



COVID-19: PREPARING FOR VIRTUAL COURT HEARINGS IN SUPREME COURT

Tuesday, July 7, 2020

Virtual court options are now available across the province for many civil, criminal and family matters in the Supreme Court of Nova Scotia. Counsel are encouraged to consider and use virtual court options whenever possible.

Virtual court includes remote hearings by telephone, video, and communication platforms like Skype, or a combination of these technologies. These remote appearances allow courts to hear more matters without additional staff at the courthouses. They are also a helpful option when courtrooms are too small to hold in-person hearings and still respect physical distancing.

The Supreme Court began offering virtual court hearings and settlement conferences in May for some non-urgent civil matters at the Law Courts in Halifax. The Court has since expanded virtual court to include matters with documentary exhibits and viva voce evidence, including cross-examination. That means virtual court is available for civil and criminal matters in all locations, subject to the following criteria:

- All parties are represented by counsel;
- The matter can be dealt with in three days or less; and
- All parties consent, or a judge orders otherwise.

The Supreme Court (Family Division) will continue to direct that parties be heard by telephone, video or other electronic means, subject to a judge directing otherwise.

Counsel who have a Supreme Court matter that they feel should proceed virtually can contact their local scheduler or the presiding judge to make the request.

Conduct, Decorum and Expectations in Virtual Court Proceedings

Counsel, parties, members of the media, and others who may participate in virtual court hearings are expected to conduct themselves as though they were physically appearing in a courtroom. All manner of decorum, formalities and court practice must be adhered to, including proper business attire.

Virtual court hearings have the same expectations and rules as in-person hearings. That includes rules regarding robing. In matters where counsel would have been expected to robe in-person, counsel will also be expected to robe for the virtual appearance, unless otherwise directed by the judge.

Just like preparing for physical court appearances, counsel who are participating in a virtual hearing are expected to familiarize themselves with the technology and ensure they are fully prepared for their appearance, including testing their setup and equipment.

Please note that while court staff will offer a trial run prior to the hearing, they are not responsible to troubleshoot connectivity issues for counsel and parties. Counsel are encouraged to involve their firm's IT staff or engage an independent IT expert for the pre-hearing test, as well as for the actual virtual court proceeding.

The pre-hearing test is meant to replicate the actual virtual court proceeding. For the test, counsel should be set up with the equipment they expect to use and in the space where they expect to be working on the day of the hearing. After the test, counsel should not make any changes to the equipment, software or setting, as that can affect their ability to connect to virtual court the next time.

To help prepare for virtual court, counsel are also encouraged to read the [Best Practices for Remote Hearings](#) document developed by the E-Hearings Task Force in Ontario.

Considerations for Participants in Virtual Court Hearings

When participating in a virtual court hearing, counsel and the parties are asked to please consider the following before connecting to the session:

- 1) Participation in virtual court hearings requires a commitment to technology. Counsel and the parties involved must have the ability to effectively connect to a video/audio conference in a consistent and reliable manner.
- 2) The required technology to participate by video includes a web camera for video display, audio and a microphone.
- 3) A reliable headset with a microphone is strongly recommended. This provides a better audio experience and reduces background noise for others when you are speaking. Earphones also work well.
- 4) To help avoid Internet interruptions or failure, participants are encouraged to have a hard-wired connection to your network. Wi-Fi connections are not as reliable. Counsel must also have their own Internet network to connect.
- 5) Devices such as Google Home, Alexa and Echo should be turned off during your participation in the hearing.

- 6) While the Court will offer a trial run prior to the hearing, you are encouraged to engage support from an independent IT expert who can provide you with help and advice. Court staff are not responsible to troubleshoot connectivity issues for counsel and parties.
- 7) Counsel and the parties are encouraged to regularly test the technology required for video conferencing, especially after installing additional hardware or software to your device. Participants are encouraged to connect to the virtual session at least 10 minutes early to allow time to troubleshoot any unexpected issues.
- 8) Ensure you are set up in a quiet, private area with appropriate lighting. Avoid setting up your device in front of a window, as you will appear in shadow.
- 9) When appearing by video, your screen name should be your given name and surname. If your Skype profile includes a photo, ensure the photo is professional and appropriate for court, as others in the hearing will be able to see that if your camera is disabled or not working.
- 10) Counsel and parties are not permitted to record video or audio of any virtual court hearings or virtual judicial settlement conferences.

For more information on Virtual Court, please visit www.courts.ns.ca/Virtual_Court.htm.

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