



Tips to Prepare for Virtual Court

With many court hearings going virtual, it's important to prepare when testifying from a computer or smart phone

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Just the idea of going to court scares a lot of survivors. Some people may feel relieved to learn that they may be able to attend a proceeding or even testify through an application on their computer or smart phone, from home. Others may feel more nervous with a virtual proceeding. Preparation helps.

Advantages of Virtual Court

- **Safety:** Virtual court feels easier for some survivors because it gives them a feeling of safety. They don't have to be in the same building or courtroom as the abuser. They do not have to worry about running into the abuser while standing in line at security or seeing the abuser on their way to the restroom. (In a highly unusual situation, one abuser entered the home of the victim and tried to intimidate her while they were both in virtual court related to an alleged assault. A prosecutor discovered this threat, and the abuser was arrested on the spot).
- **Distance:** Often survivors can often testify from a different city or state from the courthouse location. This is certainly convenient for survivors who have moved away from the court's jurisdiction. Transportation and childcare are less complicated and costly when survivors can testify from their own homes.
- **Blocked views:** In some jurisdictions, if a survivor has an order of protection, the judges are willing to block the abuser from seeing the victim, and the victim from seeing the abuser. Survivors can ask their lawyers about this in advance but should not count on this permission; It is far from routine. However, even if the survivor can see the abuser on the screen, the

image is relatively tiny. It is easier to ignore the abuser's smirks or threatening looks than when you're in the same physical space.

Disadvantages of Virtual Court

- **Dislike of Technology:** Some survivors find the technology makes them nervous.
- **Impersonal:** Sometimes survivors have trouble conveying their full humanity to the judge and/or jury from a tiny screen. Judges may miss the nonverbal cues that convey how upsetting the domestic violence is to survivors, such as seeing them sigh, wring their hands or tap on their legs. A "talking head" on a screen seems more like television and less like life.
- **Technical Glitches:** Sometimes the technology does not work. This is usually a user error, but that is small comfort to the survivor who waited months for a hearing, only to discover that she could not turn on her mic and the hearing had to be rescheduled.

Preparing for Virtual Court

Most of the usual tips for preparing to testify and for testifying itself also apply to virtual court. In addition:

- **Check the tech:** Make sure your mic and camera are working, and make sure your device is either plugged in or fully charged. Make sure you can hear well enough and if not, fix this problem in advance. While your attorney is not permitted to tell you what to say or rehearse your testimony, your attorney, victim advocate, or even a tech-savvy friend can help you make sure your device is working.
- **Keep notes on hand:** Sometimes people take notes when they talk with their lawyers or advocates about an upcoming trial or hearing. Sometimes survivors make a brief list of what they want to be sure to say. If you have such notes, you may be able to keep them on hand but out of sight in a virtual hearing--in a way that would be impossible in a courtroom. It is important not to read directly from these notes, but you can glance at them to help you remember the main points.
- **Avoid interruptions:** Do your best to avoid interruptions. Turn off the ringer on your phone, close the door and put a sign on it asking not to be interrupted, and arrange for childcare if you have children in the home. If possible, use earbuds that have a mic so that loud noises will not interfere with your speech. If you cannot get the quiet and privacy you need at home, see if you can use the home or office of someone you know and trust.
- **On the table next to you:** Make sure you have a glass of water by your side. Have a pad of paper with a marker in case you need to hold a sign up to your

camera to say your mic is not working or something has gone wrong.

- Make sure you have a neat and neutral background: Judges are apt to prefer to see your kitchen cabinets or your living room wall, rather than a fake background of the ocean. But just as you would not show up in court looking a mess, your background should not be too messy, either. Certainly, there should be no indications of alcohol, drugs, or curse words within view. It is fine if children's toys or books are visible. Know that the judge is going to be using all the cues you provide to assess your character.
- Make sure your camera is steady. I witnessed a hearing where the survivor had her smart phone propped up in front of her, and it kept slipping, making her face move out of view. After several reminders, the judge clearly was getting irritated. I have also seen hearings where the camera was shaking as the survivor trembled, holding her phone. Try to have your camera—whether it is in a phone or computer or separate—in a stable place so that you (and the judge) are not distracted by it.
- Suppose your image or voice keep breaking up? Sometimes there is insufficient internet bandwidth for the hearing. The judge may be willing to have you turn off your camera and conduct the process with your voice only.

Like everything else to do with the legal system, virtual court can feel intimidating to survivors. Preparation will help you feel confident when you speak your truth.