

USER GUIDE AND BEST PRACTICES FOR REMOTE HEARINGS IN PROVINCIAL OFFENCES COURTS

In light of the extraordinary circumstances during the current public health emergency, and as described in NP 19 COVID-19: Resumption of Court Operations, some court proceedings will be held virtually by audioconference or videoconference until further notice, unless otherwise ordered by a judge or justice of the peace. Although the court proceeding is taking place virtually and justices of the peace, parties, lawyers, legal representatives and court staff may attend by audio conference or video conference, 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.

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

AUDIO AND VIDEO CONFERENCING PROCEEDINGS FOR DEFENDANTS, LEGAL REPRESENTATIVES, AGENTS AND COUNSEL.

No Recording: You are not permitted to “audio or video” record any portion of a remote proceeding as per section 136 of the Ontario Courts of Justice Act. The attached link at www.ontario.ca/laws/statute/90c43 sets out the penalties for recording, including prosecution.

Transcripts: Information about how to order a transcript of the proceeding is available [online](#) or by contacting the POA court office at [Transcripts](#).

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're 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 ensure that you will not be interrupted during the proceeding.

Introductions: When you first join the remote proceeding, you will be asked to identify yourself for the record (and who 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 finished speaking. Follow the directions of the justice of the peace regarding when to speak or ask questions.

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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.

Submitting Exhibits: If you wish to submit documents as evidence during a proceeding, the justice of the peace will direct which documents will be accepted. Documents accepted as evidence must be in PDF format no larger than 10 MB and submitted by email to the designated courtroom email address as provided by the Clerk of the Court.

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.

Answering a call from the court: Telephone hearings are recorded by the court. When you answer the courtroom clerk’s call, introduce yourself by saying your name.

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

Audio Connection: Whether using a land line or a cell phone, do not use speaker phone function. Instead use a hand-held phone or use a set of headphones with a built-in mic and mute feature.

BEST PRACTICES FOR AUDIO & VIDEO PROCEEDINGS

You will receive a notice by mail or in-person which contains the audio and audio/video hearing information for the specific hearing room and court location. This information is also posted on the City of Barrie’s Court Services [web-page](#) under the “Remote Proceedings” tab.

ATTENDING PROCEEDINGS BY AUDIO ONLY BY TELEPHONE VIA ZOOM

- 1. Join Early:** you should call in at least 15 minutes prior to the start of the scheduled court appearance.
- 2. Call from your own device:** Each person in an audio conference proceeding (including the party and legal representative) should join the hearing using their own device.
- 3. When prompted for a passcode:** Enter the passcode provided on the notice followed by pound #. You will have the option of stating your name and then press pound twice ##.
- 4. Upon Entry** into an audio conference proceeding, you will be muted automatically and may be placed on hold until the Clerk of the Court lets you into the virtual courtroom. The Clerk of the Court will check in all participants who enter the audio conference proceeding early. To mute or unmute your phone, press *6. Please remain on mute except when it is your turn to speak. You should identify yourself when it is your turn to speak. Please speak clearly so everyone can hear you.

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- 5. To indicate that you wish to speak:** Press *9, which will indicate you have raised your hand. The Clerk of the Court will inform the justice of the peace when it is appropriate to do so. When your name is called by the justice of the peace, remember to press *9 to lower your hand. You will hear a message "you have lowered your hand" as confirmation. You will receive an audio prompt to unmute.
- 6. During a Recess:** During a recess or break in the proceeding, mute your microphone during the length of the break. All parties will be put on hold.
- 7. Leaving a Proceeding:** Once your matter is heard by the Court and you are excused by the justice of the peace, you may disconnect from the proceeding by hanging up.

ATTENDING A HEARING BY VIDEO VIA ZOOM

- 1. 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.
- 2. Join Early:** You should be prepared to join the video conference proceeding at least 15 minutes early before the start of the proceeding, to allow time to address any technical issues. Before the video conference proceeding starts, you will enter a virtual waiting room and remain there until the proceedings begin.
- 3. Use your name when prompted:** When you join the video conference 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.
- 4. Sitting and Standing:** You do not need to stand when the video conference proceeding starts or ends, and you can remain seated when addressing the justice of the peace.
- 5. Bowing:** You do not need to bow at any time during the video conference proceeding.
- 6. Focus on the camera:** Direct eye contact is important. When speaking, look into the camera rather than the person you are speaking to.
- 7. 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, you may be directed to do so. If the session ends unexpectedly, please try reconnecting.

ACCESSING ZOOM

1. Using Zoom

1.1 Zoom is a video conferencing application that you can use on a computer, tablet or a smartphone. You can access it through the Zoom app or an internet browser. The Court recommends using the Zoom app on a computer (desktop or laptop) with a large screen. Reading documents and seeing other participants is easier with a large screen.

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1.2 When connecting to Zoom using video, make sure you have sufficient bandwidth (minimum 1 Mbps; for best connection, you need 3 Mbps). You can test your connection speed at the following link: <https://www.speedtest.net/>. If you have low bandwidth, it is best to connect to internet via ethernet cable and not on Wi-Fi, if at all possible.

2. Prior to the Court Hearing

2.1 You will have received a notice that contains the video conference hearing information including the video web link to the hearing; the meeting ID; and a passcode. Our video conference information is also posted by courtroom and court location on the City of Barrie [web-page](#).

2.2 In advance of your court date, download the Zoom app for your device (available free at <https://zoom.us/download> or in the app store for your device). Zoom is easier to use through the dedicated app than through the web browser. The web version works best on Google Chrome, Mozilla Firefox and Chromium Edge. As noted above, it is recommended that you use a desktop or laptop computer, but tablets and smartphones can also be used.

2.3 Each participant in the remote hearing (including each party and legal representative) should have their own device with Zoom installed. Please familiarize yourself with the Zoom app and test it on your device. You may join a test meeting at: <https://zoom.us/test>. Other User tutorials for Zoom are available at: <https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>.

2.4 If possible, please use headphones with a microphone to ensure good audio quality.

3. Joining a Zoom Hearing by Video

3.1 You will have received a notice that contains the video conference hearing information including the video web link to the hearing; the meeting ID; and a passcode. Our video conference information is also posted by courtroom and court location on the City of Barrie [web-page](#). We suggest writing down this information for your reference. Counsel and legal representatives are responsible for providing the meeting ID and passcode to their clients and witnesses before the hearing and giving them instructions for joining the hearing.

3.2 Join the Zoom hearing at least 15 minutes prior to the listed start time. Be sure to check your equipment well in advance to be sure your device functions properly and that it is fully charged. Position your camera slightly above eye level. If possible, face a window so you are not backlit or place a light behind the camera. Take a few minutes to get comfortable with the Zoom display. (If you are unable to join via video link due to technical difficulties, follow the "Call-In Option" noted below and inform the Court).

3.3 You can join the Zoom hearing by video in two ways:

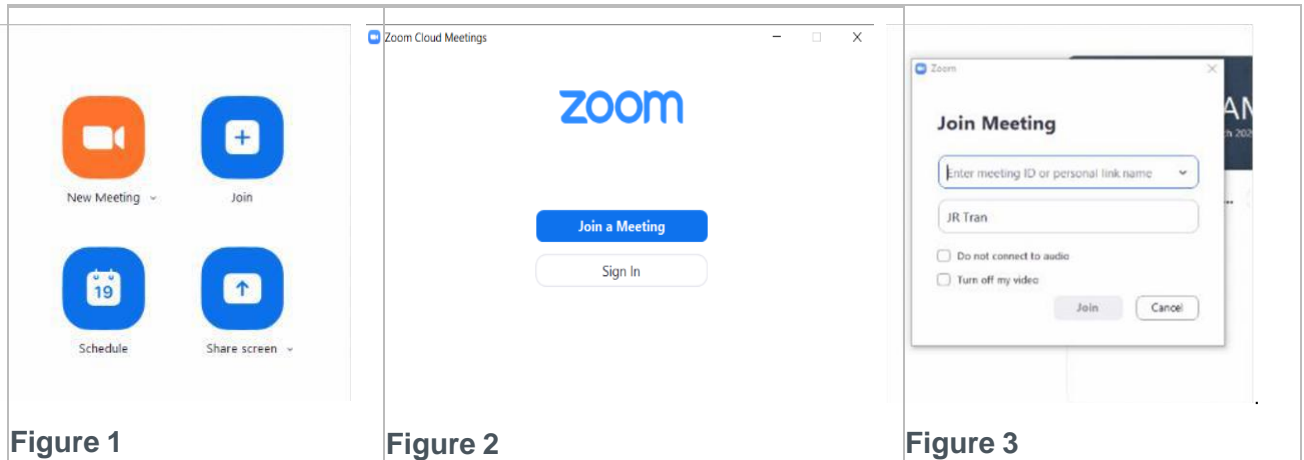
1. Option One: Type in the link provided to you in your Notice or Summons in the address bar or go to City of Barrie Court Services [web-page](#) to locate the appropriate courtroom link to the hearing under the "Remote Hearings" tab.

2. Option Two: Open the Zoom app (Figure 1) or open the website <https://zoom.us> (Figure 2) and press 'Join'. In either option, type in the 'meeting ID' and 'Passcode' (Figure 3)

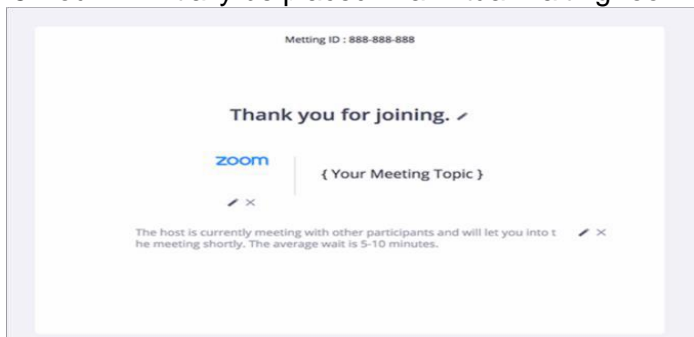
Click on the link to join the hearing at least 15 minutes prior to the listed start time.

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3.4 When you are instructed to sign in, type both your first and last name, which will be displayed on the screen to all participants.



3.5 You will initially be placed in a virtual waiting room.



3.6 Once you are admitted into the hearing, locate the Zoom menu bar at the bottom of the screen, set out in Figure 4 below.



Figure 4

3.7 Please ensure your microphone, speaker and camera are working and not muted. You can do this by clicking the ^ icon next to the 'Mute' icon on the bottom left hand side of the screen, selecting 'Test Speaker & Microphone' and following the prompts (Figure 5).

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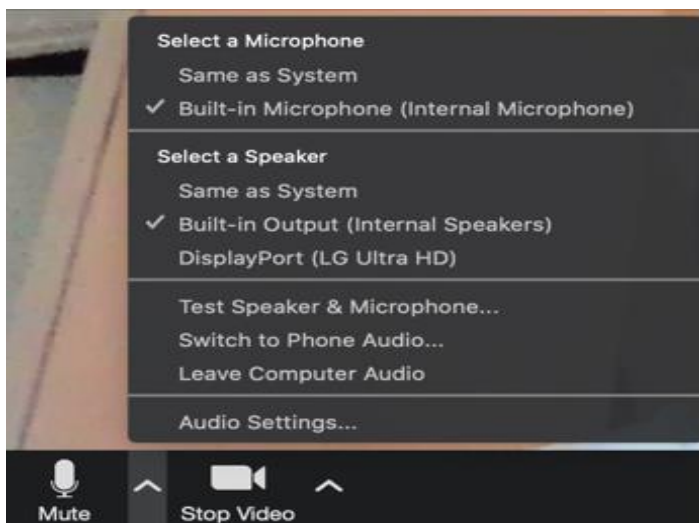


Figure 5

3.8 When using a desktop or laptop in Windows, maximize the Zoom window or press 'Enter Full Screen' to use the whole of your screen (Figure 6). In a Mac - Apple, maximize the Zoom window by pressing the icon on the top right-hand corner of your screen (Figure 7) or the green dot top left of the window (Figure 8).

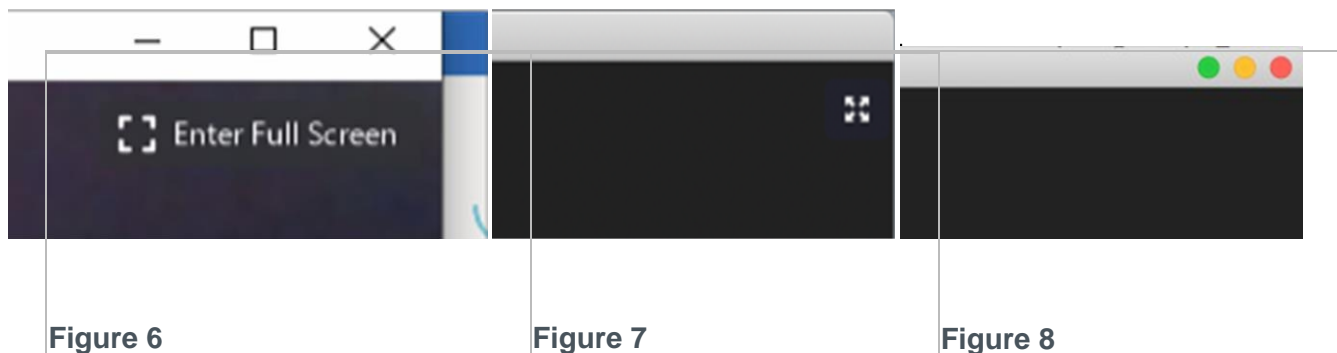


Figure 6

Figure 7

Figure 8

3.9 Wait until the Court (justice of the peace) is ready to commence the hearing.

4. During the remote hearing

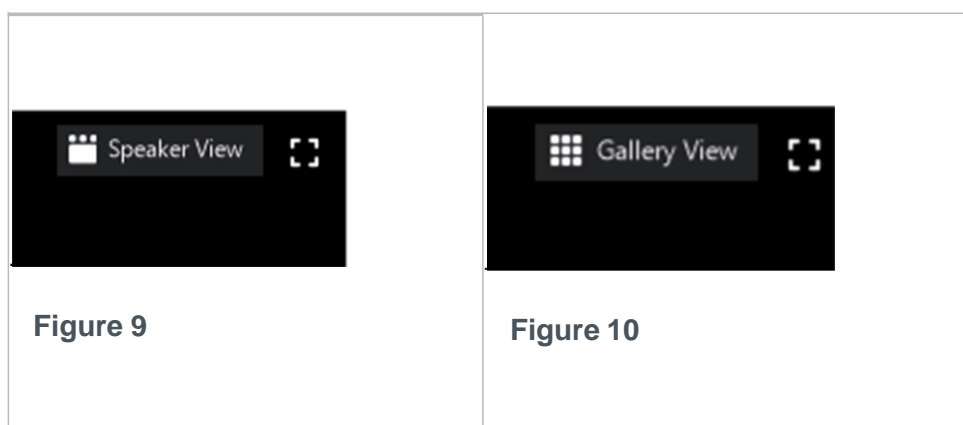
4.1 Unless authorized by the justice of the peace, participants shall not make any recording of the proceedings, and shall not take photos or screen captures of the proceedings. It is an offence under section 136 of the Courts of Justice Act, and may constitute contempt of court, to record, photograph, publish or broadcast court proceedings without express permission of the presiding judicial official. Some proceedings may also have publication bans in effect, which make it a criminal offence to publish or broadcast certain information that may be referred to during a court hearing.

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4.2 Do not speak over individuals. Only one person should speak at any given time. When you do speak, be sure to announce yourself by name (i.e. “This is John Doe, and I would like to say...”). Please remain on mute except when it is your turn to speak. You should identify yourself when it is your turn to speak. Please speak clearly so everyone can hear you.

4.3 You can mute and unmute your own microphone by pressing the ‘Mute’ or ‘Unmute’ icon on the bottom left hand side of your screen (see Figure 4 above). You can also use a keyboard shortcut by pressing **Alt+A** to Mute/unmute audio and hold down the space bar for 1 second to return to audio.

4.4 Unless you are using a small device such as a mobile phone to appear by video, you can switch between different video layouts. By hovering over the top right-hand corner of the video and clicking on the appropriate icon ‘Speaker View’ (view primary speaker – Figure 9) or ‘Gallery View’ (view all participants – Figure 10). If you are using a small device, you can view other participants by swiping left or right across the screen.



4.5 When you are muted (by clicking the ‘Mute’ icon), you can click on the ‘Participants’ icon in the menu bar and then ‘Raise Hand’ to let the Court know you want to speak (Figure 11). You can also raise your own hand and wait for the Court to call on you.

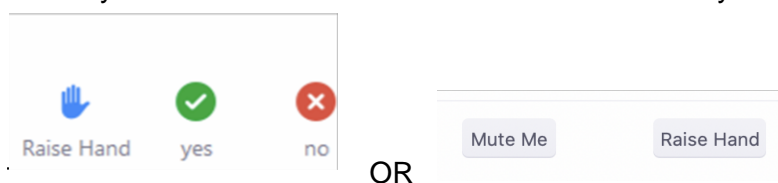


Figure 11

4.6 If there is a document that you would like all participants to view, with the Court's permission, you will be required to submit the document, by email, to the courtroom clerk. Details on how to submit a document will be provided to you by the clerk. Documents must be in PDF format and no larger than 10MB.

4.7 The Court may also assign participants to Zoom ‘breakout rooms’ for private sessions. You will need to accept the Court’s invitation to join the breakout room. The Court may also close the breakout rooms and return the participants to the main hearing room.

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4.8 To leave a breakout room and return to group session, please hover your cursor over the bottom right of the screen and click on 'Leave Breakout Room'.

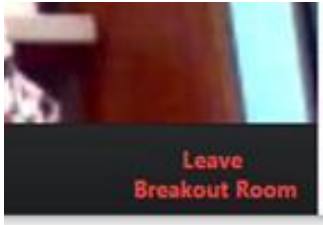


Figure 13

4.9 If there is a recess or break in the proceeding, all parties will be left in the virtual courtroom or moved from the virtual courtroom to the waiting room. Once the Court resumes, the clerk will admit you into the virtual courtroom. It is recommended that you do not end the Zoom virtual hearing during a break or recess. Please mute your audio and turn off your video for the length of the break.

4.10 To end your participation, simply click on 'Leave Meeting' at the bottom right of your screen.

5. Call-in Option

5.1 These instructions apply where the justice of the peace has allowed individuals to join a Zoom videoconference by calling in rather than joining by video. If joining by phone, you will not be able to see the other participants and they will not be able to see you, but you will still be able to hear each other.

5.2 The notice or summons contains a dial-in number, a 10 digit meeting ID and a 6 digit passcode. At least fifteen (15) minutes prior to the start of the scheduled court appearance, individuals are advised to call the number provided in the notice (Toll Free **1-855-703-8985**). If the hearing has not already started and the clerk (host) has not yet joined, you should press # to wait for the clerk (host). If the hearing has started, you will be prompted to enter your passcode, followed by #. You will be on hold until the clerk (host) lets you into the meeting.

5.3 Once the clerk (host) lets you into the meeting, you will join the hearing on mute. To unmute yourself when dialing in by phone, press *6.

5.4 To indicate that you wish to speak, press *9, which will indicate that you have raised your hand.

5.5 To end your participation, simply hang up.