator assistance.
- k. Whether use of remote or hybrid technology will undermine the dignity, solemnity, decorum, integrity, fairness, or effectiveness of the proceeding.
- l. A participant's previous abuse of a method of appearance.
- m. Public access to the proceeding and potential increase in access to the courts.
- n. Any other factor or combination of factors that establishes good cause to grant or deny the motion.

I.C.A. Rule 15.302(4). It is important to note that, although these practices and procedures are available to litigants, there is a presumption that "all court proceedings are . . . to be held in person." I.C.A. Rule 15.102.

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Kansas

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Zoom technology is being used for hearings and can be used to present witnesses at trial with the approval of the Court (and assuming the Court has the technology to allow for same.) In this regard, Kansas Supreme Court Administrative Order 2020-PR-056 authorizes the use of two-way telephonic or electronic audio-visual communication for any essential or non-essential court proceeding or any portion of a proceeding.

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Kentucky

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Yes. Generally, any part or all of a properly noticed deposition, so far as admissible under the rules of evidence, may be used at trial against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof in accordance with the provisions of CR 32.01.

Videotaped depositions of party witnesses and experts may be used by any party for the purpose of contradicting or impeaching the testimony or the deponent as a witness as trial. CR 32.01(a). Additionally, the videotaped deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds the witness: (i) is at a greater distance than 100 miles from the place where the court sits in which the action is pending or out of the State, unless it appears that the absence of the witness was procured by the party offering the deposition; or (ii) is the Governor, Secretary, Auditor or Treasurer of the State; or (iii) is a judge or clerk of a court; or (iv) is a postmaster; or (v) is a president, cashier, teller or clerk of a bank; or (vi) is a practicing physician, dentist, chiropractor, osteopath, podiatrist or lawyer; or (vii) is a keeper, officer or guard of a penitentiary; or (viii) is dead; or (ix) is in the military service of the United States of this State; or (xii) if the court finds that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used. CR 32.01(c).

If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts. CR 30.01(d).

CR 30.02(4)(e) requires all deposition video footage to be edited prior to trial in order to remove all objections and colloquies.

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Louisiana

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Pursuant to Local Rule 3.5: "Courts may authorize simultaneous appearance by a party or witness by audio-visual transmission as allowed by law and/or by order of the Louisiana Supreme Court. See Appendix 3.5 for courts enacting rules related to simultaneous appearance by a party or witness by audio-visual transmission."

Please see the general rules for the parishes that tend to see the most litigation in Louisiana:

ORLEANS PARISH – ORLEANS CDC

There are not any specific rules listed in Rule 3.5. However, the rules below can be found on the court website:

- If the hearing, or trial, is scheduled via Zoom Video Conference, a hard copy of the exhibits must be provided to the Judge's chambers no later than 5 days before the hearing or trial.
- If the hearing is scheduled via Zoom Video Conference, the meeting ID and password will be provided seven days before the hearing. A pre-registration of all parties is required in order to attend the hearing via Zoom Video Conference.

15TH JDC – LAFAYETTE

Simultaneous appearance by a party or witness by audio-visual transmission is authorized in all proceedings as allowed by law and/or by order of the Louisiana Supreme Court. Pursuant to Rule 6.1 (e) and Appendix 6.1, no participant shall record any proceeding conducted via audio-visual transmission.

19TH JDC – EAST BATON ROUGE

Upon determination by the presiding judge of the existence of special circumstances which dictate the necessity for such, the court in a civil case may order that any Hearing or Bench Trial be conducted via Video Conferencing. Consent of all parties is required; however, such consent shall not be unreasonably withheld by the party, which shall be enforced by the trial judge pursuant to the authority granted by Louisiana Code of Civil Procedure Article 191, or as otherwise expressly provided by law. All documentary evidence

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Louisiana

expected to be utilized at the Hearing or Trial shall be delivered to and received by the court and all parties at least seven (7) days prior to the Hearing or Trial, pre-marked and numbered. Physical evidence must be made available for examination by all parties at least seven (7) days prior to the Hearing or Trial. Other than for Summary Judgments, all evidence must be introduced during the Hearing or Trial. Parties are responsible for marshalling all evidence admitted during the Hearing or Trial and delivering same to the court within seven (7) days of the close of evidence, Parties are responsible for ensuring that Notice and Service of Process have been given to all parties and witnesses.

22ND JDC – ST. TAMMANY

Court pre-approval necessary. The Court requires pre-approval of a simultaneous appearance of a party or witness by the judge, commissioner or hearing officer conducting the proceeding. Court discretion to modify rules. Upon a showing of good cause either by motion of a party or upon its own motion, the Court may require a party to appear in person at a hearing, conference or proceeding listed above if the Court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

24TH JDC - JEFFERSON PARISH

No Specific Rules.

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Maryland

Are there any benefits or consequences in your state for a motor carrier to admit vicarious liability of a driver?

Once vicarious liability has been admitted, a plaintiff cannot proceed on their negligent entrustment, hiring or other similar direct negligence claims in Maryland.^{xxx}

This preclusion is based on the evidentiary complication of allowing both vicarious liability and negligent entrustment claims to proceed.^{xxxi}

The federal district court for Maryland has similarly made clear that when an owner has admitted their vicarious liability for a driver, the injured party cannot then make a negligent entrustment claim against that owner.^{xxxii}

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Massachusetts

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

In Massachusetts there are no Zoom jury trials, but the court will conduct hearings using Zoom technology.

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Michigan Courts continue to use zoom technology for hearings and trials. For Circuit Court and Circuit Court matters, videoconferencing is *presumed* for civil pretrials, early scheduling conferences, discovery motions, adjournments, motions in limine, post-judgment collection or discovery matters, testimonial proofs (MCR 3.210(A)(4)), motions to correct/strike/amend pleadings, and dispositive motions.

- A court may determine a case is not suited for video conferencing and require any proceeding to be conducted in person.
- Factors for courts to consider:
 - The capabilities of the court and the parties participating,
 - Whether a specific articulable prejudice would result,
 - The conveniences and costs of the parties and witnesses, the cost of producing a witness versus the importance of the offered testimony, and the potential to increase access to courts,
 - Would the procedure allow for full and effective cross-examination,
 - Will the participants not be able to maintain the dignity, solemnity, and decorum of court while using videoconferencing,
 - Whether a physical liberty or other fundamental interest is at stake,
 - Whether the court can effectively extend the courtroom to a remote location (exert control over participants as it would in the physical courtroom).
 - Would the person at a remote location would present in a diminished or distorted sense that negatively reflects upon that individual to those present in the courtroom.
 - Whether the person/witness presents a security risk to transport and by physically present in the courtroom.
 - Whether parties have waived personal appearance.
 - Time between notice of videoconferencing and actual proceeding.

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Minnesota

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Motion hearings, settlement conferences, and other pretrial hearings are routinely held over Zoom in both state and federal courts in Minnesota. Trials have been held via Zoom, but it is more likely for trials to be held in person. There are no rules or regulations governing use of zoom technology for hearings and trials.

Mississippi

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Mississippi has returned to in person hearings and trials. Some state court judges will entertain allowing a Zoom hearing if requested and agreed upon by the attorneys. This is really a judge-by-judge decision.

Missouri

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

In civil matters, use of telephone or video conferences for case management conferences, minor hearings, and even argument of contested motions is permitted, and is commonplace. Mo.R.Civ.P. 55.30. The Court may hold hearings as a matter of course for proceedings that do not require testimony. *Id.* Testimony may only be accepted at a hearing or trial by agreement of the parties, or by an order of the Court upon a showing of good cause. *Id.*

Criminal matters are different. In *The Interest of C.A.R.A. v. Jackson Cty. Juvenile Office*, 637 S.W.3d 50 (Mo. 2022), the Missouri Supreme Court held that a witness' virtual appearance at trial violated the criminal defendant's constitutional right to confrontation. *Id.*

Montana

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

This can vary from venue to venue or even within the specific venue. Generally, attendance by Zoom is permitted at hearings. At trial, it is likewise generally permitted.

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Nebraska

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Zoom technology may be used for hearings and trials, subject to various rules and regulations. Pursuant to the local rules, each of the 12 districts provide a protocol governing the use of remote technology for county court proceedings. *See* NEB. CT. R. § 6-1501 (“Each district court . . . may from time to time recommend local rules concerning matters not covered by these [local] rules. . .”).

Furthermore, Nebraska statutory law states that “all nonevidentiary hearings, and any evidentiary hearings approved by the district court and by stipulation of all parties that have filed an appearance, may be heard by the court telephonically or by videoconferencing or similar equipment at any location within the judicial district as ordered by the court.” NEB. REV. STAT. § 24-303. Importantly, such hearings shall not include trials before a jury. *Id.*

New Hampshire

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

New Hampshire courts continue to use videoconferencing technology in limited circumstances. Typically, the use of such technology is at the discretion of the presiding judge. If the parties all agree to its use, New Hampshire courts will usually allow it. However, its use is mostly restricted to non-evidentiary hearings, most commonly procedural or case structuring conferences, and less frequently motion hearings without witness testimony. Occasionally, the parties and court will agree to the use of videoconferencing technology for a simple evidentiary hearing or a brief bench trial. More rarely, the parties and court will agree to allow a witness to testify remotely in a jury trial; this occurs most often with a less significant witness who does not live in the state or, occasionally, an out-of-state expert witness.

While there are no rules or regulations specifically governing the use of videoconferencing technology, the court has discretion to impose any reasonable restrictions necessary to ensure a fair proceeding. It is not uncommon for parties to file assented-to motions to convert simple hearings to remote hearings and, in other hearings where only counsel's participation is required, it is not uncommon for courts to permit the parties themselves to appear remotely while counsel appears in person.

The videoconferencing technology used by New Hampshire state courts is Webex, while the Federal District Court for the District of New Hampshire uses Zoom. Occasionally, these courts will also schedule or permit telephonic hearings. The New Hampshire Supreme Court conducts all oral arguments in person.

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Following the COVID-19 pandemic, there was an influx of remote technology being utilized for Court proceedings. In October of 2022, upon Notice to the Bar and Public, The Supreme Court updated the framework for Court operations to allow more in-person hearings. Special Civil Part trials and most Family matters are in person.

Routine conferences and motions continue to be virtual.

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New Mexico

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

New Mexico courts are not utilizing Zoom or other remote technology for trials, but many courts are still utilizing remote technology for hearings. Only one district, to date, has gone back to requiring attorneys to appear in-person for all hearings.

North Carolina

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

We are not aware of any civil jury trial having been held remotely in North Carolina. However, Courts have routinely conducted motion hearings via Cisco WebEx, though different counties in the state have varied procedures and frequency of use. The more common practice is live attendance at hearings and trials.

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North Dakota

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

North Dakota district and municipal courts may conduct a proceeding virtually on its own motion or on a party's motion. *See* N.D. Sup. Ct. Admin. R. 52. For requirements related to requesting a virtual hearing, *see* N.D. Sup. Ct. Admin. R. 52, § 2.

The rules for virtual proceedings differ depending on whether the proceeding arises out of a civil action or a criminal action.

Civil Action

Hearings, conferences, the taking of testimony, and other proceedings may be conducted virtually. *See* N.D. Sup. Ct. Admin. R. 52, § 3. A trial may also be conducted virtually, only when (1) the parties consent and (2) the court approves. During civil action proceedings, the court has the discretion to permit any witness to appear virtually.

Criminal Action

Trials, hearings, conferences, and other proceedings may be conducted virtually. *See* N.D. Sup. Ct. Admin. R. 52, § 4. However, trials, entering of guilty pleas, and sentencing may only be conducted virtually if the parties consent and the court approves. In addition, witnesses may only testify virtually if the defendant knowingly and voluntarily waives their right to have the witness testify in person. Finally, for virtual proceedings, the defendant's attorney must be physically present with the defendant unless the defendant consents to their attorney appearing virtually from a different site.

Oklahoma

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Rule 34 of the Rules for District Courts of Oklahoma “authorizes and approves the use of videoconferencing in the District Courts of Oklahoma.” The rules and regulations governing the use of videoconferencing technology for hearings and trials are contained within Rule 34.

Under Rule 34, district court judges are granted broad discretion in determining when—and under what conditions—they will allow videoconferencing in lieu of in-person appearances.

The local court rules often contain additional restrictions on videoconferencing.

Oregon

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Under the Oregon Uniform Trial Court Rules, a party may request that a non-evidentiary hearing or a motion not requiring testimony be heard by remote means. Under Oregon's statutes, a party may request for a witness to give remote location testimony as long as they file a motion at least 30 days before the trial or hearing at which the remote location testimony will be offered. Or. Rev. Stat. 45.400. The court may allow remote location testimony upon a showing of good cause unless it determines that the use of remote location testimony would result in prejudice to the nonmoving party and that prejudice outweighs the good cause for allowing the remote location testimony. Or. Rev. Stat. 45.400(3). The court may not allow use of remote location testimony in a jury trial unless the good cause showing is met and there is a "compelling need" for the use of remote location testimony. Or. Rev. Stat. 45.400(5).

However, pursuant to Or. Rev. Stat. 1.002(5)(a) and the Chief Justice's current Order, circuit court proceedings may be conducted in person or by remote means, as determined by the Presiding Judge. However, if the constitution requires an in-person appearance or proceeding, then the appearance or proceeding must be conducted in person. Thus, whether a proceeding can be conducted remotely and the procedure for requesting remote appearance will depend upon the venue the action is filed in.

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Pennsylvania

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

With the exception of Philadelphia County and the Commonwealth Court, Pennsylvania Courts have generally returned to in-person hearings and trials for civil court matters.

The Fifth Judicial District of Pennsylvania, Philadelphia Court of Common Pleas Trial Division- Civil, continues to regularly use Zoom for conducting very limited types of court proceedings, which are governed by “Policies and Protocols for Use of Advanced Communication Technology for Court Proceedings in Civil Matters.” The policies provide procedural instructions for remote proceedings and advise that all participants shall familiarize themselves with Zoom in advance of the proceeding.

Hearings and oral arguments scheduled before the Commonwealth Court of Pennsylvania may be conducted remotely by advanced video communication technology, and they are governed by the Commonwealth Court of Pennsylvania’s “Protocols and Guidelines for Counsel Participating in Oral Arguments Using Advanced Communication Technology.” The guidelines are provided to assist counsel in preparing for and participating in remote arguments, and intended to supplement the applicable Rules of Appellate Procedure and Commonwealth Court Internal Operating Procedures (IOPs) that govern oral arguments generally. The guidelines expressly recognize that, although counsel may not be able to comply with all the technical suggestions, the use of as many as possible enable the remote arguments to proceed with fewer technical issues.

The Commonwealth Court’s guidelines require counsel presenting a remote oral argument to participate in a test session scheduled by the Court’s IT staff approximately one week before the scheduled argument, and that counsel be familiar with the guidelines and all applicable Rules of Appellate Procedure and IOPs in advance of their test session.

Rhode Island

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Local rules allow requests for remote hearings, but such requests are subject to the court's discretion. *See* Super. R. Civ. P. 7; R.I. Superior Court Civil Motion Calendar Protocols. All hearings in cases involving *pro se* litigants must be conducted in person. *See id.* Although the COVID-19 Pandemic saw several remote proceedings in Rhode Island state courts, trials are typically conducted in-person. The United States District Court for the District of Rhode Island uses Zoom technology for most hearings and conferences, but the vast majority of trials are in-person.

Rule 7 of the Superior Court Rules of Civil Procedure provides in pertinent part:

(4) Any hearing required or permitted under these rules may be conducted in whole or in part by remote means on the Court's own initiative, or upon request by a party and at the Court's discretion. A Request for a Remote Hearing may be made: (i) By the moving party at the time of filing the motion; and (ii) By any non-moving parties within five (5) days of service of the motion. A Request for Remote Hearing shall be accompanied by a short, concise statement of the grounds on which such request is based, except that no applicant shall be required to reveal health care information.

Super. R. Civ. P. 7(b)(4).

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Tennessee

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

The availability of Zoom hearings depends on a particular county's local rules. Post-COVID, most judges permit Zoom hearings for uncontested matters such as minor settlement approval hearings. Trials are not conducted by Zoom.

Tennessee Supreme Court Rule 55 states that the use of teleconferencing, video conferencing or other technology to conduct court proceedings or other court business remotely is permissible at the discretion of the trial or appellate court. Zoom technology is used as a useful tool to conduct shorter hearings that may have otherwise required long distance travel, to ease the burden on Court resources, and to ensure that all parties have the ability to be present for court proceedings.

Vermont

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

While Vermont is no longer regularly conducting remote technology for trials, with exceptions, remote hearings remain a common practice. How often remote hearings are conducted as opposed to in-person hearings is a product of a number of factors, including the county, courthouse availability, and the particular judge. However, most status conferences are now conducted remotely. Best practices for participating in remote hearings can be found at <https://www.vermontjudiciary.org/about-vermont-judiciary/participating-remote-hearings>, and protocols for remote jury trials are available on the Vermont Judiciary website at: <https://www.vermontjudiciary.org/sites/default/files/documents/-Remote%20Civil%20Jury%20Trial%20Protocols%20%288-24-21%29.pdf>.

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Washington

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

As a general proposition, the Washington judges are in favor of the use of zoom technology. The practice varies and it is within the discretion of the trial judge. The usual evidence rules apply. Our attorneys have tried cases using Zoom platform. Since Covid, the trend is the use Zoom for presentation of witness testimony. Some judges prefer in person meeting of the empaneled jurors to hear final argument.

West Virginia

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Rule 14.01 of the West Virginia Trial Court Rules sets the general rules and regulations for videoconferencing proceedings. It provides that “proceedings conducted by videoconferencing shall be conducted in the same manner as if the parties had appeared in person, and the presiding judicial officer may exercise all powers consistent with the proceeding.” W. Va. Trial Ct. R. 14.01. The following sections under Rule 14 pertain to the following:

- Civil Proceedings in Circuit Courts
- Criminal Proceedings in Circuit Courts
- Proceedings in Magistrate Courts

Case law, such as *State v. Cox*, acknowledges the circuit court's discretion to manage and control its proceedings, including the use of videoconferencing for witness testimony, although there is no specific rule or statute addressing the general use of videoconferencing for witness testimony during trials. No. 13-0778, 2014 W. Va. LEXIS 995 (W. Va., Oct. 2, 2014).

In re A.C.-1 further supports the trial court's discretion in procedural rulings, including the use of videoconferencing, as long as procedural due process is maintained. No. 20-0771, 2021 W. Va. LEXIS 337 (W. Va., June 22, 2021).

West Virginia Code of State Rules § 121-1-34 outlines the requirements for videoconferencing systems used in judicial proceedings in front of the Office of Tax Appeals. W. Va. Code § 121-1-34.

Wyoming

What is your state's current status of using zoom technology for hearings and trials? Are there any rules and regulations governing use of zoom technology for hearing and trials?

Uniform Rule of District Courts 802 permits conference calls and remote appearance at any proceeding at the discretion of the court. Beyond that, there is no uniform procedure in state court for remote appearance. Most state courts use Microsoft Teams, but there is no rule mandating its use.

An order out of the district court in Teton County sets rules and regulations for video technology and hearings. Other courts have not adopted similar orders.