

# Covid19 and Virtual Hearings

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# Agenda

- 1. The Tools**
- 2. Electronic Bundles**
- 3. Case Management**
- 4. The Virtual Hearing**
- 5. Q&A**



# The Tools

# What will you need?



- PDF editing
- Large file sharing
- Video conferencing
- Internet stability

# Some Options



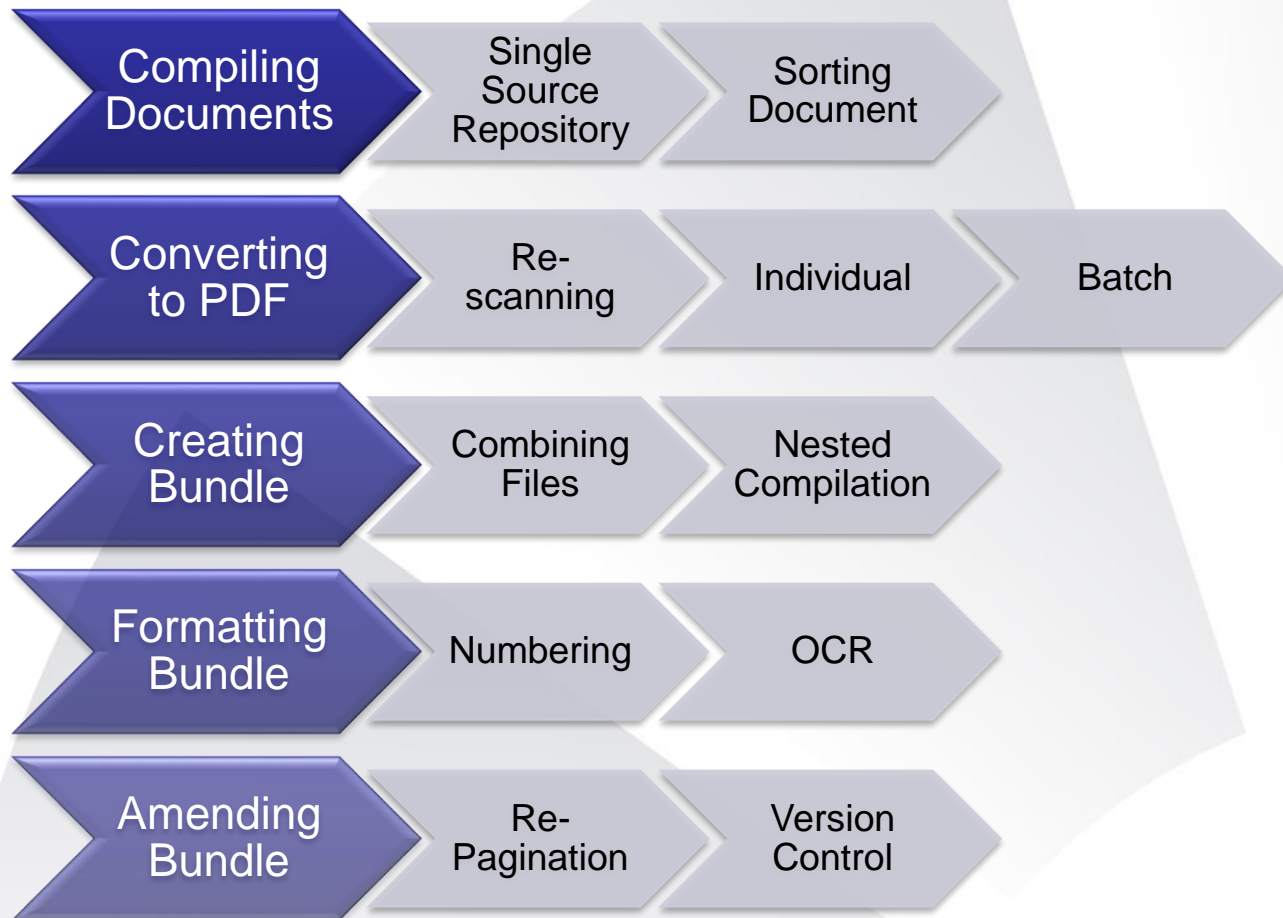
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# Electronic bundles

# Bundle Stages



# Case Management



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*How to reach the sunlit uplands...*

# What do we have in our case management 'locker'

- Overriding Objective and onus on parties to cooperate
- Covid-19 Presidential Guidance, Direction & FAQs
- Ability to make an application at any time
- Analogous guidance, e.g. BPC Protocol Remote Hearings
- Locally cascaded information

# What does being proactive look like?

- Apply for a PH if none is listed
- Make concrete suggestions at PH
- Identifying suitable Preliminary Issues for determination
- Judicial Assessment
- Liaise with the other side to find common ground

# Avoiding unnecessary housekeeping

- Agreed (detailed) List of Issues
- Agreed Facts / Facts in dispute
- Agreed Chronology
- Agreed Cast List
- Flag issues in good time
- Skeleton arguments in advance

# TCMPH: Document Management

- Sort out redaction issues as early as possible.
- Keep a back up copy!
- Secure transmission of bundles
- Memory stick if all else fails?
- Password protection
- Encryption

# Party & Witness participation

- How will the hearing be conducted- telephone / video?
- Do the parties / witnesses have the wherewithal to participate?
- What steps can be taken to assist those who do not?
- Does any party / witness require reasonable adjustments?
- Expert evidence
- Administration of oaths and avoidance of coaching

# Other considerations

- Is **3** the magic number?
- Ensuring, as far as is possible, a public hearing
- Use of Written Representations
- Oral Submissions & Written Submissions
- The backchannelling between participants
- Judicial Mediation

# The Virtual Hearing





**Drafting a  
Protocol**



**Running  
the Hearing**

# The Protocol

## Aims

- Pre-empt hiccups
- Minimise distractions
- Smooth hearing

## Content

- Arranging the hearing
- Steps before the hearing
- Conduct of the hearing



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