



VIRTUAL HEARINGS:

OPERATIONAL CONSIDERATIONS – BENEFITS AND CHALLENGES

A Statement from the Action Committee

Our Committee exists to support Canada's courts as they work to protect the health and safety of all court users in the COVID-19 context while upholding the fundamental values of our justice system. These mutually sustaining commitments guide all of our efforts.

ISSUE AND CONTEXT

In March 2020, courts across Canada, and the world, suspended all but the most urgent matters in response to the novel coronavirus pandemic. To continue operations, Canadian courts soon started to conduct virtual hearings through teleconference and videoconferencing platforms. Since then, courts have responded to the different waves of the pandemic by varying the mode of hearing between in-person, virtual, and hybrid (where some participants are physically present in the same location, such as a courtroom, and one or more participants attends through telephone or videoconferencing platforms).

More broadly, the public health crisis has forced the courts into unprecedented change, creating momentum to modernize our justice system. In the short to medium term, virtual hearings will continue to play a part in addressing court backlog and delays arising from the pandemic, but there is also growing consensus that virtual hearings should continue post-pandemic as a complement to in-person hearings, in order to improve access to justice and court efficiencies.

Further to the Action Committee's complementary publication outlining [Orienting Principles](#) on determining the mode of proceeding, the purpose of this document is to highlight operational considerations concerning the use of virtual hearings. While telephone proceedings may be used for some matters, these considerations are written from the perspective of virtual hearings by videoconference. To that end, it examines a range of benefits and challenges associated with virtual hearings and, where possible, outlines approaches that could be taken to mitigate identified challenges. To inform this publication, the Action Committee consulted with appeal, superior, and provincial/territorial courts across the country. A literature review of Canadian and international sources either setting the parameters for, or examining the effectiveness of, virtual hearings also informed this document.

This overview is intended to assist judicial officers and court administrators with the development of new policies and procedures; support individual judges in determining the mode of a hearing in any given proceeding; and inform counsel and self-represented litigants of potential issues surrounding the mode of appearance, whether it is in-person, virtual, or hybrid. In support of this goal, the Action Committee has also developed a [Checklist of Considerations](#).

Keeping in mind the [Orienting Principles](#) outlined in the Action Committee's complementary publication, a number of operational considerations could inform the appropriate mode of proceeding in a given situation. While these considerations are numerous and sometime overlap, they can be divided into four broad categories:



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1. Access to the Courts
2. Public Access and Privacy, Security, and Confidentiality
3. Effect on Participants
4. Integrity of the Court Process

Under each category, some considerations weigh in favour of proceeding virtually, while others tip the scale against remote appearances. And, since there is no one-size-fits-all approach to determining the mode of procedure, some of the same features of each mode may support the use of a virtual hearing in some situations but discourage it in others. For that reason, it is important to adopt policies that allow for judicial discretion to take all relevant factors into account in each given case or proceeding.

Finally, while the past two years have provided an opportunity to test virtual hearings in a wide range of circumstances, there are still areas that remain relatively unexplored, or for which no consensus has yet emerged. To that end, the Action Committee has published a complementary document exploring [Areas of Further Study](#), which outlines a number matters that are not included in this considerations document.

1. Access to the Courts

For some court users, virtual hearings improved access to proceedings by making it easier and less expensive to attend court. For others, though, the transition to remote hearings has exacerbated existing inequities and created new challenges.

Benefits of Virtual Access to the Courts

Convenience and Accessibility: The courts' use of virtual hearings has improved some individuals' access to the justice system. People who live at a distance from a court centre can now attend a proceeding from any location. This has reduced the cost and time associated with travel, and has improved the court experience for people who have mobility limitations, work or dependent care obligations that make it difficult to attend court, or anxiety about attending court or other public spaces. For individuals with lawyers, virtual appearances have allowed their representatives to attend court while eliminating or reducing travel costs and wait times, particularly for those whose lawyers would have to travel long distances to attend court.

Flexible Scheduling: Virtual hearings have allowed for more flexibility and reduction of unused resources when it comes to judicial scheduling. For example, a judge in one region with availability in their schedule can now assume carriage of all or part of a matter occurring in a different location, even on short notice. This gives courts the ability to use resources from other regions when needed and helps reduce overall backlog and delay.

Challenges of Virtual Access to the Courts

Limited Access to Technology: Not all Canadians have an ideal location to participate in virtual hearings. Some people do not have a personal computer or device that can videoconference effectively or cannot afford reliable internet. Other court users may not have an environment that is quiet or private. Additionally, many Canadians have inadequate internet speeds to effectively use videoconference technology, particularly in rural and remote communities.



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Mitigation Options:

- Consider dedicating a member of court staff as a technical navigator to proactively support litigants, and particularly those without legal representation, in addressing technical challenges.

Disproportionate Impacts on Northern, Remote and Indigenous Communities: An unequal distribution of technological resources disproportionately affects those in [Northern, Remote and Indigenous Communities](#), who often lack access to reliable internet, cellular, and even phone service. These disparities are exacerbated by other socio-demographic circumstances that may arise disproportionately in Indigenous communities, including poverty, lack of stable housing, and barriers to literacy.

Incompatibility with Accessible Technology: While there is the potential for virtual technology to alleviate some barriers that impede access to the courts for Canadians living with disabilities, those with hearing or visual impairments who rely on adaptive technology may have challenges with online courts. For example, many courts that use electronic filing to complement virtual hearings require that documents be filed in PDF format. This format, however, can be inaccessible to those who use various adaptive technologies. Further, the commercial platforms used by courts across Canada may not serve the needs of all court users equally. For example, while most of the commonly used commercial platforms – Zoom, Microsoft Teams, and WebEx – comply with Web Content Accessibility Guidelines v 2.0,¹ these standards in and of themselves may not adequately capture the needs of persons with accessibility needs. Furthermore, not all platforms provide equal access to adaptive technologies, like screen-readers. Courts are encouraged to examine the accessibility functionalities and limitations of technologies they intend to use in their virtual hearings and processes, to determine whether they meet the needs of all court users.

Mitigation Options:

- Ensure that a designated member of the court staff is trained on accessibility requirements and familiar with them for the platform that the court uses for virtual hearings. If one of the participants in a hearing is living with a disability that requires assistive technology, ensure that this resource person is consulted at an early stage in the proceeding.

2. Public Access and Privacy, Security, and Confidentiality

The open courts principle is a key foundation of Canada's justice system, requiring that court proceedings be open to the public and that publicity of those proceedings be uninhibited. There are, of course, exceptions to the principle, as courts must balance public access to proceedings with the need to protect the privacy and security of participants, the confidentiality of sensitive information, and the integrity of the court process.

¹ The Guidelines, also known as WCAG, provide a framework for making web content more accessible for people with disabilities. WCAG version 2.0 was published in 2008 by the World Wide Web Consortium (W3C), an international organization dedicated to creating web standards, and updated to WCAG 2.1 in June 2018.



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In recent years, essential health and safety measures put in place to respond to the COVID-19 pandemic, such as physical distancing and restriction on maximum occupancy in court facilities, created a unique challenge for courts in providing access that was open yet safe. While many of these health restrictions have now been lifted, courts that are planning to continue their use of virtual hearings may find inspiration from what was learned in the course of the pandemic.

Benefits of Virtual Public Access

Increased Access for Remote Observers: Virtual access has allowed courts to accommodate much higher numbers of observers than the physical constraints of a courtroom may permit, and has enabled people from further geographic locations, or those with competing responsibilities that might preclude travelling to court, to tune into proceedings.

The ability for relevant interest groups, class action members, or an individual to observe a proceeding without physically travelling to a courtroom has greatly improved access to court proceedings. This is particularly beneficial in proceedings addressing matters of broad public importance, or that affect certain stakeholders who may not be able to visit the court to watch proceedings in person, such as members of remote Indigenous communities. Broadcasting of proceedings to the public have worked particularly well in the appellate context, where case turnover is relatively low, witness evidence is limited, and urgent matters are unlikely to disrupt the court's schedule.

In the same vein, virtual hearings can increase access to court proceedings for members of the press who are not located in large court centres, and conversely for members of the press from large localities who would not otherwise have the chance to observe proceedings in smaller or more remote locations.

Challenges of Virtual Public Access

Administrative Burden on Observers: One of the criticisms of virtual hearings is that there is no uniform method for providing access to the public, and that gaining access often involves a cumbersome process of communication with the court that could undermine the open courts principle.

Media outlets have also identified challenges with virtual proceedings including reduced access to court documents, increased requirements to attend any given hearing, inadequate access to technology, and the inability to address a potential publication ban as seamlessly as in-person.

Mitigation Options:

- Ensure that the public and the media can easily find the court's rules and procedures for virtually accessing proceedings.
- Communicate contact information (e.g. dedicated phone line or email) for a designated person to address media or public inquiries on access to court proceedings or records.
- To support media access, provide accredited/recognized media with links to hearings for, or audio recordings of, high profile court proceedings.

Administrative Burden on the Court: While virtual hearings have enhanced the application of the open courts principle in the appellate setting and for matters of high public interest, trial courts have generally found it more challenging to effectively balance this principle with privacy,



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security, confidentiality, and ensuring the integrity of the court process. Added levels of complexity in the trial context also arise from the burden of higher caseloads, and the greater numbers of litigants and witnesses who must appear personally, many of whom are marginalized or vulnerable.

Moreover, schedules in trial courts are more volatile than in appellate courts. For example, trials courts must accommodate urgent matters, such as those pertaining to bail, which may arise on short notice. While many courts have instituted pre-registration processes for virtual observers, this approach is less effective for last-minute matters. Maintaining accurate and up-to-date information to facilitate virtual access to all hearings conducted at the trial level can create significant logistical challenges and a heavy administrative burden on court staff.

Mitigation Option:

- While personal links offer the highest level of privacy and security, the fast-paced nature of bail and other short-notice hearings may require the use of shared links, coupled with policies and procedures to limit their possible misuse. See the Action Committee's previous [guidance](#) on this matter.

Security and Privacy Concerns: Protection measures such as publication bans and non-disclosure orders to protect the identity of certain justice participants – such as a youth accused or offender, child witness, vulnerable victim or an undercover officer – can be more difficult to manage in a virtual setting. Adding to this difficulty are challenges associated with ascertaining the identify of observers to virtual proceedings; preventing disruptions or unauthorized recordings and dissemination of virtual proceedings; and identifying and taking action against anyone who breaches the rules of access to a hearing, especially if they are out of jurisdiction or able to log in anonymously.

Mitigation Option:

- For options and strategies to mitigate specific risks relating to privacy, security and confidentiality in virtual settings, consult the Action Committee's tip sheets on [privacy, security and confidentiality considerations](#) and [challenges and solutions in trial courts](#).

Technical Strain on Court Networks: In cases with extensive public interest, the court bandwidth may be negatively affected if too many people are tuning in. In addition, some courts have experienced situations in which essential hearing participants have become disconnected from the virtual platform due to technological difficulties and then have not been able to rejoin the hearing because attendance has reached the maximum capacity permitted by the platform.

Mitigation Option:

- Assess the platform and bandwidth capacity beforehand, and keep a few spots open to avoid undue strain and allow essential participants to log back in to proceedings in the event of technical difficulties.

3. Effect on Participants

In the course of the pandemic, changing the mode of proceeding from predominantly in-person to predominantly virtual affected all court participants including the judiciary, counsel, litigants, and witnesses. In some instances, virtual hearings have provided more benefits than not while,



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for other court users, the challenges that have arisen, or the lost benefits of in-person interaction, are predominant.

Benefits of Virtual Hearings for Different Participants

Increased Comfort: Some litigants and witnesses, for whom appearing in court is already a high-stress situation, may be more at ease participating in a hearing from their home or a similar comfortable environment than in an unfamiliar, formal, and potentially intimidating setting like a courtroom. In family law hearings in particular, appearing virtually may mitigate against the negative effects of power imbalances between separating partners. The resulting reduction in stress may allow them to participate more effectively than in the traditional courtroom setting.

Increased Preconditions for Cooperation: Virtual hearings have the potential to make traditionally high-conflict matters less adversarial. In some cases, they can put participants at ease, which may make them more willing to participate and cooperate. This collaborative tone can also create an environment that facilitates early resolution or narrowing of issues through case management and dispute resolution processes. This can be important in family law matters, where parties are encouraged to attempt to resolve matters through family dispute resolution processes.

Reduced Disruption for in-Custody Litigants: One benefit of virtual hearings, if adequate video technology is available in courts, police and correctional facilities, has been reducing the need to transport in-custody individuals between courts and correctional facilities. For example, virtual bail hearings can help to provide accused individuals with quicker access to a bail hearing, avoid lengthy physical transfers from remote locations to courts located in major centres, and allow for the individual's release back into their own community, rather than in larger urban centres where the hearing would take place. Allowing accused persons to remain close to home during the bail process also encourages easier access to community and professional services needed to support bail release.

Likewise, having accused people appear via virtual means for procedural appearances can help minimize transport from remand centres to courthouses, reducing time and cost constraints as well as security risks and preventing delays due to late arrivals in court of in-custody persons. During the COVID-19 pandemic, reducing the transportation of in-custody persons also helped to reduce the risk of community infection, a factor that could be beneficial for other transmissible diseases.

Challenges of Virtual Hearings for Different Participants

“Screen Fatigue”: Initial findings suggest that participants in virtual hearings experience more, or at least different, fatigue than with in-person proceedings, which can be detrimental both to participants' wellbeing and to the integrity of the process in longer hearings. In addition, it may be more difficult for the court to monitor any signs of fatigue in a virtual setting.

Mitigation Options:

- Schedule more frequent breaks for remote hearings than for ones that proceed in person.
- Let virtual participants know how they can signal a need for a break to the court.



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Reduced Opportunities for Settlement Discussions: The inability to have casual interactions in the halls of the courthouse has reduced opportunities for opposing counsel to discuss the possibility of settlement or to move cases forward informally.

Mitigation Option:

- Recreate the “hallway” atmosphere remotely by creating virtual breakout rooms where opposing counsel can meet confidentially for informal discussions.

Reduced Opportunities for Litigant, Witness and Victim Support: A significant number of litigants in Canada, particularly in civil and family matters, are self-represented (SRLs). SRLs, as well as other court participants such as victims and witnesses, often rely on supports that are found onsite in court facilities to facilitate their access to court information or participation in court proceedings. This can include access to personnel at the registry desk, to duty counsel or legal aid onsite, or to information in the courthouse library. In addition, judges or Crown Counsel, as officers of the court, have a responsibility to ensure that SRLs have a fair hearing by, for example, ensuring that they are aware of procedural alternatives that may be to their advantage, or that self-represented individuals who are in custody has meaningful access to electronic disclosure. There is a risk that SRLs, as well as other litigants and witnesses in need, may miss out on this real-time support in the virtual context, in which it can be more difficult to read body language or have short, but important, unscripted interactions.

Mitigation Options:

- Ensure that any supports that have been moved online are also available through either in-person means or telephone for individuals who have not have access to, or the skills to use, the internet.
- Ensure that SRLs know the options before them. This may involve, for example, earlier and more frequent case management for matters in which litigants are representing themselves.

Likewise, specialized court programs, such as drug treatment or mental health courts, are often less formal than traditional court, and rely on relationships formed between the program participant, the judge, and the other health and social service providers and support persons involved in the program. As examined in the Action Committee’s [publication](#) on this matter, the loss of the personal connection that is possible through in-person hearings is an important consideration when determining whether to proceed virtually in whole or in part.

Reduced Opportunities for Mentoring and Job Shadowing of Young Professionals: Working remotely has also reduced opportunities for new counsel to shadow or observe their more senior colleagues. This, in turn, may affect their ability to represent their clients effectively. Likewise, in the virtual context, junior professionals who are called upon to regularly testify, such as police officers, may be deprived of the opportunity to learn through observation, and thus improve their ability to effectively participate in the justice system.

Reduced Opportunities for Coordination between Justice System Partners: In many larger court facilities, duty counsel, legal aid, prosecution offices, victims’ services, the probation office, amongst others, are generally onsite. This makes it relatively easy for those stakeholders to connect directly and immediately, to refer someone to other services without delay, and to call



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the relevant professional into court on short notice. The benefits of proximity could be difficult to recreate in the virtual context.

Mitigation Options:

- Establish protocols between stakeholders to facilitate timely contacts and coordination by virtual means for matters such as being called to a hearing on short notice or referral of litigants or witnesses to necessary services.
- Create virtual options such as breakout rooms for stakeholders to connect with each other and with litigants and witnesses confidentially and in real time.

Challenges for in-Custody Litigants: In the criminal context, it can be difficult for defence counsel to remotely discuss matters with, and receive instruction from, their clients in a private and uninterrupted setting. Virtual hearings also demand more of police, court and correctional staff who must become trained on, and adapt rapidly to, new processes. In addition, in some jurisdictions, the demand for virtual appearances currently exceeds the institutional or infrastructural capacity of police or correctional services to support both these appearances and confidential lawyer-client discussions. This can further limit access to counsel for in-custody litigants and may also raise privacy issues where in-custody litigants are required to appear in court surrounded by other inmates. In-custody litigants who are self-represented may have additional challenges associated with limited access to computer terminals to access and review electronic disclosure and technical support to ensure any problems that arise in the course of their hearing are addressed. These challenges are exacerbated when court appearances are conducted by phone rather than videoconference, since it is more difficult for the court and defence counsel to monitor the accused's circumstances.

Mitigation Options:

- Promote communication and collaboration between courts, police, correctional partners and the defence bar and legal aid to redefine or adapt respective roles as procedures change.
- Establish systems or protocols to coordinate between court and correctional partners to ensure that in-custody individuals have meaningful access to justice, taking into account their privacy needs.

4. Integrity of the Court Process

The mode of hearing can affect various aspects of the integrity of the court process. This broad category encompasses a range of concerns, which include decorum and etiquette, evidentiary issues, and recording and interpretation of proceedings.

Decorum and Etiquette

A common concern expressed about virtual hearings is that they may diminish the dignity of the court due to a loss of decorum and etiquette. Specifically, there is concern that, because individuals are accessing court from a private location, they may be more casual or easily distracted than they would be in a courtroom. When considering the relative importance of this factor, it is useful to consider the purpose and importance of decorum in any given matter or



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proceeding, and whether available measures are sufficient to achieve the required level of decorum virtually. For example, the need for decorum may vary significantly depending on the potential outcome and its impact on the rights of the litigants and other parties, the public interest, or public confidence.

Benefits of Virtual Hearings for Decorum and Etiquette

Increased Connection to the Court Process: For some individuals, the formality of court may be alienating and make them feel separated from the justice system. In that context, the less formal atmosphere of virtual hearings may make individuals feel more connected to the court process in which they are participating. This can be particularly important for marginalized individuals or newcomers who have had a difficult relationship with authority figures, or others who come from a culture in which the justice system is more collaborative, rather than adversarial. Young persons appearing as an accused, offender, or witness, may also be more at ease appearing remotely.

Challenges of Virtual Hearings for Decorum and Etiquette

Reduced Solemnity: While the less formal feeling of virtual hearings may set some litigants at ease, in other situations it could cause individuals to take the proceeding less seriously, or lead to a reduced sense of justice. This concern is particularly important in substantive hearings with outcomes that have significant consequences for the rights of litigants or affect the public interest, such as a trial or sentencing for a serious offence, or a class action.

Mitigation Options:

- Consider gowning for judges, clerks and counsel, where appropriate
- Open the proceeding using traditional forms of address and procedures
- Inform lay participants about the rules of decorum and etiquette prior to their court appearance, for example, by issuing a policy or guide on the topic, and attaching or hyperlinking the relevant information to summonses or notices of appearance
- Remind participants of rules of conduct and decorum at the outset of a hearing (or at the outset of calling the docket list in high volume courts, and when resuming after recess)

Evidentiary Issues

The impact of the mode of hearing on the tendering of evidence will depend on a number of factors, including whether the case requires witness testimony, documentary evidence, or physical evidence. The type of witness may also influence which mode of appearance may be most appropriate. For example, the testimony of a contentious witness raises different concerns than an expert witness or a police officer testifying on continuity of evidence. And while some of the greatest challenges associated with virtual proceedings may relate to the tendering of evidence, there may also be advantages to using virtual means for some evidentiary matters.

Benefits of Virtual Tendering of Evidence

Ease of Access to Expert Witnesses: Before COVID-19 led to the widespread use of virtual hearings, one area in which remote appearances was most commonly used was the



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appearance of expert witnesses. As credibility is often not an issue with these witnesses, there are fewer concerns about the inability to see body language, for example, than there are regarding the use of virtual proceedings for other witnesses.

Reduced Trauma for Vulnerable Witnesses: As with expert witnesses, remote technology, was being used before the pandemic for the testimony of vulnerable witnesses, even if only from another room in the courthouse. Allowing a vulnerable witness, such as a child or victim of violence, to appear remotely, rather than having to testify in a potentially intimidating setting or in the same room as the accused, can sometimes reduce the risk of trauma or re-victimization. In cases of family or intimate partner violence, virtual hearings and virtual attendance may also be safer than in-person attendance at hearings, because the person who has experienced violence is not in the same physical location as the person who has used violence against them.

Challenges of Virtual Tendering of Evidence

Document Management: Tendering and managing documentary evidence in a virtual setting requires a user-friendly document management system or platform that is device- or software-compatible for different users. During the pandemic, these systems became crucial for conducting virtual hearings. However, not all systems are equal, and there has been a learning curve to adapt to them. In addition, court users who only have one device available to them, particularly if it is a mobile phone, may find it difficult to simultaneously look at documents and appear in a videoconference hearing. Ability to authenticate and file admissible documents (e.g. originals or certified copies) could also be a concern in some cases.

Authenticating Physical Evidence: Tendering physical evidence during a virtual hearing may present a challenge in assessing authenticity, allowing the opposing party to examine the evidence adequately, and filing exhibits.

Risk of Interference with Testimony: Two years into the widespread use of virtual hearings, it remains difficult to ensure that a remote witness – particularly a lay witness – is testifying free of interference or coaching. Likewise, it may be more difficult within a remote context to enforce witness exclusion orders meant to ensure that witnesses do not hear the testimony of others before their own testimony, so as not to taint their own evidence.

Mitigation Options:

- Brief witnesses on the rules and expected parameters surrounding their testimony, before a hearing (e.g. through a guide) and at its outset.
- At the outset of their testimony, ask witnesses to scan their physical space with their camera to confirm they do not have access to unauthorized documents or other materials, and that no unauthorized person is in the room. Ensure a witness' actual background is visible and not blurred.
- Establish a protocol for remote witnesses to safely and confidentially inform the court immediately if their safety becomes compromised during a hearing.
- Designate a neutral support person to accompany the witness during their testimony, or provide a neutral space (e.g. within the court facility, or counsel's office) from which the witness can testify.



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- Institute a proper identification protocol for witnesses and a designated waiting room controlled by a hearing monitor to let them in at the right time, and/or to ask them to confirm at the outset of their testimony that they have not heard the testimony of others in the proceeding.

Recording and Interpretation of Proceedings

Two related areas of consideration are the recording and interpreting of court proceedings. As examined in the Action Committee's previous [guidance](#), there may be an effect on both the integrity of the court record and the fairness of the process when interpretation is used in the virtual context. Likewise, virtual proceedings may present challenges with the integrity of the court record that are not present in in-person hearings, as well as raising new operational issues concerning the production of transcripts and retention of recordings.

Benefits of Virtual Access for Recording and Interpretation

Automatic Recording Functions: Most of the videoconferencing platforms that courts are using for virtual hearings have automatic video recording functions. These functions create a low cost and easy way to create a record of the proceeding.

Access to a Wider Pool of Interpreters: For underserved minority languages, being able to draw from a broader geographical pool of interpreters, even from out of jurisdiction, can help to ensure language and procedural rights are upheld and may prevent delays due to the unavailability of local interpreters.

Challenges of Virtual Access for Recording and Interpretation

Quality of recordings of virtual proceedings: Automatic recording functions are available on most platforms that courts are using to conduct virtual hearings. However, it may be difficult to ensure a clear recording of individuals who are appearing remotely, particularly if they do not have a quiet place in which to participate in the hearing or they are relying on a personal device with a poor quality microphone. This may cause particular problems if the recording produced by the virtual platform is relied upon to develop a transcript of proceedings.

Quality of Interpretation: Both interpreter's inability to view non-verbal communication in the same manner as they can in person and technological delays and glitches can cause difficulty for accurate and timely interpretation. Likewise, simultaneous interpretation can be a challenge in light of the inherent limitations that virtual platforms have with regard to overlapping audio.

In addition to jeopardizing the integrity of the court record, continued use of poor interpretation equipment, which may be more likely when interpreters are not working in a court facility, can have long-lasting detrimental effects on interpreters' hearing.

Mitigation Option:

- Ensure high-quality audio equipment is available to individuals who participating in a remote hearing with the aid of interpretation.

RESOURCES

The below is a non-exhaustive list of guidance produced by Canadian courts, as well as reports by legal professional organizations, on the topic of virtual hearings.



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Related Publications by the Action Committee

[Virtual Hearings: Further Areas for Study](#)

[Virtual Hearings: Orienting Principles](#)

[Virtual Hearings: Checklist of Considerations to Determine the Mode of Hearing](#)

Guidance from Canadian Courts

Supreme Court of British Columbia, [COVID-19: Manner of Attendance for Civil and Family Proceedings](#)

Supreme Court of British Columbia, COVID-19: [Method of Attendance for Criminal Proceedings](#)

Ontario Superior Court of Justice, [Guidelines: Mode of Proceedings – Criminal, Civil, Family, Small Claims](#)

Ontario Superior Court of Justice, [Virtual Courtroom Etiquette](#)

Ontario Court of Justice, [Interim Guidelines re Mode of Appearance for Ontario Court of Justice Criminal Proceedings](#)

Ontario Court of Justice, [Notice to Counsel/Paralegals and the Public Re. Provincial Offences Act Matters in the Ontario Court of Justice](#)

Ontario Court of Justice, [Scheduling of Family Matters in the Ontario Court of Justice](#)

For a more fulsome list of resources and reference guides on virtual hearings, see the Action Committee's repository of [Tools and Resources for Court Users and Personnel](#)

Reports from the Legal System

The Canadian Bar Association, [“No Turning Back: CBA Task Force Report on Justice Issues Arising from COVID-19”](#)

The Canadian Bar Association, British Columbia Branch, [“Who's Getting left Behind? The Impact of the Ongoing Digital Transformation of the Court System on Access to Justice in British Columbia”](#)

Canadian Bar Association, Nova Scotia Branch, [Exploring the Impacts of Virtual Court on Marginalized Individuals](#)

Law Society of British Columbia, [“Responding to COVID-19 and adjusting regulation to improve access to legal services and justice”](#)

Alberta Law Foundation, [“Remote Legal Services to Low-Income Albertans: Challenges and Best Practices”](#)

The Advocates Society, [“The Right to be Heard: The Future of Advocacy in Canada”](#)

Nova Scotia Court of Appeal, Cowan Internship Project, [“Listening and Responding to the Future of Virtual Court: A Report on the future of virtual courts in Canada”](#)