

PREPARING FOR AN ONLINE COURT APPEARANCE

1. Embrace the technology

Learn about and be enthusiastic towards virtual hearing technology. It will advance the interests of your client, and instil confidence in the courts and other practitioners.

2. Know the landscape

Different courts and judges have adopted different practices. Familiarise yourself with the relevant court's practice note(s) and their preferred technology.

3. Prepare

Preparation is critical to a successful online court appearance. Taking these steps will increase the chances that it will go well:

- a. Make sure you have a reliable device and internet connection. If you are using a portable device, make sure it is charged or plugged in to a charger.
- b. Consider how documents will be managed. An online hearing does not necessarily require documents to be managed electronically as well. If documents are to be managed electronically, agree on a document management system for providing documents to the Court before and during the hearing (e.g. Dropbox or SIGBOX).
- c. Agree how documents will be shown to the parties, the Court and witnesses during the hearing (e.g. screen sharing or accessing a common electronic or physical file).
- d. Agree on a hearing agenda/protocol setting out the issues for hearing, the order of speaking, and how questions or interjections are to be made.
- e. Ensure witnesses are familiar with the platform used, they need be alone when giving evidence, and how they will be shown documents. Preparing witnesses over the same platform will assist. It will also provide an opportunity to test the reliability of their device and internet connection.
- f. Organise a backup option in the event that your primary connection to the hearing fails (e.g. an alternative internet connection or phone).
- g. Conduct a test hearing. Make sure all the practitioners involved participate.

4. Conveying instructions, communicating with the team

Where members of the same legal team are not in the same location, they will need to be able communicate with each other easily and instantaneously (just as you would in the court room).

We suggest that the team sets up two WhatsApp groups. The first group should include all team members. The second group should include all team members except for the barrister with the principal speaking role. The first Group should only be used to convey essential messages to the barrister with the speaking role, to minimise the risk of unnecessarily distracting her or him. The second Group may be used for more general communications between the balance of the team members.

We do not recommend using the chat room features on the various online hearing platforms due to the risk of inadvertently sending a private communication to all parties. A separate channel for inter-team communications such as WhatsApp, iMessage, Slack or Discord will minimise this risk.

5. The hearing

Courts expect practitioners and parties to conduct themselves online just as they would in the court room. Accordingly:

- a. Take everything you need for your hearing to the virtual courtroom.
- b. Check your background and lighting sources. Make sure the front of your face is well lit and that you are not obscured by shadows.
- c. Look professional: wear what you would normally wear to Court.
- d. Log in early to allow yourself time to fix any technical issues.
- e. Observe all normal court etiquette and protocols.
- f. Turn off your microphone when not speaking. Be conscious that your microphone is more sensitive than the ones you are used to in court. It will pick up sounds in the background and significantly amplify them, such as papers rustling, or another member of the team talking.
- g. Try not to speak over each other.
- h. When speaking: slow down, allow pauses, minimise any background noise, and if the hearing is by phone, say your name each time before you speak.