



## **User Guide and Best Practices for Remote Hearings in Provincial Offences Courts**

In light of the extraordinary circumstances during the current public health emergency, court proceedings will be held virtually by audioconference or videoconference until further notice, unless otherwise ordered by a Justice of the Peace. Although the court proceeding is taking place virtually and the judiciary, parties, agents, lawyers, and court staff may attend by audioconference or videoconference, it remains a formal setting. Behaviour expected of people appearing remotely should mimic that of being in a courtroom setting.

This document provides information for anyone who will appear before the Provincial Offences Court for a virtual proceeding or observe a virtual hearing until further notice. The term “virtual proceeding” means a hearing, early resolution meeting, first appearance, trial or judicial pre-trial conducted by audioconference (including telephone or Zoom) or videoconference (Zoom).

Understanding that conducting a proceeding fairly and effectively by audio or video will require some modification to etiquette and behaviour.

### **For Audio and Video Conferencing Proceedings – for Defendants/Agents**

**No Recording:** Audio or video recording any portion of a remote proceeding as per section 136 of the Ontario Courts of Justice Act is not permitted. The link ([www.ontario.ca/laws/statute/90c43](http://www.ontario.ca/laws/statute/90c43)) sets out the penalties for recording, including prosecution. A transcript of the proceeding can be ordered by contacting the POA court office. (Provincial Offences Court forms at [www.regionofwaterloo.ca/poa](http://www.regionofwaterloo.ca/poa)).

**Location:** The court understands that you do not have the advantage of appearing in a controlled courtroom environment. You may be participating from a small, shared living space. Every reasonable effort should be made to find a quiet, private space with a neutral background for your court appearance.

**Mute Microphone:** To minimize background noise, your microphone must be on mute when you are not speaking. If you are using a computer, close applications on your computer such as Twitter, Facebook and email. They are not needed and will help avoid being interrupted during the proceeding.

**Introductions:** When you first join the remote proceeding, you will be asked to identify yourself by full name for the record (and whom you represent, if applicable).

**Speak clearly and slowly:** Remember to unmute before speaking. Speak clearly and slowly enough for everyone to follow what you are saying. Pause frequently to allow the Justice of the Peace to ask questions and avoid speaking over the Justice of the Peace or other participants. This is particularly important when there is an interpreter. Mute the microphone again when done speaking. Follow the directions of the Justice of the Peace regarding when to speak or ask questions.

**Forms of Address:** The Justice of the Peace should be referred to as “Your Worship”.

**Material:** Collect and organize the documents you will need in advance and make sure you have them with you for the hearing.

**Use Pen and Paper:** If you need to take notes, use pen and paper. The sound of typing can be distracting and make it hard to hear others. Avoid shuffling papers as that can also be distracting.

**No food or Drink:** As in a courtroom, do not eat or drink anything but water during a court proceeding.

**Say your name when you start speaking:** At an audio conference proceeding, it can be hard to know which person is talking.

**Audio Connection:** Whether using a landline or a cell phone, do not use the speaker phone function. Instead, use a hand-held phone or use a set of headphones with a built-in mic and mute feature. If possible, avoid the use of VOIP (Voice over Internet Protocol).

### **For Videoconference Proceedings**

**Dress Appropriately:** The Justice of the Peace will be dressed as they would to reflect the professionalism of the court. Dress as if you are attending an in-person proceeding in the courtroom.

**Join Early:** You should be prepared to join the videoconference proceeding 30 minutes before the start of the proceeding to allow time to address any technical issues. Before the videoconference proceeding starts, you will enter a virtual waiting room and will be admitted to the virtual courtroom.

**Use your name when prompted for a screen time:** When you join the videoconference proceeding, you will be asked to enter your name. The name that you

enter will be displayed for all participants to see. Type your first and last name as it appears on the court notice -- do not use nicknames or short forms.

**Sitting and Standing:** You do not need to stand when the videoconference proceeding starts or ends and you can remain seated when addressing the Justice of the Peace.

**Bowing:** You do not need to bow at any time during the videoconference proceeding.

**Focus on the camera:** Direct eye contact is important. When speaking, look into the camera rather than the person you are speaking to.

### **Submitting materials to be used at trial:**

Prosecutors and defendants should submit their trial materials electronically and at least five days prior to their appearance date by emailing them to [courtreporter@regionofwaterloo.ca](mailto:courtreporter@regionofwaterloo.ca). The preferred digital formats are:

- Documents – PDF
- Photographs – JPG
- Video – MP4 or MOV

Please include your name and contact phone within the email. The subject line of the email should be Defendant's name, the word Trial, and the trial date. For example, John Smith, Trial, November 5, 2021. Each document, photograph, or video needs to be submitted as a separate attachment.

If you are unable to submit electronically, please deliver your materials (paper based or stored on a USB drive) to 77 Queen Street N in Kitchener between the hours of 9:00 a.m. and 1:00 p.m.

**Technical difficulties:** If the image and sound quality is interrupted ask whether other participants can still hear you. If so, continue speaking as the image will reappear once the bandwidth returns to normal. If problems continue, it may be necessary for some of the participants to turn off the video and you may be directed to do so. If the session ends unexpectedly, please try reconnecting.

If you lose internet connection and cannot reconnect, please call the Moderator at (519) 745-9446 extension 3712.

### **Platform and Technical Requirements**

Make sure to use your full name in the Zoom session. If when you join your full name is not displayed, you can update it by using the Rename function in the Participants window.

You will need to join the proceedings using a smartphone or computer that has:

- A microphone and speakers, or headphones with a built in microphone
- A user-facing camera that can share video

Do not connect to the same meeting from multiple devices as this can cause audio issues such as feedback and echo.

If you have not connected to a Zoom meeting before, download the Zoom Meetings app to your phone or the Zoom desktop client to your computer in advance of the proceedings. If you can, test connecting to a Zoom meeting to make sure your smartphone or computer is set up correctly and to familiarize yourself with Zoom functions.

Make sure you are connecting from a location that has sufficient network capacity and bandwidth. You might be able to effectively join the proceedings using a cellular data connection but a capable Wi-Fi connection is preferred. If you are having difficulties connecting on the day of the trial or meeting, call the Moderator at (519) 745-9446, extension 3712.

If you do not have access to a personal computer or device, please contact the Trial Coordinator at [TCoordinator@regionofwaterloo.ca](mailto:TCoordinator@regionofwaterloo.ca) at least three weeks in advance of your court date to reserve a computer that you can access from the Courthouse at 77 Queen St North in Kitchener.

If you have general enquiries, please email [poa@regionofwaterloo.ca](mailto:poa@regionofwaterloo.ca)