



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

GUIDANCE FOR PROCEEDINGS
PRE-HEARING CONFERENCE

The following protocols and guidelines are provided to assist participants in preparing for and participating in pre-hearing conferences. **Pre-hearing conferences will be conducted via Cisco Webex at a time scheduled by Disciplinary Board staff.** Participants should be familiar with this document in advance of the pre-hearing conference.

PARTICIPANTS

Participants in the pre-hearing conference may include, but are not limited to: hearing committee members, Office of Disciplinary Counsel staff counsel, respondent or petitioner, counsel for respondent or petitioner, witnesses, court reporter, and Disciplinary Board staff.

OFFICIAL RECORD OF THE PRE-HEARING CONFERENCE

The remote pre-hearing conference is not recorded nor is it made available to the public. The official record of the pre-hearing conference shall be the transcript as generated by the court reporter.

PROTOCOLS FOR TECHNOLOGY

TECHNOLOGY REQUIREMENTS

Upon guidance from the Administrative Office of Pennsylvania Courts (AOPC), the Disciplinary Board utilizes Cisco Webex technology to conduct secure video conferences. Participants shall ensure that all necessary equipment and software are in good working order prior to the scheduled pre-hearing conference. Each participant is responsible for his or her own equipment (i.e. laptop, desktop, smartphone, webcam, etc.).

In order to participate in the remote pre-hearing conference, each participant must have the following technology available for use:

- Access to one of the following types of equipment:
 - (1) computer with a webcam, microphone, and speakers (a headset with microphone is recommended);
 - (2) video-conferencing system that supports Session Initiation Protocol (SIP) calling;
 - (3) a tablet running Apple iOS or Google Android that has a forward-facing camera, microphone, and speakers; or,
 - (4) a smartphone running Apple iOS or Google Android that has a forward-facing camera, microphone, and speakers.

** If connecting from a laptop, tablet, or smartphone, the device should be plugged into wall power.*

- An internet connection download speed of at least 1.0 Mbps and upload speed of at least 1.5 Mbps (to test your internet connection, please visit <https://www.speedtest.net/>).

- An email address to be used to receive the invitation to the pre-hearing conference. The invitation will come from a “@pacourts.us” email address.

GETTING STARTED WITH CISCO WEBEX

Participants should have the Webex Meetings application downloaded to their computer or device. The application can be downloaded at <https://www.webex.com/downloads.html>. Click the Download button to begin downloading the application.

If possible, you may wish to download the Cisco Webex Meetings application to a secondary device that has access to a data plan (i.e. smart phone). This will provide a backup in the event you encounter internet connectivity problems with your primary device.

Participants are encouraged to further familiarize themselves with the Cisco Webex Meetings technology. Specifically, the following are recommended:

- [Getting Started with Cisco Webex Meetings for Attendees](#)
- [Join a Webex Meeting](#)
- [Choose Your Audio and Video Settings Before You Join a Webex Meeting or Event](#)
- [Cisco Webex Meetings Video Tutorials](#)

USING WEBEX AND PREPARING FOR THE PRE-HEARING CONFERENCE

Close all other applications on your computer (e.g. Microsoft Edge, Internet Explorer, Chrome, etc.), your email (e.g. Microsoft Outlook, Gmail, etc.), and calendar. This will also prevent any application from inadvertently making sounds during the pre-hearing conference (such as calendar or email alert chimes). If you have remote or virtual private network (VPN) access to any other system, ensure you are disconnected from such remote access so as to prevent technical difficulties.

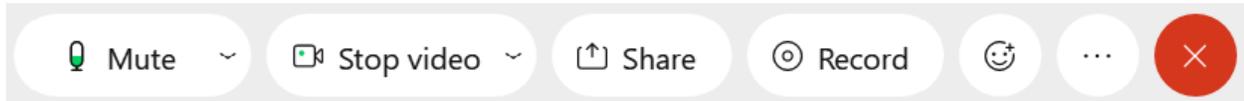
Sit facing a light source (i.e. face a window or a desk lamp) so that your face is well-illuminated and clearly visible. Sitting with your back to a window or bright light source reduces video quality and reduces your image to a silhouette.

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 up your device on books to elevate it. Make sure your head and shoulders are visible on the screen.

Configure and test your audio and video prior to joining the Webex conference. Click the arrow to the right of the audio or video button, select your audio playback device and microphone, and then test your setting. *If you are using a headset, plug it in to your device prior to logging into the Webex conference. If you do not plug in the headset prior to joining the pre-hearing conference, you may have to log out and log back in in order to allow other participants to hear you.*

WEBEX CONTROLS DURING THE PRE-HEARING CONFERENCE

Participants have access to various functions within the Webex software.



From left to right, the controls above are:

1. Mute/Unmute microphone
2. Turn On/Off camera
3. Share your desktop or files
4. Recording control (only available to the host)
5. Reactions – emojis used to react to comments in Chat (not hearing appropriate)
6. More Options – has more controls available within
 - a. If you are having audio difficulties with your computer, you can have the system call you directly.
 - i. Click the ... icon and then choose “Switch Audio.”
 - ii. Click the “Call Me” option. Enter the phone number that the system should call and press the switch button. When the call comes in, you will be prompted to press the number “1” to connect.
7. Leave/End the meeting. At the end of the proceeding, press this icon to be disconnected.

DOCUMENT SHARING BETWEEN PARTIES

Before and after the pre-hearing conference, documents (under 25 MB) should be shared via email among the necessary parties. Upon guidance from the AOPC, the Disciplinary Board utilizes Acronis for file-sharing of large documents with outside parties. An Acronis file-share will be created by the Office of Disciplinary Counsel to share these documents between parties.

PROTOCOLS PRIOR TO THE PRE-HEARING CONFERENCE

The protocols outlined below will be employed in advance of the pre-hearing conference:

- All participants will be required to participate in a test session that will be scheduled with Disciplinary Board staff within one week prior to the scheduled pre-hearing conference.
- At least one business day prior to the scheduled pre-hearing conference, the Disciplinary Board shall provide all participants with the information required to connect to the remote conference. This invitation is sent by email from a “@pacourts.us” email address. Participants should monitor SPAM and/or junk folders for the invitation if they have not received it. Participants who have not received the invitation should contact Special Counsel.
- It is the responsibility of counsel or the pro se respondent or petitioner to provide the connection information to their clients and witnesses.
- In the event it is necessary for either party to present the testimony of a witness at the pre-hearing conference, and such procedure is permitted under the applicable Rules of Disciplinary Enforcement or

Disciplinary Board Rules, the party shall submit such request and reasoning via email, at least five business days prior to the scheduled pre-hearing conference, to the Presiding Member, Special Counsel, and the other party. Such request must include the name, telephone number, and email address for each witness.

- Exhibits to be introduced during the pre-hearing conference shall be electronically shared with all participants at least two business days prior to the scheduled pre-hearing conference. Consistent with the *Case Records Public Access Policy of the Unified Judicial System*, all exhibits should be reviewed in advance for personal identifying or confidential information and redacted as appropriate.
 - The original and each copy of any exhibit shall be pre-marked with the same number, with the exhibits being denominated sequentially (i.e. Respondent's Exhibit [A, B, C, D], or Petitioner's Exhibit [1, 2, 3, 4], etc.). Each marked exhibit shall clearly identify the party who is offering the exhibit.
 - Within one business day of the proceeding, all exhibits shall be presented via email to the court reporter for inclusion with the transcript of the proceeding.
- Participants must appear by video connection unless otherwise authorized by the Presiding Member.
- Participants should join the Webex conference approximately 15 minutes before the scheduled start time. When joining the Webex conference, each participant will be prompted to enter their full name and email address. It is important to use your full name, as this will be displayed to all participants. Once logged in to the Webex conference, each participant will be placed in the virtual lobby and will be unable to communicate with others in this location. Upon the opening of the proceeding by Disciplinary Board staff, the participants will be brought into the meeting room. Once all participants are present and have confirmed both audio and video functionality, the Presiding Member will commence the pre-hearing conference.

PROTOCOLS DURING THE PRE-HEARING CONFERENCE

The Presiding Member shall conduct the pre-hearing conference as if all parties were physically present in the same physical space, subject to any rules specifically adopted for virtual pre-hearing conferences by the Disciplinary Board.

DECORUM

The scheduled pre-hearing conference is a formal proceeding and is therefore an extension of the courtroom. The Presiding Member has the power and duty to conduct the pre-hearing conference as if all participants were present in the same physical courtroom. General guidance for participant conduct is "if you would not do it in a courtroom, do not do it in the remote conference."

Appropriate attire and camera background are expected. Remote participants shall use a private and quiet space and provide for no interruptions, just as if the participants were in the physical courtroom. Appearing for the remote pre-hearing conference while outdoors, in-vehicle, occupying a public space, or performing personal functions is not permitted.

WITNESSES AT THE PRE-HEARING CONFERENCE

It is the responsibility of the party calling the witness to prepare the witness and to ensure the witness has the necessary technology to participate in the remote pre-hearing conference from his or her location. Witnesses

will be placed in the virtual lobby and will be unable to communicate with any others in this location. When the witness is called to testify, he or she will be brought into the meeting room to verify appropriate audio and video connectivity, and to commence testimony.

EXHIBITS AT THE PRE-HEARING CONFERENCE

Participants should use the share functionality within Webex to share exhibits with all participants.

CONFIDENTIAL COMMUNICATION

In the event a confidential communication must occur between the respondent or petitioner and his or her counsel, the Presiding Member shall consider the request. If the request is granted, the Presiding Member shall provide an appropriate time limitation for the communication. At the direction of the Presiding Member, Disciplinary Board staff shall place all parties in the virtual lobby during this time. Such confidential communication should take place outside of Webex (e.g. telephone). At the expiration of the time limitation, Disciplinary Board staff shall move all parties from the virtual lobby into the meeting room. Communications which are otherwise prohibited in the physical courtroom shall also be prohibited in the remote conference.

TECHNICAL DIFFICULTIES DURING THE PRE-HEARING CONFERENCE

Any participant who encounters technical difficulty during the pre-hearing conference shall first try to reconnect to the Webex conference. In the event that a participant is unable to reconnect, the participant shall immediately notify Special Counsel of the difficulty via telephone at (717) 231-3390. In the event of technical difficulty during the pre-hearing conference which cannot be overcome, the Presiding Member shall have the discretion to continue the pre-hearing conference until such time as the parties can reconvene, but not longer than 5 business days from the date of the pre-hearing conference. An objection to the quality of a remote proceeding shall be made at the time the connection is substantially impaired, but must be made on the record prior to the conclusion of the pre-hearing conference. Any objection made thereafter will be deemed untimely.

TIPS FOR PARTICIPATION USING REMOTE TECHNOLOGY

All participants are encouraged to follow these tips for successful participation:

- Enter your name completely (e.g. John M. Doe) when signing in.
- You should “mute” yourself when not speaking in order to avoid background noise. The host of the WebEx conference may mute any participant if background noise is disruptive.
- Use earbuds, headphones, or a headset with microphone to avoid feedback and ensure good audio quality.
- Be mindful of your behavior. On a video conference, you are visible at all times. If you wouldn't do it in the courtroom, don't do it on the video conference.
- Be respectful of others when talking. Participants should speak one at a time and pause briefly prior to speaking in the event of any audio or video lag.
- Position the camera at or slightly above eye level. Do not hand-hold mobile devices and do not lay phones or tablets flat on a desk or tabletop.
- Check your lighting. Ideally, sit facing a window or position a lamp where light is directly on your face. Do not position yourself in front of a window, as the light may blind the camera and darken the image.
- Dress in a soft solid color. If wearing a tie, choose a solid color.

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