



# Commonwealth Court of Pennsylvania

## Protocols and Guidelines for Counsel Participating in Oral Arguments Using Advanced Communication Technology

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The following protocols and guidelines are provided to assist counsel in preparing for and participating in remote oral arguments before the Commonwealth Court of Pennsylvania. These protocols and guidelines are intended to supplement the applicable Rules of Appellate Procedure and Commonwealth Court Internal Operating Procedures (IOPs) that govern oral argument generally. Counsel may not be able to comply with all the technical suggestions contained in this document, but using as many as possible will enable the remote arguments to proceed with fewer technical issues.

Counsel presenting a remote oral argument will be required to participate in a test session that will be scheduled by the Court's IT staff approximately one week before the scheduled argument. As explained more fully in Section IV. A. below, each party must designate one attorney to appear and argue on behalf of the party. The designated attorney must provide the Court with an email address that the Court will use to send important information about the test session and the oral argument session. Counsel are advised to monitor their spam or junk email folder so as not to miss any important information from the Court. Email messages from the Court will come from an "@pacourts.us" email address.

Counsel should be familiar with this document and all applicable Rules of Appellate Procedure and IOPs in advance of their test session.

### **I. Minimum Technology Requirements for Counsel Presenting Argument**

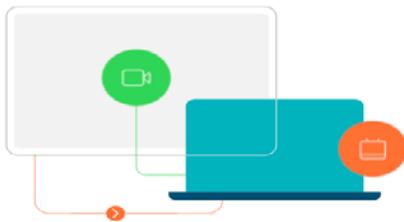
The Commonwealth Court uses Cisco WebEx to host remote oral argument sessions. Counsel presenting oral argument before the Court by WebEx must have one of the following:

1. A computer with a functioning web camera, microphone, and speakers;
2. A video conferencing system that supports Session Initiation Protocol (SIP) calling;

3. A tablet device that supports Cisco WebEx with a functioning forward facing camera, microphone, and speakers; or
4. An alternative device that has been used to connect to Cisco WebEx in the past.

## II. Getting Started With Cisco WebEx

If you do not have the WebEx application on your computer or device, you should download it before your scheduled test session. The application may be downloaded from the Court's website at <https://pacourts.webex.com>. Click the blue Download button to begin downloading the application.



### Cisco Webex Meetings Desktop App

The Webex Meetings desktop app allows you to start and join meetings quickly and easily. You can schedule, start, and join meetings from your desktop or directly from Microsoft Outlook.

Download

If possible, the Court recommends that you also download the Cisco WebEx application onto a smart phone or other device that connects to a data plan. This will provide a backup device in case you encounter internet connectivity problems with your primary device.

If you are not familiar with WebEx, the Court recommends that you review the instructions that Cisco provides on its website. Specifically, the following are recommended:

[Get-Started-with-Cisco-Webex-Meetings-for-Attendees](#)  
[Join-a-Cisco-Webex-Meeting#Join-a-Webex-Meeting-from-an-Email-Invitation](#)  
[Choose-Your-Audio-and-Video-Settings-Before-You-Join-a-Webex-Meeting-or-Event](#)

For video tutorials on WebEx, visit: [Cisco-Webex-Meetings-Video-Tutorials](#)

There are numerous websites that offer suggestions on how to effectively use audio-video technology like WebEx. For example: [How to look Better on Video Calls](#)

### **III. Using WebEx and Preparing for Your Test Session and Oral Argument**

#### **A. Close All Other Applications on Your Computer**

To maintain a strong connection, all other applications on your computer should be closed, including browsers (e.g., Chrome, Internet Explorer, etc.), your email (e.g., Outlook, Gmail, etc.), and calendar. This also will prevent any applications from inadvertently making sounds during the argument (such as email alert chimes).

#### **B. Lighting**

##### *Sit Facing a Light Source*

Sitting with your back to a window or bright light source reduces the video's quality by creating a harsh silhouette effect. Whenever possible, sit facing a window, a desk lamp, or other light source so that your face is well illuminated and clearly visible.

##### *Create a Three-Point Lighting Setup if You Are in an Interior Room*

Think of a clock – if you are facing 12:00, try to position light sources at 11:00 and 2:00. Adding an overhead light will round out a three-point lighting setup – the preferred lighting arrangement for video applications like WebEx.

##### *Optimize Natural Light Sources if You Are in a Room with Windows*

Natural daylight renders more accurate colors. If possible, set up your conferencing system in a room with significant window light (unless it is behind you).

##### *Use Soft Directional Light and the Right Amount of Light*

Avoid using bare bulbs in your video conference room lighting. A lampshade or a diffuser will reduce harsh shadows and soften the lighting in the room. The closer a light source is to a subject, the softer the shadows will appear on that subject. It is important that there be plenty of light in the room to get maximum clarity. However, it is possible to have too much light. If a light source is too bright, diffuse the light or move away from the light source to avoid overexposure. If possible, use multiple light sources pointed at your face to fill in shadows and to make the overall room lighting as even as possible.

#### **C. Camera**

Locate your device's camera and make sure the lens is not blocked. Position the camera as close to eye level as possible rather than tilting your screen. Consider propping your device on books to elevate it. Make sure that your head and shoulders are visible on the

camera. Specifically, using the graphic below as a guide, your hairline and forehead should be in the top third of the display. Closer is better.



#### **D. Test Audio & Video**

If you have a headset, plug it in to your device **prior to logging into WebEx**. *If you do not plug in the headset before joining the WebEx session, you will have to log out and log back in to enable the other participants to hear you.*

As previously noted, all other applications on your device should be closed.

Configure and test your audio and video prior to joining the WebEx session. Click the **Connect Audio and Video** icon, select your audio playback device and microphone, and then click **Connect Audio and Video**.

Locate the **Mute** button/icon and familiarize yourself with how to turn it on and off. **During oral argument keep the Mute button on unless you need to speak.**



### **IV. Protocols During the WebEx Oral Argument**

#### **A. Counsel Access by WebEx and Public Access by Livestream Link**

Each party must designate one attorney to appear and argue on behalf of the party. The designated attorney must provide the Court with an email address that the Court will use to send a conference link to join the WebEx session. Designated counsel will receive the conference link at least 48 hours before the scheduled argument. **Only designated counsel presenting the oral argument will have access to the WebEx session. The**

**designated arguing attorney may not share his or her WebEx conference link with anyone else.**

All other participants – co-counsel, parties, the public and media, etc. – may view the arguments only through a public livestream web link that will be posted on the Court’s website in advance of the argument session.<sup>1</sup>

## **B. Joining Your WebEx Session**

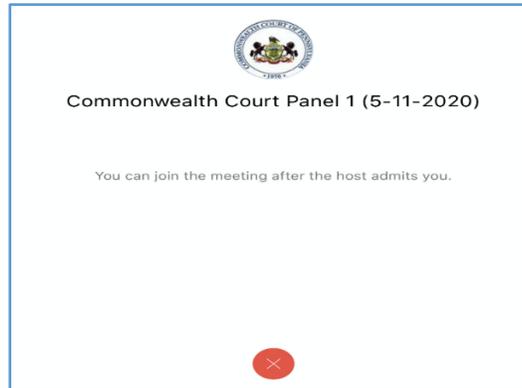
**Using the link provided by the Court, designated arguing counsel must join the WebEx session 15 minutes before the scheduled start time.** When joining the session, you will be prompted to enter your name and email address. You must input your name exactly as it appears on the Notice of oral argument letter sent from the Prothonotary. This is the name that the Court staff will use to identify you and match you with your case, and it will appear on the WebEx screen viewable by the judges, other counsel, and the public viewing by livestream. In addition, you must input the email address that you provided as the designated arguing attorney.

## **C. WebEx Lobby**

When you join the WebEx oral argument session, you automatically will be placed in the “WebEx Lobby,” a virtual waiting room where you will remain until the Court staff (the “host”) admits you. This is akin to waiting in the courtroom until your case is called. You will see a screen with the WebEx meeting title – in this case, your Commonwealth Court panel number and the date - and nothing else (see sample below). You will not see other participants while waiting in the lobby. Court staff will bring you in from the virtual lobby when the judges are ready to hear your case. Please be patient; even though each WebEx argument is scheduled for a specific time, the arguments could be running behind schedule. There is no need to re-log in when you are waiting in the lobby.

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<sup>1</sup> There are two possible exceptions to the general rule that only one designated attorney for each party may join the WebEx session: 1) If a case is *sealed*, the oral argument will not be livestreamed for public viewing. If case participants other than the designated arguing attorney need to view the argument, they will be given access to view the WebEx session. 2) If the designated arguing attorney is specially admitted pro hac vice, the sponsoring local counsel of record may be given access to attend the WebEx session. See Pa.R.C.P. 1012.1(d)(1). If either of these situations apply, Counsel must contact the Court’s Legal Systems Coordinator to make appropriate arrangements.



#### **D. First Steps When You Are Moved From the Virtual Lobby to the Oral Argument Session**

When you are moved from the lobby to the argument, switch your view from “Active Speaker” to “Grid” by following the instructions at: [Switching View in WebEx](#). If you are using a smart phone, turn the phone horizontally to see more participants in the view. Once you switch your view, you will see the judges and all other attorneys who will be arguing. In addition, you may see a digital argument timer.

**The MUTE button must be on when you are not addressing the Court.** If you do not mute yourself, Court staff will mute you. This is necessary to prevent feedback noise and to record a clear argument. The Presiding Judge will ask you in turn to unmute and will check your audio connection.

#### **E. Oral Argument Protocols and Etiquette**

1. The time allotted for each argument will be in accordance with the Court’s IOPs. The Prothonotary will list the cases and schedule the WebEx arguments so as to minimize waiting time and move efficiently from one argument to the next. The Prothonotary will notify counsel of the specific date and time of each WebEx argument. **As previously noted, using the link provided by the Court, join your WebEx session 15 minutes before your scheduled argument time.**
2. In cases involving more than one party on a side, counsel will be required to advise the Court in advance how they will divide their argument time. Counsel for the appellant or petitioner may reserve time for rebuttal before commencing their argument. The digital clock will be adjusted accordingly. The clock should be visible on the screen at all times.
3. If connecting from a laptop, plug the laptop into wall power.

4. Stay muted until you are recognized by the Court.
5. Watch the judges at all times; they will indicate when they want to ask a question and will unmute to speak. You should be in mute status while the judge asks the question, and then unmute to respond. Pauses during the muting and unmuting process are expected.
6. Remain facing forward near the microphone throughout your argument.
7. Be aware of your behavior. Because you are on a video conference, people can see what you are doing at all times and *WebEx video sessions are recorded*.
8. Counsel should dress professionally for the remote argument as they would if appearing before the Court in person.

## **V. Technical Assistance**

The Court's IT staff will provide technical assistance to counsel. IT staff have planned for the unexpected, and will try to resolve any technical issues during the test sessions with all counsel prior to the argument. If you suddenly lose connection or if you have issues with your audio during your session, you may be asked to log out and then log back in. If you experience connectivity problems, WebEx might automatically limit your video capability. If you turn off your video, you often will regain sight of the rest of the conference participants. The audio portion of your session is the most critical. Stay calm; Court staff will assist you with any issues that may arise during your session, and the timer will be paused if any audio or visual problems arise.

If you have a problem at any time while preparing for or during oral argument, you may call or email Kurt Baldwin, Legal Systems Coordinator, to request technical assistance: 717-255-1623 or [kurt.baldwin@pacourts.us](mailto:kurt.baldwin@pacourts.us).