

Protocol for Participation in Remote Hearings

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Introduction

1. This Protocol applies to any hearing of the Supreme Court, Court of Appeal or High Court in respect of which the Court has made a direction allowing one or more counsel or self-represented parties (“participants”) to participate in the hearing by remote technology. Such a hearing is referred to in this protocol as a remote hearing. The Court will notify all participants if it makes a direction that a remote hearing will take place. This will not prevent those who wish to participate in person from doing so, unless the Court directs that all participants must appear by remote technology.

Setup

2. Remote technology includes attendance by video-conference using Virtual Meeting Room (VMR), a web-based video-conferencing system supported by the Ministry of Justice and Spark, or by using Microsoft Teams (Teams), a meeting solution that uses an internet browser or the Teams app.

3. Where a participant wishes to join a remote hearing, the Registry will ask to ensure you will be able to connect with the following requirements:

a) **Browser:** for VMR use Microsoft Edge or Mozilla Firefox. For Teams use Microsoft Edge or Google Chrome. Do **not** use Internet Explorer, which does not work with either VMR or Teams.

b) **Connectivity:** a strong and stable internet connection (preferably broadband with a wired connection to your device or high-quality Wi-Fi, but if that is not available any stable high-speed data connection may be used).

c) **Device and hardware:** a computer or laptop with a microphone and camera; headphones with an in-built microphone (strongly recommended) or, as a minimum, you can use the device microphone with regular headphones.

d) **Positioning:** sit before a blank background – this reduces picture distortion for other participants. If using Teams, you may use a neutral virtual background.

4. If you cannot meet any of the above requirements, please let the Registry know immediately.

Test call

5. The Registry may ask you to participate in a test call. If so:

a) The Registry will set a date and time for a test call.

b) VMR hearings – The Registry will provide a link and a password to connect to the VMR system. Copy and paste the link into your browser (see paragraph 3(a) above) and press 'Enter'. You will then be able to enter the password.

c) Microsoft Teams hearings – The Registry will send an email or Outlook calendar invitation with the Teams meeting link. Click on the link to join the remote hearing.

d) You will be taken to a new screen where you can set up your video, microphone and speakers (if you have an inbuilt microphone, camera and speakers these should be working already).

d) The Registry will ensure that all parties can hear and see one another and then provide a rundown of how the system works. This is a good chance to ask any questions about the remote technology or the remote hearing itself.

f) No formal attire is required for the test call.

g) For quick reference guides see; [VMR](#) or [Microsoft Teams](#) remote courts information.

Remote hearing

6. In terms of [s 13 of the Courts \(Remote Participation\) Act 2010](#), the place of hearing will be the Courtroom allocated for the hearing. The Registrar will physically be present in the courtroom for a VMR hearing, but may not be physically present in the courtroom for a Teams hearing.

7. Counsel appearing remotely in a remote hearing are not required to wear a gown; however formal attire is required.

8. You should remain seated for the remote hearing.

9. The Registry will let you know the date and time for the remote hearing.

a) If the remote hearing is by VMR, you will be provided with a link and password.

b) If the remote hearing is by Teams you will be provided with a meeting link.

c) Please note that this information may differ from the test call.

d) The link you are provided with is for your personal use. You must not pass it onto someone else.

10 You must connect at least 10 minutes before the remote hearing.

a) If it is a VMR hearing, the Registrar will connect at this time. The Judge(s) will then enter the remote hearing once the Registrar confirms that all parties are connected, with no audio-visual issues.

b) If it is a Teams hearing, you will remain in the “lobby” until admitted to the hearing by the Registrar. The Judge(s) will already be in the hearing when you are admitted.

11. The Registrar will then call the case and the presiding Judge will ask participants to enter appearances as usual. The presiding Judge will then inform participants of how the remote hearing is to proceed.

12. Participants should note their allotted time for oral submissions will include the time required for questions from the bench.

13. The remote hearing will be conducted as similarly as possible to, but will be less interactive than an in-person hearing.

Note:

a) Participants may request a break to prepare submissions in reply or deal with anything unexpected that has arisen during the remote hearing.

b) The Court will have read all material and submissions before the remote hearing and so participants are reminded of the desirability of focussed oral submissions.

c) Some participants may be attending by audio only.

d) If you want to speak when another participant is speaking, to add a point of clarification or to object in the manner you would in an in-person hearing, raise your hand toward the screen so that the presiding Judge can see that. Of course, such interruptions should be kept to a minimum. If you are appearing by audio only, alert the Court by raising the matter orally when the speaking participant pauses.

e) At the end of the remote hearing, the Judge or Judges will first retire or disconnect, then the Registrar will end the call.

14. Participants should remain alert to any deterioration in picture and sound quality and inform the Court immediately if this is impacting on their ability to participate fully in the remote hearing.

Important information

15. Participants appearing remotely in a remote hearing should:

- a) Speak directly into the microphone when addressing the Court.
- b) Be familiar with how to mute your microphone and turn your video off.
- c) Mute your microphone when you are not speaking.
- d) Reduce your body movements as much as possible.
- e) When positioning the camera on your device, be mindful of camera angles, glare from windows, and the background.
- f) Speak more slowly than a normal courtroom pace. Speak as clearly as possible.
- g) Note that audio cues are more important in a remote context. If your remarks are addressed to a particular person, identify them and audibly signal when you expect a response.
- h) Attempt to find a remote site that is free from as much background noise and interruptions as possible. Ensure mobile phones are on silent mode and switch off notifications on the device being used for the remote hearing.
- i) Remember, standing is not required and counsel are not required to wear gowns, but formal wear is required for all participants.

16. Any participant who wishes to display the hearing on a larger screen to a group must first request permission to do so from the Registry.

17. Participants in a remote hearing must comply with the same requirements as apply to people who are present in court. In particular:

- a) You must not record the screen (video) or audio and must not take still photographs. This includes a prohibition on downloading or capturing, by any means, sounds or images from the video feed, whether by software or digital devices, including cell phones, and a prohibition on electronic sharing of any content from the hearing.
- b) You must not publish any report of the hearing while it is in progress. This includes publishing material on any social media platform or any other media.
- c) You must adhere to Court suppression orders. This includes a prohibition on publishing information on social media.

18. If the Court permits you to view a hearing remotely, that is a direction from the Court that you may participate in the remote hearing in accordance with this protocol and also a direction that you must comply in all respects with the conditions set out above. The purpose of these conditions is to preserve the integrity of the Court process and to protect

the privacy of those involved in the proceeding. Failure to comply with paragraphs 9(d), 16 and 17 of this protocol will be treated as a breach of a court order.

Media access

19. Accredited members of the media may also be permitted to view remote hearings: see the [Protocol for Remote Viewing of Hearings](#).

This protocol is subject to revision