

April 2020 | Coronavirus (COVID-19)

ABOUT VIRTUAL HEARINGS

The Supreme Court of Victoria is changing the way it operates in response to the coronavirus (COVID-19) pandemic.

To ensure the Court can continue to deliver core and vital services during this time, it is introducing a suite of changes to its processes and procedures.

In a time where we must limit face-to-face interactions, the Court has introduced virtual hearings.

FREQUENTLY ASKED QUESTIONS

What are virtual hearings?

A virtual hearing is a court hearing conducted by audio-visual means, where cases are progressed without the need for participants to attend the Court in person.

Which proceedings are heard virtually?

While coronavirus restrictions are ongoing, the Court will hear all matters that can reasonably proceed using videoconference or teleconference facilities as virtual hearings.

Information about how each Division is operating during the coronavirus restrictions is available on the Court's dedicated coronavirus information web page:

<https://www.supremecourt.vic.gov.au/news/coronavirus-information>.

How is the Court facilitating virtual hearings?

The Court is facilitating virtual hearings through the use of various videoconferencing and teleconferencing platforms.

Virtual Hearings

Practitioner's fact sheet



[Webex](#) is used for criminal matters in the Trial Division and for all hearings in the Court of Appeal.

The platform used in civil matters in the Trial Division will depend on the requirements of the proceeding, such as the nature of the evidence to be adduced, the number of parties and practitioners, the location of the judicial officer during the hearing, and transcript requirements. The platforms used are primarily [Zoom](#) and [Webex](#), however [Skype for Business](#) or standard teleconferencing may also be used if more appropriate to the operation of the particular list or hearing.

How will I know which method of virtual hearing will be used in my case?

Ahead of each hearing, the Court will contact the parties to confirm the method of the virtual hearing, including further information about how the hearing will be conducted.

What do I need to access a virtual hearing?

For participants with an active role in a virtual hearing (e.g. legal representatives/parties who will orally address the Court or witnesses giving evidence), you will require a device with a working microphone and camera. The device could be a computer (desktop or laptop), tablet or smartphone. The device must be connected to an internet connection that is sufficient to send and receive video. Usually a second computer will be required to access the court book.

In addition to the specifications above, participants with a passive role in a virtual hearing can also access the hearing by phone. The details for participating in this way will be provided by the Court prior to the hearing.

The Court cannot alter either the internet connectivity and available bandwidth or the specifications of devices available for remote use. Practitioners should do what they can to ensure that they, and witnesses, have appropriate resources for the successful operation of a virtual court.

How can I prepare for a virtual hearing?

It is important that practitioners familiarise themselves prior to the day of the hearing with the technical requirements for the virtual hearing they will be participating in.



The Court has produced a *Webex User Guide*, which outlines the technical requirements and step by step instructions for participating in court hearings using the Webex platform. The Guide also includes links to training videos and other materials.

For virtual hearings proceeding using other methods, the Court will provide practitioners with further information ahead of the hearing.

In order to access the virtual hearing, all participants (including legal representatives, parties and witnesses) will require their own device, as well as a stable internet connection. This will allow judicial officers and court staff to manage and identify all participants. Where participants will be required to refer to electronic documents during the hearing, each participant must have the ability to view the virtual hearing room and the electronic documents simultaneously.

What are the requirements for court books and other evidentiary materials in a virtual hearing?

Virtual hearings will proceed using only electronic documents. The Court will not accept documents in hard copy form.

In civil and appeal matters, the Court will provide the parties with direction on how relevant materials to be relied upon during a virtual hearing must be provided to the Court. This may involve filing or remotely providing an electronic court book/application book.

In criminal matters, if documents have not already been provided in electronic form beforehand, electronic copies of any document to be relied upon should be available for that party to display or distribute, so they can be provided to the Court as and when they are needed. Practitioners should also notify the Court in advance of any requirements that may impact the hearing (e.g. videos, physical exhibits, specialised software).

Will the virtual hearing arrangements be tested before the hearing?

A test of the technology, with all participants present, will be conducted ahead of the virtual hearing. This test must be completed at the same location and using the same equipment (device and internet connection) that will be used at the hearing.

The timing of the testing will be communicated to parties in advance and, depending on the type of hearing, will occur either the day before, or in advance of the hearing on the same day.



It is also the responsibility of practitioners to raise connectivity issues / hardware issues of any witnesses with the Court, in the event that it impacts the running of a hearing. As witnesses are not included in the pre-hearing testing, practitioners are encouraged to make those enquiries as early as possible.

Parties must connect to the virtual hearing at least 15 minutes prior to its commencement.

Are there any quick tips available?

The Court has published a 'Virtual Hearings: Tips and Tricks' guide sheet for practitioners. The Court will continue to update this document and other related information as it works with the profession to transition to virtual hearings.

How do I deal with technical issues arising during a hearing?

Judges' associates, tipstaves and members of the Court's Digital Litigation Team will manage and assist with the technical aspects of all virtual hearings.

In the first instance, please contact the associate if any technical issues arise during a hearing.

If your internet connection does not allow you to maintain a satisfactory connection to the virtual hearing, you may be able to participate in the hearing by phone. If you are an active participant in the hearing, you should ask the judicial officer if they will permit you to participate in this way before doing so.

Does the usual court etiquette apply in a virtual hearing?

Some of the usual court etiquette, protocols, procedures and restrictions are being adapted for virtual hearings. Before the scheduled hearing, the associate to the judicial officer will be able to tell you about any changes to the usual procedure.

Do I need to robe?

Counsel who are appearing remotely are not required to robe, though appropriate business attire is required.



Is transcript available for virtual hearings?

Yes. All virtual hearings will be recorded and transcript will be available in the usual way. For civil hearings, please refer to Practice Note SC Gen 7 - Transcript in Civil Proceedings.

How do I privately communicate with my client and other legal representatives during a virtual hearing?

Participants can privately communicate with each other during a hearing. This can be achieved by utilising the in-built features of the particular virtual hearing platform (e.g. chat), or by other traditional means, such as email, SMS, instant messenger or by phone call (from another device, with the microphone on the device connected to the virtual hearing being muted).

What am I responsible for?

The Court cannot alter either the internet connectivity and available bandwidth or the specifications of devices available for remote use. Practitioners should do what they can to ensure that they, and witnesses, have appropriate resources for the successful operation of a virtual court.

Feedback

As the Court and the profession adjust to this new and unprecedented way of working, identifying better ways of working together in virtual hearings is important. The Court would be grateful to receive feedback from practitioners that will enable further refining of processes and improve the way virtual hearings are conducted in the future.

Please send your feedback to info@supcourt.vic.gov.au.