

Webex for Lawyers

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Background

For over a year now, we have primarily been working from home as a result of the pandemic. That has meant performing a lot of our daily tasks using some sort of video conferencing application. As Virginia lawyers know, the Virginia Supreme Court endorses and supports the use of Cisco's Webex video conferencing application for Virginia court activities. What does this mean for Virginia lawyers? In order to be competent in the practice of law, lawyers need to understand how to use Webex and what options are available. We'll attempt to cover Webex basics to get you started.

The one thing to remember is that the court will normally be the host of the meeting (hearings) and will have control over how Webex is configured and used. As an attorney, you will be a participant and may or may not have certain capabilities depending on what the court or judge has allowed.

Features

Obviously, we can't cover all the intricate details and features of Webex, but there are many that you should be familiar with. Understand that even if a feature or function is available, that doesn't mean the particular court has enabled it or made it available to participants. You know the old saying...if you know one court, you know one court. In these days of virtual hearings, we could probably drill down deeper and say that if you know one courtroom (and its judge) then you know one courtroom.

To start, Webex provides high-definition video and audio meetings supporting up to 1,000 attendees. There are user-controlled layouts such as grid, active speaker and other modes. The user can "pin" speakers to keep focus on specific individuals. If you don't pin a participant, the focus will automatically shift to whoever is speaking.

Security is a huge concern, especially when protecting the client confidential information used in court proceedings. Besides Zoom, Webex is the only other platform that has true end-to-end encryption protecting all messages, files, drawings, recordings and other Webex features. Just like Zoom, end-to-end encryption in Webex is not turned on by default and must be separately activated if desired. There are built in security controls for private messages, file sharing and other attendees' interactions to ensure that the meeting follows court guidelines. From the court's perspective, there are very robust management tools to provide role-based control of feature availability. In other words, judges will have different features available as would clerks, attorneys and even the public.

There are many features (some probably copied from Zoom) to enhance the meeting experience. Zoom calls it the waiting room and Webex calls it the lobby. The lobby is where you can stage participants prior to joining the actual meeting. The host has granular control to allow specific individuals to enter the meeting from the lobby. Just like Zoom, Webex has breakout rooms. Frankly, we believe that the Webex implementation of breakout rooms is better than Zoom's. Like a lot of video conferencing systems today, Webex has support for blurred and virtual backgrounds. Zoom only recently added the blur background feature. The host can designate individuals to act as co-hosts to provide additional meeting support with granular user permissions for other attendees. There is also two-way

whiteboarding for collaboration environments. The whiteboard can act much as the flip chart did from the physical courtroom days.

As you would expect, there is built in screen and file sharing including the whole desktop or a specific application. A very useful feature is the ability to co-edit OneDrive and SharePoint files in real time without switching applications. In addition, there is calendar integration with Microsoft and Google email/calendar products.

Recording

Like other systems, Webex supports local or cloud storage options for recordings. Attorneys are very concerned about the recording capabilities of Webex. As an example, will the breakout room session with your client be recorded? Be sure to check with the court to determine what is being recorded or if recording is allowed at all. Remember that you cannot prevent anyone from recording anything from the meeting. There is always the possibility that someone is using an external device such as a smartphone or computer software such as Camtasia to record portions of the meeting.

Transcription

Webex includes real-time transcription and closed captioning using advanced artificial intelligence powered voice technology for accurate speech-to-text capture. The authors have also observed the language translation capabilities of Webex which are pretty darn good. The language translation captioning is particularly useful for non-English speaking participants. From a security perspective, the meeting transcripts are processed entirely within Cisco. No third party is used to provide translation or transcription services; therefore, the court data is totally contained within Cisco's control.

Hardware/Software/Network

It is obvious that you will need some sort of camera to participate in a virtual court hearing using Webex. Most modern laptops include a webcam but consider using an external USB webcam instead as the video quality tends to be much better. You can also get a tripod so that the camera is elevated at the right height and pointed in the right direction. Good audio is also important. Consider getting a USB headset with a microphone to improve your audio quality. You do have the option of using a mobile device such as a smartphone or tablet, but the quality of the experience tends to be less than if you used a computer.

Arguably, the most important technology item when using Webex is network bandwidth. Avoid using Wi-Fi if you can, especially if sharing the network with others such as your spouse or children. Investigate connecting to the network via Ethernet. According to court technology personnel, you must have a reliable high-speed internet connection capable of at least 5 Mbps upload and download speeds. Webex supports the following browsers:

- Chrome version 65 and later
- Mozilla Firefox version 52 or later
- Edge – Supported only for starting and joining meetings, events, training sessions or support sessions in Webex Meetings, Webex Training, Webex Events and Webex Support
- Internet Explorer version 11 (32-bit/64-bit)
- Safari version 11 or later

Operating Systems

Webex is supported on multiple operating systems to include macOS 10.13 Maverick and later, Windows 7, 8, 8.1, 10 and various versions of Linux. Even though Webex is supported on Windows 7, attorneys should upgrade to the latest version of Windows. Windows 7 went out of support in January 2020 (over a year ago) and is no longer receiving any updates including security updates. The continued use of Windows 7 could be considered a violation of an attorney's ethical duties in failing to protect client confidential data due to the lack of security patches.

Court Rules

Though the Virginia Supreme Court supports Webex for court proceedings, each court (and judge) has their own rules and procedures. As an example, you may be required to submit your exhibits on paper to the court prior to the hearing. Perhaps the judge will allow you to share your Webex screen to display your exhibit instead of submitting them prior to the hearing. Just make sure you know what the court or judge requires and be prepared.

Final Words

An extremely important bit of advice is to test your technology prior to your virtual court appearance. Computer users may be prompted to install a Webex extension to their browser. Make sure you have sufficient user rights to perform the installation and do it before the hearing. The last thing you want to do is fire up Webex right before the scheduled hearing only to find out that you don't have permission to install the Webex extension.

If you plan to attend a virtual hearing using a mobile device, users are required to download and install the Cisco Webex app prior to your virtual hearing. Be sure to test your video and audio settings. You certainly don't want to show up to your virtual hearing as a cat as Texas attorney Rod Ponton inadvertently did when he used his secretary's 10-year old computer and encountered software which rendered him as a cat.

You may want to consider signing up for a free Webex account and becoming familiar with the controls and features prior to your virtual hearing. The free version provides meetings with up to 100 participants, HD video, screen sharing and a personal room. While the free version doesn't have all the bells and whistles that you will encounter with the court's version of Webex, it will provide a good basis for you to be competent in using Webex for your virtual hearing.

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