

## **NEWS FROM U.S. DISTRICT COURT**

### **September 11, 2020**

**VIDEO HEARINGS:** Since passage of the CARES Act and the entry of Standing Order 20-05 in late March, our district has seen a significant increase in videoconference hearings. Hundreds of hearings have been held by video over the last five months. Most have gone well but there have been a few bumps in the road—quite literally.

If you are appearing by video while traveling in a motor vehicle, please pull over and come to a complete stop before joining the conference. Distracted driving is dangerous. Also, remember the quality of your video connection while traveling is dependent upon the strength of your network signal. Finally, as a courtesy to other participants, please remember to mute your microphone when you are not speaking.

**VIRTUAL COURT TRIAL:** Judge Schreier recently held a six-day civil trial that was completely virtual. During the court trial, 24 witnesses testified (under an order of sequestration), and over 200 exhibits were received into evidence. Plaintiff's counsel appeared remotely from two locations (one was in California and three others were in Flandreau, South Dakota). Three different defense attorneys appeared remotely from the Attorney General's office in Pierre, each from a different room, with defendants' witnesses appearing remotely from another room in the Attorney General's office. The majority of plaintiff's witnesses appeared remotely with counsel in Flandreau, with some witnesses appearing remotely in Sioux Falls.

Both sides worked closely with the Clerk's Office to test all equipment multiple times in the days leading up to trial to determine the best way to present evidence and ensure everyone could hear and be heard clearly. All attorneys and witnesses wore headsets, which was essential in eliminating feedback. The attorneys who were not involved in questioning a witness turned off their video feeds so only the questioning attorney appeared on the video.

Present in the courtroom with the judge were the court reporter, law clerk, deputy courtroom clerk, and a court security officer. Interested parties were able to listen to the proceedings via a telephone conference bridge or by joining the video with links provided to counsel. These participants were asked to mute themselves and turn off their video feeds.

The Court was provided with hard copies of the exhibits. The parties presented their evidence via screen sharing, with witnesses also having hard copies of the appropriate exhibits in front of them while they testified. The Clerk's Office was provided with electronic versions of the exhibits. This was especially helpful at the conclusion of trial when the Clerk's Office electronically filed the exhibits in CM/ECF pursuant to the new procedures outlined in Standing Order 20-01.

Although there were small technical glitches along the way, they were remedied quickly and the trial finished as scheduled. Overall, the virtual court trial went well and saved money for all parties.