Remote Advocacy: Representing Your Client During the COVID-19 Pandemic

Hon. Mark A. Drummond (Ret.) Civil Jury Project at NYU New York, NY Carol Sowers Carol Sowers Communications New York, NY



Take Control of Your Console

WIDGETS ARE RESIZABLE AND MOVABLE

- Use the controls to minimize or maximize a widget
- Drag the bottom right hand corner to resize a widget
- Click the green icon to download resources and helpful links
- Have a question? Click the Q&A icon
- Click the yellow icon for tech help
- Audio: for best audio quality, please make sure your computer speakers (or headset) are turned on and the volume is up.



Access to Justice Through Technology

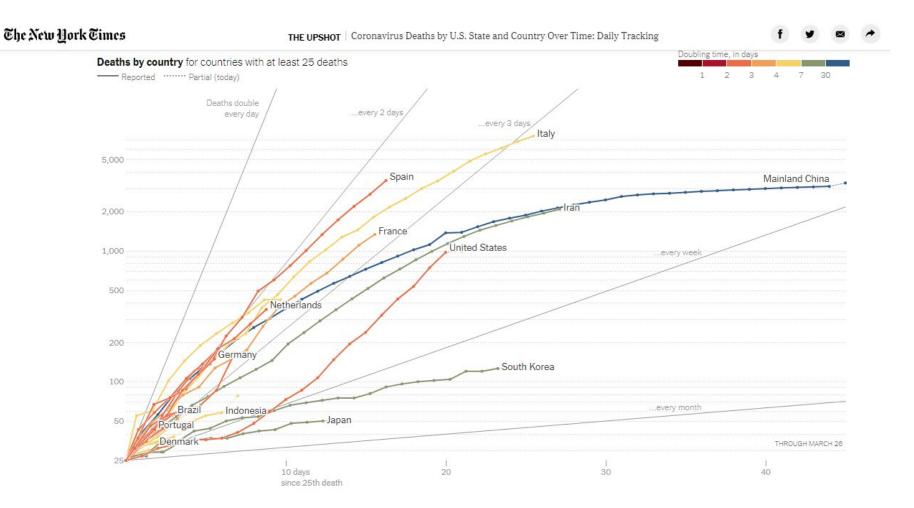
- E-filing
- Online legal aid
- Virtual reality presentations for jurors
- Virtual mock trials for attorneys
- Courts: <u>In person</u> to <u>conference calls for</u> <u>motions</u> to <u>video depositions</u> to <u>remote</u> <u>hearings for bonds</u> to... <u>virtual trials</u>?



The Visual Affects the Verdict

- "In one instance, the simple change from an equal-focused confession to a suspect-focused confession doubled the 'conviction' rate."
- Video Cameras Too, Can Lie, or at Least Create Jury Prejudice
- Sharon Begley, Science Journal, *The Wall Street Journal*, January 31, 2003

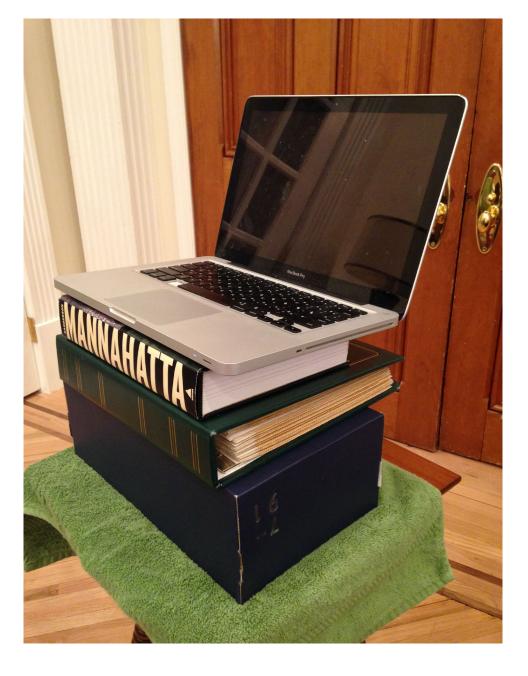






Placement of computer





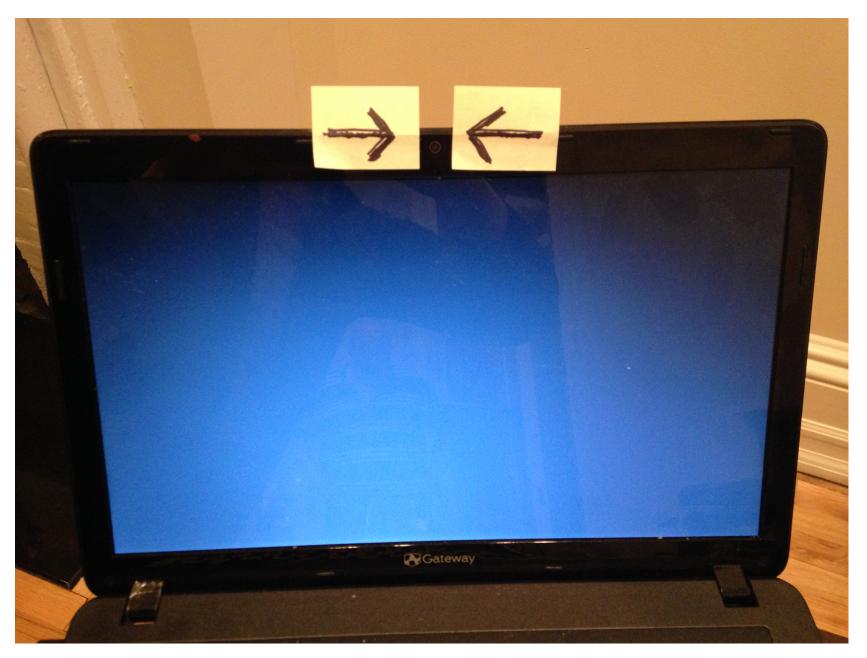






- Placement of computer
- Talk to the camera

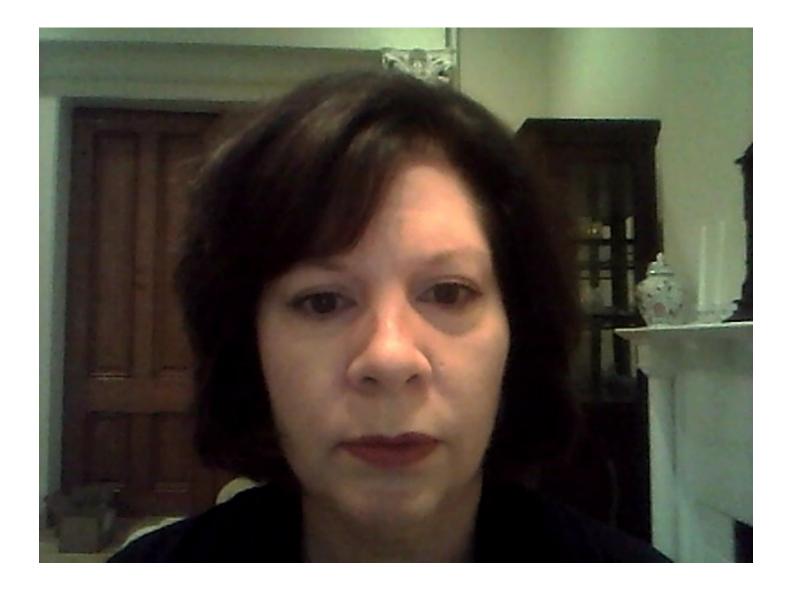






- Placement of computer
- Talk to the camera
- Sit so they can see shoulders and upper arms







- Placement of computer
- Talk to the camera
- Sit so they can see shoulders and upper arms
- Set the scene behind you

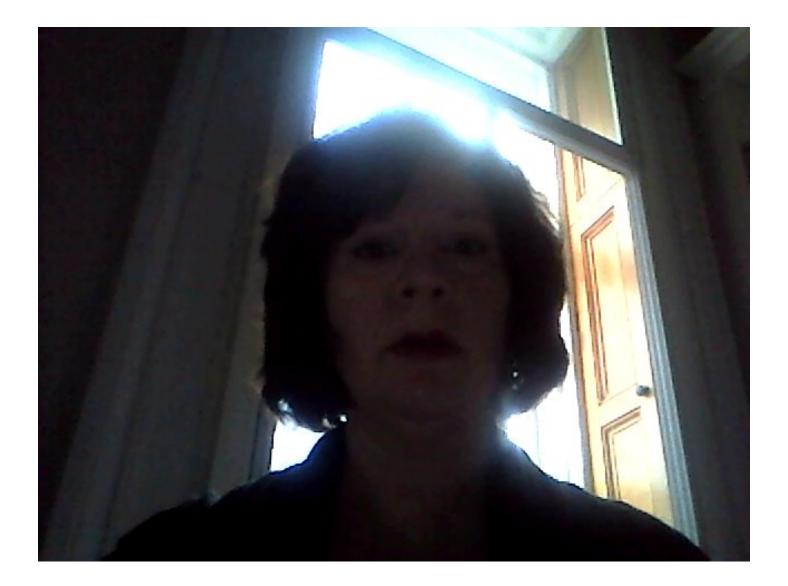






- Placement of computer
- Talk to the camera
- Sit so they can see shoulders and upper arms
- Set the scene behind you
- Tweak the lighting







- Place the computer at eye level
- Talk to the camera
- Sit so they can see shoulders and upper arms
- Set the scene behind you
- Tweak the lighting
- Small spaces = better audio
- Adjust your chair
- Be clear, concise, and conversational
- Minimize distractions
- Test, test, test!



Working with the Court and Counsel

- Is this best for your client?
- Do you *need* this to be in person?
- Stipulations for remote hearings/trials
- What is the "record"?
- Waiving reconsideration or appeal based on technological differences or problems
- Objections at the end



How Can I Help the Court?

- Written submissions before hearing
- No interruptions or objections while someone else is talking
- Save case cites for written submissions
- Supplemental written submission after hearing
- Can I do anything to help the "record"?



Persuasion Over the Internet

- Brainstorm any visual that may help:
- Timelines
- Cast of characters
- Maps, charts, diagrams, etc.
- Use the tools you already have:
- Headlining
- Numbering
- Ask for questions



Questions?

Submit a question using the Q&A icon at the bottom of your screen







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