



## Expectations for Remote Appearances for Initial Appearances and Arraignments

April 20, 2021

1. Counsel for the Defendant must remember, and must instruct the Defendant, that their appearance in federal court is a formal court proceeding and that appropriate court decorum must be followed during the hearing regardless of the location from which Defendant appears. This includes:
  - Understanding and respecting the seriousness of the proceeding, even though they are not present in-person.
  - Wearing appropriate dress.
  - Not smoking/vaping/eating/or drinking except for water.
  - Not moving around during the hearing, including walking, driving, or otherwise moving from place to place, unless so directed by the Duty Clerk or the presiding judge.
  - Not making or taking phone calls or conducting other business (even if they are on “mute”).
2. No recording of the proceeding is permitted except by the Court.
3. All participants should familiarize themselves with Zoom before the proceeding. Counsel must review the protocol for Zoom hearings available on the Court’s website.  
<https://www.mnd.uscourts.gov/virtual-hearings>.
4. Counsel for the Defendant must fully brief the Defendant in advance about what will happen during the hearing. In addition, counsel must advise the Defendant before the hearing that the Defendant has the right to an in-person hearing, but that the Court is convening the hearing by video due to the COVID-19 pandemic or other reason. Therefore, at the beginning of the hearing, the Court will ask Defendant for their consent to proceed by video.
5. The devices to be used by counsel and the Defendant to connect with the hearing must have both video and audio capability and those capabilities should be tested prior to the start of the hearing.
6. If the Defendant needs an interpreter, participants cannot use cell phones to connect with the Zoom hearing because cell phones will not accommodate simultaneous interpretation. Therefore, if an interpreter will be required, counsel must work with the Defendant and Duty Clerk to make sure appropriate devices are used for the hearing.



7. Participants should log in a few minutes early to ensure the connection is sound so that the proceeding can start on time.
8. Counsel must remember, and must advise the Defendant, that when participants are admitted to the Zoom session from the waiting room, all participants will be able to see and hear all other participants. Therefore, participants must refrain from casual, personal, or confidential conversation that is not appropriate in this setting.
9. Unless it is not possible or appropriate due to concerns regarding the transmission of the COVID-19 virus, the Defendant should appear for the hearing with counsel in counsel's office so that they have access to the necessary technology and internet connectivity and appear in an appropriately professional setting.
10. If the Defendant cannot appear with counsel in counsel's office, counsel must:
  - Confirm that the Defendant has the technology and reliable internet access, as well as adequate understanding of the Zoom application, to appear separately using Zoom.
  - Ensure that Defendant is aware of the requirements of Paragraph 1 above.
  - Inform the Duty Clerk as much in advance of the hearing as possible about the location and type of device from which the Defendant will be appearing so appropriate arrangements can be made.
  - Forward the link for the Zoom hearing to the Defendant after receiving it from the Duty Clerk. Counsel must instruct the Defendant not to share the link with anyone else, including friends or family. Counsel must contact the Duty Clerk if friends or family of the Defendant wish to observe the hearing.
  - Instruct the Defendant to find an appropriate, quiet, and private location in their home for the appearance, and that the video feed should display only the Defendant and no other people or pets.
  - Instruct the Defendant to connect early to the hearing, and let the Defendant know that participants will initially be placed in a waiting room until the Duty Clerk is ready to proceed.
  - Make sure the Defendant knows how to select the "gallery view" rather than the "speaker view" on Zoom so that the Defendant will be able to see all participants on the screen once admitted to the main session.
  - Inform the Duty Clerk if counsel will need a private session with the Defendant before the hearing begins. If so, the Duty Clerk can set up a Zoom Breakout Room for counsel and the Defendant to have a private conversation.
11. Counsel must provide at least 24 hours' notice if the scheduled hearing time will not work.