



UNITED STATES COURT OF INTERNATIONAL TRADE
ONE FEDERAL PLAZA
NEW YORK, N.Y. 10278-0001

CHAMBERS OF
Jennifer Choe-Groves
Judge

REMOTE PROCEEDING PROCEDURES

The following rules of conduct will apply during proceedings conducted remotely via videoconference, in addition to the Rules of the United States Court of International Trade.

These rules of conduct are subject to modification by the court as warranted in specific cases.

1. Remote Court Proceedings. The court may conduct court hearings and trials by videoconference or teleconference.
2. Maintaining the Decorum of the Court. Counsel, witnesses, and any other attendees are required to observe the typical rules and procedures related to court appearances. Members of the public will be permitted to listen to non-confidential proceedings but will not be allowed to speak or appear by video or audio.
3. Technology Preparations.
 - a. Preparing to Meet Technological Requirements. Counsel and witnesses should use best efforts to ensure that there will be clear video and audio transmission during remote proceedings, including adequate familiarity with the videoconference platform and related software and hardware, e.g., microphones, webcams, headphones, multiple monitors, etc.
 - b. Adequate Equipment. Parties are responsible for ensuring that each witness is familiar with the videoconference platform and that counsel and witnesses have the following equipment to participate without undue delays: microphone, video camera, and laptop or personal computer.

Counsel and witnesses should not attempt to participate using a smartphone or tablet. Counsel and witnesses should connect to the Internet by hardwired ethernet cable rather than by Wi-Fi to avoid Internet connectivity issues. Counsel and witnesses should use a headset or earphones if noise or hearing is a concern.

- c. Test Sessions. Counsel and witnesses will conduct one or more test sessions with the court in advance of a proceeding. Each counsel and witness will practice using the videoconference platform and test all video and audio equipment (including settings) that will be used for the proceeding. During the test session(s), counsel and witnesses will practice document sharing and virtual breakout room functions. Witnesses should ensure that they can see and hear counsel and court personnel, and that witnesses can see any documents that counsel may share remotely with the witnesses. Counsel, witnesses, and the court reporter should share contact information with the court, and the court will provide contact information for its Information Technology and Case Management staff, so that all parties will be able to communicate if technical problems arise during the proceeding.
- d. Virtual Breakout Rooms. The court will host the videoconference and will provide access to virtual breakout rooms during breaks and recesses as appropriate. Separate breakout rooms will be provided for each party. Before the proceeding begins, counsel shall provide the court with a list of individuals who will be permitted in each respective breakout room.

4. Exhibits. In advance of the proceeding, counsel will ensure that each witness (and if practicable, the court reporter) has a copy of the exhibits that counsel will reference during the proceeding, even if counsel anticipate sharing documents remotely using the videoconference platform document share feature.
5. Technology Settings During Proceeding.
 - a. Counsel must be visible by video at all times during the proceeding.
Witnesses must appear by video when they are called. Attendees should use best efforts to eliminate all visual and auditory distractions.
 - b. Attendees should mute themselves when they are not speaking.
6. Remote Procedures.
 - a. Recording of proceedings by any means, including audio or video, is strictly prohibited.
 - b. Counsel and witnesses should speak in a loud, clear voice and at a slower pace than normal to ensure that the court reporter, who may be located remotely, can hear counsel and witnesses clearly.
 - c. Counsel may remain seated when addressing the court for remote proceedings via videoconference so as to avoid the need for camera adjustments.
 - d. Witness Examination.
 - i. Witnesses must be located separately from one another (in separate virtual rooms and separate physical rooms) until each witness has been released. A witness may not enter or be within hearing distance of the videoconference or any other testimony until the witness has been released.

- ii. No attorney, party, or witness may communicate with another witness about any previous testimony in the case until after all witnesses have been released. From the time the witness is placed under oath until the witness is released, the witness is prohibited from communicating with anyone other than the court and examining counsel without permission of the court.
Notwithstanding the foregoing, a non-party witness may confer with the witness' personal attorney at any time.
 - iii. Counsel may not discuss testimony with a witness while the witness is on direct, cross-, re-direct, or re-cross-examination.
 - iv. A witness may not refer to any documents or other information sources during his or her testimony unless and until the witness is directed to do so.
 - e. A released witness may leave or remain in the videoconference. Released witnesses must turn off their cameras and remain muted for the remainder of the proceedings, and may not communicate with other witnesses until after each witness is released from testifying.
7. Opportunities for Junior Lawyers. The court encourages the parties to create opportunities for junior lawyers to take a more active role in oral arguments, particularly those junior lawyers who are familiar with the issues and the record, but who are not as experienced in arguing before a court.