



## **Virtual hearings at the Federal Court – User Guide for Participants**

### **I. Overview**

To ensure access to justice, the Federal Court is moving to increase virtual hearings. Based on an assessment of current capabilities, and a survey of the experience of others, the Court has, for now, opted for the Zoom Business platform.

The Federal Court remains committed to the Open Court Principle, and remains accessible to the public through electronic means.

The Federal Court understands that it may not be possible for some people to participate in a Zoom call (e.g. some Indigenous communities, self-represented persons and counsel may not have access to a reliable internet connection). In this event, the presiding judge or prothonotary may direct otherwise to ensure a fair hearing.

In addition, there may be other reasons for the presiding judicial officer to adapt the guidance set out below, based on submissions of the parties and the circumstances of each particular case. For most hearings, however, the Court expects to follow the guidance set out below.

The following guide is intended to help you understand the Zoom platform.

Please note that the images used in this guide are from a Zoom meeting being held on a Windows laptop. If you are using a different device, such as a smartphone or tablet, or if you are using iOS, you will have access to similar features, but their placement may be different.

### **II. Recording and Broadcasting Policy**

Parties may request hearings by telephone or video conference during the Suspension Period. These requests will be assessed on a case-by-case basis.

The Court may reach out to parties to discuss scheduling matters that are ready or close to being ready to proceed as determined by the Court.

The Court will also hear urgent and exceptional matters and parties are asked to provide as much notice as possible in those cases.

Parties should refer to the Court's April 4, 2020 [Updated Practice Direction and Order](#), as well as the April 29, 2020 [Court's Update #2](#) for more details regarding this, requesting adjudication in writing, as well as e-filing, and filing of confidential material.

Please note that the Court will require electronic copies of all documents that are necessary for any telephone or video conference hearing. Resources such as practical tips and best practices regarding e-filing are available on the Federal Court [website](#).

Parties are reminded of the importance of (i) numbering each page in an electronically filed document or package of documents, and (ii) referring to such page numbers in their written and oral submissions. In the event that a hearing by video conference is rescheduled, the registry and presiding judicial officer may discuss with parties the availability of electronic material and options for ensuring that the Court and all parties have access to the electronic record.

New documents should be submitted through electronic means in advance of the hearing. Parties may contact the registry if they have further questions.

Once a hearing is scheduled and the order is issued, counsel will receive a separate email containing information pertaining to the Zoom hearing. **Do not share your link or login information. If you would like anyone else to attend the hearing from their own device (co-counsel, articling student, clients, etc.), make sure to inform the registry as they will require a separate link. They will be permitted to join as participants, but may be muted and/or have their camera turned off as appropriate.** This is important as your link will not let multiple people join.

The presiding judicial officer may also issue a direction or hold a case management conference to discuss further details relating to the virtual hearing.

### III. Court Decorum

All participants are expected to respect court decorum despite the virtual setting of the hearing. This includes choosing quiet and private spaces where there is little risk of interruption, if possible, and a stable internet connection.

The Court understands that participants may be situated in shared living spaces. They should make a reasonable effort to find a quiet, private space to make their submissions. However, the Court anticipates and understands that there may be some unavoidable interruptions from children, pets, other people or background noises.

Counsel are not required to have their camera on during the proceeding if they prefer being heard by audio only, though the Court encourages the use of video. When participating by video, the background should be consistent with the decorum of the Court, and ideally neutral. See below for the steps to use a virtual background.

Counsel and parties should appear before the Court in business attire. Gowning requirements are suspended. Counsel are not required to stand or bow.

Usual restrictions regarding eating and drinking in a courtroom apply. Counsel may have water available.

#### **IV. Recording and Broadcasting Policy**

Recording and/or broadcasting virtual hearings is prohibited, except under certain conditions outlined in the [Policy on Public and Media Access](#).

Parties who use Zoom to view the virtual hearing are expected to follow this Policy. By clicking on the link to join the hearing they will be acknowledging that they have accepted these terms.

#### **V. Interpretation Services, Accommodations and Self-Represented Parties**

The Court's current policies and resources remain in place.

The Court will make simultaneous interpretation services, from one official language to the other, available upon the request of any party to the proceedings as per its usual policy, which can be found on the Court's [website](#).

Parties must make a request in writing to the registry as early as possible before the hearing.

Parties should also advise the registry of any other accommodation that may be needed for virtual hearings.

Self-represented parties are encouraged to consult the resources available on the Court's [website](#).

#### **VI. Zoom Guide for Virtual Hearings**

##### **A. *What you need***

A video conference conducted on the Zoom platform is called a Zoom meeting.

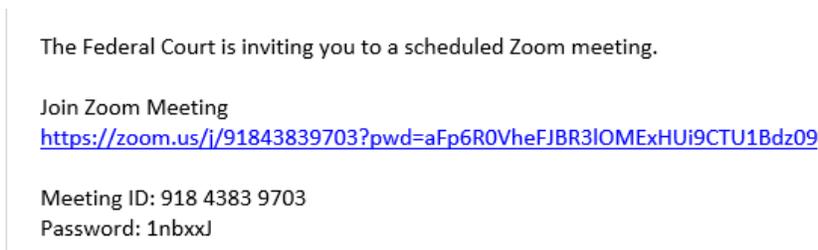
Participating in a Zoom meeting is free and does not require an account. You do need the following, which can be met with a computer, tablet or smartphone, though a computer (laptop or desktop) is recommended:

- a) A stable internet connection (preferably 1.5Mbps; you can test this [here](#));
- b) Speakers (built-in to your device or plugged in) or headphones;

- c) A webcam and microphone (built-in or USB plug in); and
- d) The Zoom meeting invitation received by email from the Federal Court (please do not share this invitation to avoid other participants joining. The public and media can request access by following the instructions in the Guide for the Public and Media).

B. *Preparing for the hearing (1 day in advance)*

Click on the Zoom meeting link.



If this is your first time using the platform, you will need to click on “download & run Zoom.” If not, click directly on “Open Zoom.”

For more information on how to download Zoom, head [here](#).



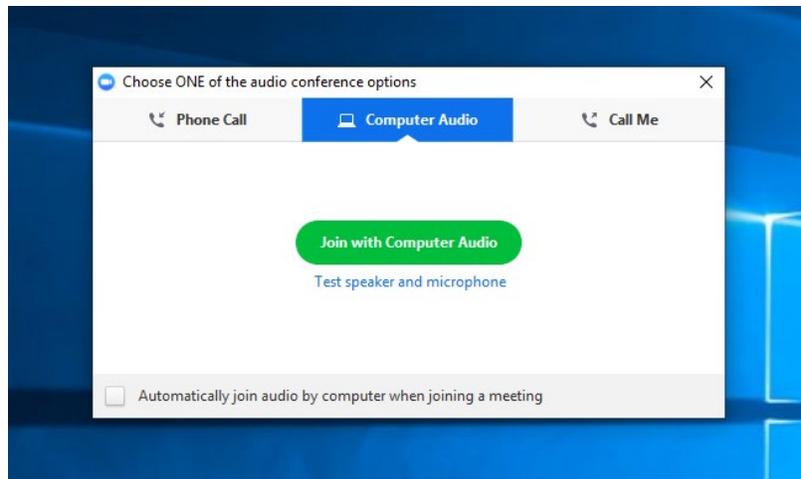
If nothing prompts from browser, [download & run Zoom](#).

If you cannot download or run the application, [join from your browser](#).

Test your audio and video here: <https://zoom.us/test>

Or

When joining a hearing by clicking on your Zoom link as shown in the picture and clicking “Test speaker and microphone.”



Check your surroundings:

- What will other participants see behind you?
- Can you close the door to minimize the risk of interruptions?
- Have you set up a way of communicating with colleagues outside of the Zoom platform?

Write down key information:

- Make sure you have the meeting ID and password from your Zoom invitation, and download the Zoom application on your smart phone or tablet, if possible. In the event you are disconnected, you will be able to join the hearing using the application on the other device.
- Alternatively, write down the telephone number from your Zoom invitation, so you can call in, in the event of a technical difficulty.

Tips:

- Position the camera at eye level or slightly above eye level. When speaking, try to look directly at the camera, rather than the screen.
- Face a window or a light so others can see you. It is better if the light is behind the camera, or coming from the side.
- If you have headphones with a microphone, the sound is usually clearer than using your computer's built-in microphone.
- If possible, use a hard-wired internet connection instead of Wi-Fi.
- Think of how you will set up your space to have access to the video screen and your documents – whether paper or electronic. Having a separate screen if possible, or splitting your screen, may help.

- Think of how you will take notes during the hearing.
- When considering your set up, be aware of the fact that while Zoom allows you to be on a meeting on your cellphone, laptop or tablet, it will not let you sign in on two devices of the same type. Again, please remember to inform the registry of who is participating to the hearing.

C. *The day of the hearing*

**Things to check before the start of the hearing:**

- Do you have easy access to all the documents you need?
- Is your computer or laptop plugged in so you do not run out of power?
- Have you closed any programs which stream video or VPN connections?
- Do you have a glass of water available, as you would in a regular courtroom?

**Thirty (30) minutes before the hearing:**

Click on the Zoom meeting link.

The Federal Court is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/91843839703?pwd=aFp6R0VheFJBR3lOMExHUj9CTU1Bdz09>

Meeting ID: 918 4383 9703

Password: 1nbxxJ

Click “Open Zoom.”

You will be in a “waiting room” until the registry officer lets you in.

You can test your audio and video once again while you wait by clicking on “Test Computer Audio.”

Please wait, the meeting host will let you in soon.

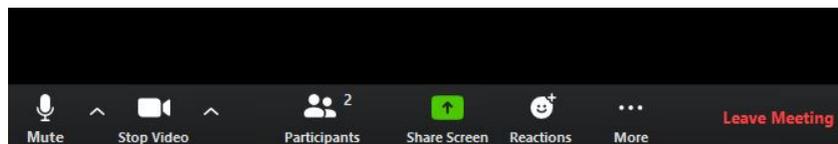
Zoom Meeting  
30/04/2020

Test Computer Audio

Once you are on the call, a floating ribbon at the bottom of the screen will allow you to

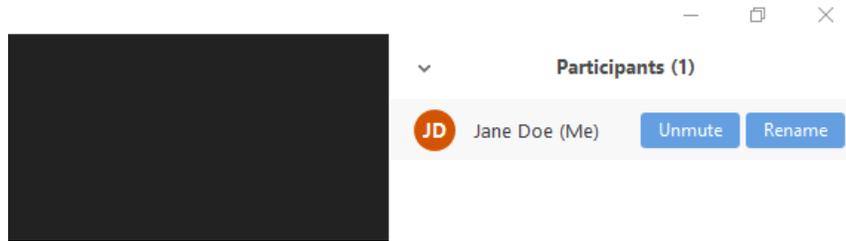
- Mute/unmute your microphone
- Stop/start your video
- See a list of participants
- Share your Screen (this may allow you to share documents on your screen)
- Chat with other participants (Click “More” if it does not appear)
- Leave the meeting

If you do not see the ribbon, hover your mouse near the bottom of your screen.



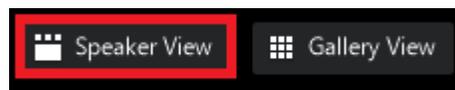
It is suggested that you indicate your name and whom you are representing if applicable. To rename yourself:

- Click on “participants” on the ribbon.
- Click “rename” next to your name.

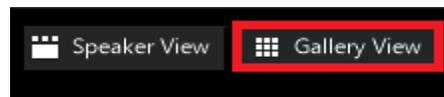


You can change the way in which you see the participants on your screen, by clicking, at the top right of your screen.

“**Speaker View**”: the person speaking will fill the majority of the screen, and the others will be minimized and appear in a row at the top of the screen.



“**Gallery View**”: all video participants will appear in the same size.



You should join the Zoom meeting 30 minutes before the scheduled time to allow the registry officer to test the connection, audio, and video, and ensure there are no problems. Once that is done, you can mute your microphone and stop your video and finalize your set up before the hearing begins.

The registry officer will be the moderator or “host” of the virtual hearing.

### Tips:

- Keep in mind that while you may mute and unmute yourself, or enable and disable your camera, the host (the registry officer) will also be able to do this. It is always a good idea to mute yourself when not speaking in order to avoid background noise.
- The Court may keep a record of the chats for administrative purposes. You should not post confidential or sensitive information, even in messages sent “privately” to only one individual. Keep your chat messages professional and only use them to communicate with the registry officer or opposing counsel about technical details relating to the hearing. If you need to discuss anything confidential with co-counsel, or your client, for example, you should do it through other means (email, texts, etc.). Do not use the chat unless necessary to avoid distractions during the hearing.
- If the file contains material that the Court has ordered be kept confidential, please refer to it indirectly, for example by referring to paragraphs and page numbers. You may wish to discuss this with the judicial officer and opposing counsel in advance of the hearing, to agree upon a system which works for everyone during the hearing. Any confidentiality

concerns you may have, regarding documents or persons in the courtroom, should be raised ahead of the hearing with the presiding judicial officer.

- The Court may create “breakout rooms” which would allow parties, for example, the Applicant’s counsel and the applicant, to speak away from the rest of the other participants during recess. However, as mentioned above, nothing confidential should be discussed. If you need to discuss such information, mute yourself, turn off your video, and use another means of communication rather than Zoom. The use of breakout rooms should be discussed ahead of the hearing with the registry and the presiding judicial officer.
- You, and your client, are welcome to use the start/stop video function above to turn off your video feed if you do not want to be seen, though counsel are encouraged to use the video function.
- Once the hearing has begun, the registry officer will “lock” the virtual hearing, preventing any other participants from joining.

D. *What to do if your Zoom meeting disconnects*

- Try reconnecting by clicking on the “Zoom” icon at the bottom of your screen.
- Try reconnecting by using the same steps described above to join a Zoom hearing. Call-in using the “Joining the Zoom meeting by telephone” option below.
- If you have the application on your cellphone or another device, enter the meeting ID and password from the e-mail invitation to join the hearing.
- Call the registry officer (you should have been provided a number just before the hearing).

E. *Joining the Zoom meeting by telephone*

Dial the number found in the e-mail invitation, and enter the meeting ID and password when instructed.

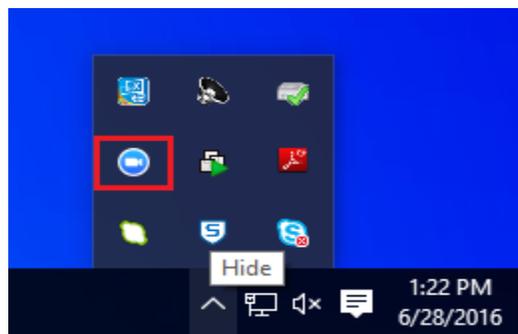
If you are reading the email on a smartphone, you should be able to use the one-tap cellphone shortcut to be automatically joined to the meeting.

Dial by your location  
+1 647 375 2971 Canada  
+1 647 375 2970 Canada  
855 703 8985 Canada Toll-free  
Meeting ID: 675 6481 0543  
Password: 110806

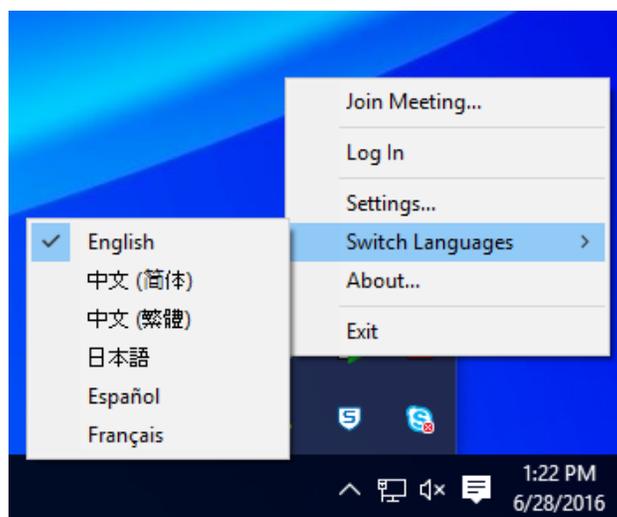
Identify yourself verbally when joining. Keep in mind that your phone number will appear as your name. The registry officer will be able to rename you so that your phone number no longer appears.

#### F. *How to change to language of Zoom*

Search for “Zoom” in your Start menu to launch the program.



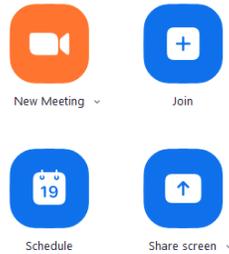
Right click the “Zoom” icon and hover over “Switch languages.” Select the desired language.



## G. *How to add a virtual background*

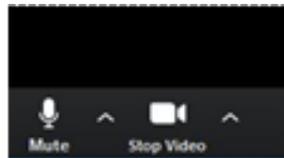
Save the Virtual Background to your computer. You may choose to use a neutral virtual background (a blank wall for example). You may also use your own neutral space.

Launch the Zoom application by clicking on the Zoom icon. Then click “New Meeting.”

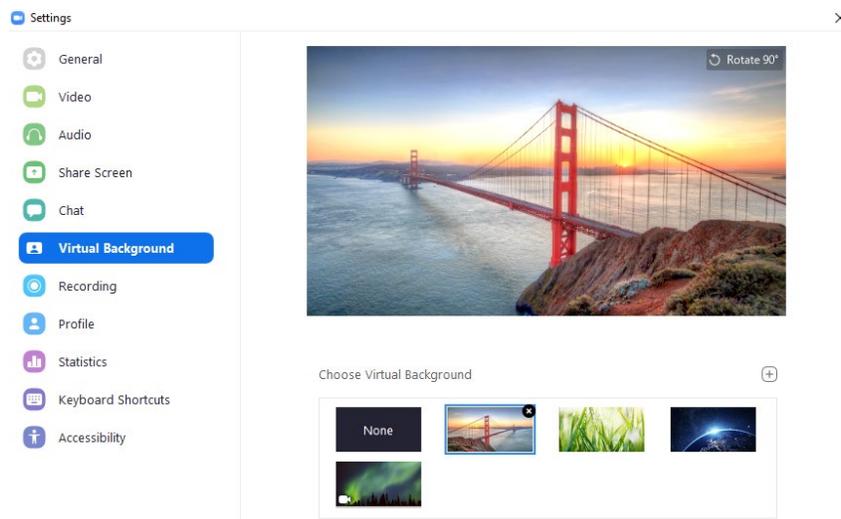


Click on the arrow to the right of “Stop Video.”

Click on “Choose Virtual Background.”



Click on the plus sign next to “Choose virtual background” and select the picture you saved to your computer.

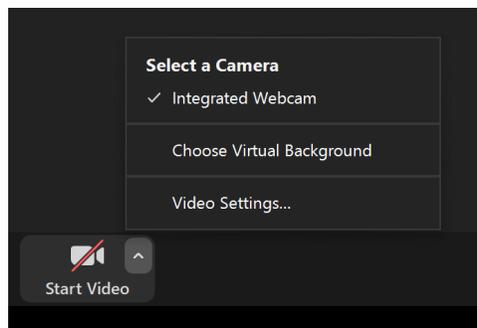


## H. *How to hide non-video participants*

When a participant has their video turned off, a black square with their name will usually replace their image. Hiding non-video participants means that you will not see this black square for participants that are not using a video. You may want to do this to hide the registry officer, or a law clerk, for example, to have a less cluttered Gallery View (the view is at the top right of your screen). You will still be able to see a full list of participants by clicking on “Participants” on the floating ribbon at the bottom of the screen (described above).

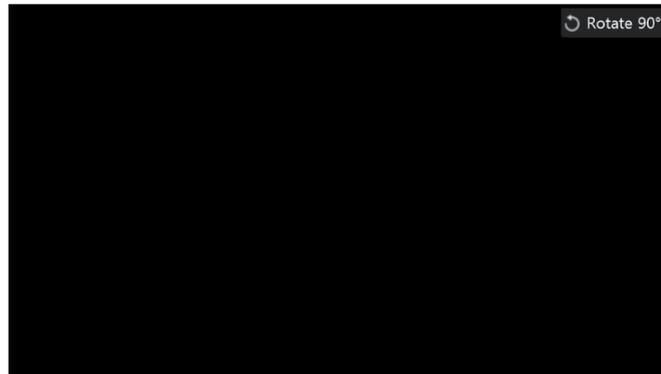
If counsel is appearing by audio only, with their video turned off, and a square with their name is not appearing, you will want to make sure the “Hide non-video participants” is not turned on.

Find the Start/Stop Video icon on the floating ribbon at the bottom of your screen. Click on the arrow to right of the icon, then click on “Video Settings.”



Under “Meetings”, tick the box next to “Hide non-video participants” so that it has a blue checkmark.

Similarly, unclick the “Hide non-video participants” to remove the checkmark and see participants.



- My Video:**
- Enable HD
  - Mirror my video
  - Touch up my appearance
- Meetings:**
- Always display participant names on their video
  - Turn off my video when joining meeting
  - Always show video preview dialog when joining a video meeting
  - Hide non-video participants
  - Spotlight my video when I speak
  - Display up to 49 participants per screen in Gallery View

## I. *Webinar*

In the event of interest from the general public or the media, the Court may choose to use Zoom’s “Webinar function.” This allows “attendees” – members of the public or media, to view and hear the proceeding without participating (whether accidentally or on purpose).

In that case, you will have access to the same features as in a regular Zoom meeting, but there will be no waiting room.

The Court will ensure that parties are aware of the presence of observers.

In the event members of the public and media join as participants, for technical reasons, they will be in the participants’ list and identified only as a member of the public or media.

## J. *Recording*

Virtual hearings, both video and audio, will be recorded and are a part of the court record. The Court will follow its Policy on Public and Media Access in terms of access to the recording.

## VII. **Helpful links**

The Federal Court Website:

- E-filing and best practices: <https://www.fct-cf.gc.ca/en/pages//online-access/e-filing-resources#cont>
- Interpretation services: <https://www.fct-cf.gc.ca/en/pages/law-and-practice/interpretation-services>
- Resources for self-represented parties: <https://www.fct-cf.gc.ca/en/pages/representing-yourself#cont>

Office of the Privacy Commissioner of Canada:

- Privacy Tips Regarding Video Conferencing: <https://www.priv.gc.ca/en/blog/20200501/%20>

Zoom Video Tutorials: <https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>

You will be able to find information including how to:

- join a meeting
- schedule a meeting (zoom)
- meeting controls
- schedule a meeting (google calendar)
- schedule a meeting (outlook)
- assigning scheduling privilege
- scheduling webinar
- breakout rooms
- closed captioning
- all about webinar
- recording zoom meeting
- joining and configuring audio and video
- sharing screen

There is additional audio and video help here: <https://support.zoom.us/hc/en-us/articles/201362283-How-Do-I-Join-or-Test-My-Computer-Audio->

Virtual background information is here: <https://support.zoom.us/hc/en-us/articles/210707503-Virtual-Background>

Zoom FAQ: <https://support.zoom.us/hc/en-us/articles/206175806>

There are many other resources on best practices for remote hearings available online, including from other Courts, and legal organizations. We encourage you to consult these.

## VIII. **Comments and Questions**

We welcome your feedback and suggestions on this Guide. If you have any comment or suggestion, please send them by email to [media-fct@fct-cf.gc.ca](mailto:media-fct@fct-cf.gc.ca).

Practical questions about actual files and hearings that need to be resolved by a registry officer (electronic filing, for example) can be sent to: [FC\\_Reception\\_CF@cas-satj.gc.ca](mailto:FC_Reception_CF@cas-satj.gc.ca). Questions for the judicial administrator (scheduling, for example) should go to [HEARINGS-AUDIENCES@FCT-CF.CA](mailto:HEARINGS-AUDIENCES@FCT-CF.CA), as per the Court's April 4, 2020 [Updated Practice Direction and Order](#), as well as the [Court's Update #2](#).