THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *07 May 2020*
NP 21

NOTICE TO THE PROFESSION AND PUBLIC

GUIDE TO REMOTE PROCEEDINGS

Purpose

In light of the extraordinary circumstances during the current public health emergency, and as described in NP 19 COVID-19: Commencing Recovery of Some Court Operations, all court proceedings will be held remotely by audioconference or videoconference until further notice, unless otherwise ordered by a judge. Although the court proceeding is taking place remotely and judges, parties, lawyers, and court staff may attend by audioconference or videoconference, it remains a formal setting.

This Notice provides information for anyone who will appear before the Provincial Court for a remote proceeding beginning May 7, 2020 until further notice. In this Notice, the term "remote proceeding" means a hearing or case conference conducted by audioconference (including telephone or Microsoft Teams) or videoconference (including Microsoft Teams).

A step-by-step guide to appearing in a Microsoft Teams audioconference or videoconference proceeding is attached as **Appendix "A"**. It contains detailed information about connecting to and managing a Microsoft Teams audioconference or videoconference. Review the guide carefully before your matter proceeds.

Notice

Remote Proceeding Etiquette

In some ways, the behaviour expected of people appearing remotely is the same as if they were actually in a courtroom. However, conducting a proceeding fairly and effectively by audioconference or videoconference requires some modification to etiquette and behaviour. The following list is not exhaustive, but provides some guidelines for the best practices to follow during a remote conference or hearing:

1. **For audioconference and videoconference proceedings**

   a. **No recording**: You are not permitted to audio- or video-record any portion of a remote proceeding. The BC Courts' Policy on the Use of Electronic Devices sets out penalties for recording, including prosecution. If you need a transcript of a hearing, it is possible to order one from the transcription service from the court registry.

   b. **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. Please make reasonable efforts to find a quiet, private space with a neutral background for your court appearance.

   c. **Mute microphone**: To minimize background noise, mute your microphone when you are not speaking. If you are using a computer, close applications on your computer, such as Twitter, Facebook, and email, that are not needed so you are not interrupted during the proceeding. Also, put your cell phone to silent mode.

   d. **Introductions**: When you first join the remote proceeding, identify yourself (and who you represent, if applicable).

   e. **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 judge to ask questions and avoid speaking over the judge or other participants. This is particularly important when there is an interpreter. Mute the microphone again when done speaking. Follow the judge's directions about when to speak or ask questions.

   f. **Objecting, responding or commenting**: If you find it necessary to object to, respond to, or comment on something that an opposing party has said and it cannot wait:

      - if on video, raise your hand to signal to the judge that you wish to speak; and
      - if on audio, respectfully interrupt the conversation when appropriate to let the judge know that you have something to say.

   g. **Forms of address**: A Provincial Court Judge is called "Your Honour". The other party and/or their lawyer is addressed as Ms. or Mr. with their last name.

   h. **Time limits**: Time limits may have been set in advance, or the judge may set them during the conference or hearing. You must follow them to make sure everyone has a fair chance to be heard.

   i. **Materials**: Collect and organize the documents you will need in advance, and make sure you have them with you for the hearing or conference.

j. **Use pen and paper**: Take notes with a pen and paper. The sound of typing can be distracting, and make it hard to hear others. Avoid shuffling papers as that also can be distracting.

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

2. For audioconference proceedings

a. **Answering the call from the Court**: Telephone hearings are recorded by the Court. When you answer the court clerk's call, introduce yourself by saying your first and last name. The court clerk will note the names of all the parties and lawyers attending the hearing on the court record.

b. **Say your name whenever you start speaking**: At an audioconference proceeding, it can be hard to know which person is talking.

c. **Audio connection**: If using a telephone, a land line works better than a cell phone. In either case, 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).

3. For videoconference proceedings

a. **Dress appropriately**: Judges will be dressed as they would for any settlement or family case conference to reflect the professionalism of the Court. Dress as if you are attending an in-person proceeding in a courtroom. Click on the link for more information on how to dress for court.

b. **Arrive early**: You should be prepared to join the videoconference proceeding at least 15 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 remain there until the proceeding begins.

c. **Use your name when prompted for a screen name**: 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.

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

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

f. **Focus on your camera**: Direct eye contact is important. When speaking, look into the camera rather than at the person(s) that you are speaking to.

g. **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 bandwidth returns to normal. If problems continue, it may be necessary for some of the participants to turn off their video. If the session ends unexpectedly, please try re-connecting. If the Microsoft Teams platform is not working, the presiding judge will advise the applicable JCM who will then contact the parties and provide Telus teleconference dial-in details so all parties may continue the proceeding by dialing in from any telephone.

History of Notice to the Profession and Public

- Original Notice to the Profession and Public issued and effective on May 7, 2020.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia

APPENDIX "A"

GUIDE FOR APPEARING IN THE PROVINCIAL COURT VIA MICROSOFT TEAMS

Table of Contents

1. **Audioconference and Videoconference Options** 5
2. **Establishing the Proceeding** 5
3. **Joining the Proceeding** 6
4. **Options in the Microsoft Teams desktop app during a proceeding** 9
5. **Standing down** 11
6. **Options on the telephone during a Microsoft Teams audioconference proceeding** 11
7. **Preparation and testing** 11
8. **Technology tips** 12
9. **Technological Issues** 12

1. Audioconference and Videoconference Options

Microsoft Teams allows participants to join the proceeding using video or audio from a desktop, laptop, tablet or smartphone, or to dial-in to a proceeding from a telephone.

The decision as to how a proceeding is conducted is a matter for each judicial officer. In considering the suitability of videoconferencing or audioconferencing, the Court may consider issues such as the nature of the case, the technological facilities available to parties or their lawyers, their ability to effectively participate in the proceeding, and how best to uphold the interests of justice.

Participants will receive correspondence from the Court in relation to the technology that will be used to facilitate their proceeding for videoconference and audioconference as a back-up for participants who do not have videoconferencing technology available or experience technical difficulties during the proceeding.

Participants are expected to be proactive and inform the JCM promptly if they foresee any difficulty with participating in a remote proceeding, and to propose jointly agreed solutions where possible.

2. Establishing the Proceeding

Remote proceedings via Microsoft Teams are set up using email addresses.

Upon request from the Court, participants are to provide their direct email addresses and contact phone numbers as a back-up to the Court so that a proceeding invitation can be sent. If you know that you will be receiving an invitation to attend a proceeding, check your inbox and spam folder to avoid missing the email from the Court.

3. Joining the Proceeding

Participants can join a Microsoft Teams proceeding from a desktop, laptop, tablet or smartphone via the purple 'Join Microsoft Teams Meeting' link included in the proceeding invitation.

→ Join Microsoft Teams Meeting
→ +1 604-335-9540 Canada, Vancouver (Toll)
→ (844) 844-5561 Canada (Toll-free)
→ Conference ID: 986 641 XX#
Learn more about Teams

To use Microsoft Teams via a tablet or smartphone, users need to download the Microsoft Teams app from the relevant App Store.

On a desktop computer or laptop, Microsoft Teams can be used in a web browser version, or by downloading the free desktop app. For a better user experience, download the desktop app. See below for details.

Alternatively, participants can join a Microsoft Teams proceeding by telephone, by dialling the conference number (including area code), conference ID and #, and following the prompts.

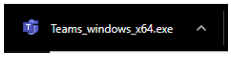
If joining a Microsoft Teams proceeding from a desktop computer or laptop, it is recommended that participants download the Microsoft Teams desktop app prior to the proceeding.

The desktop app can be downloaded for free from the Microsoft website here.

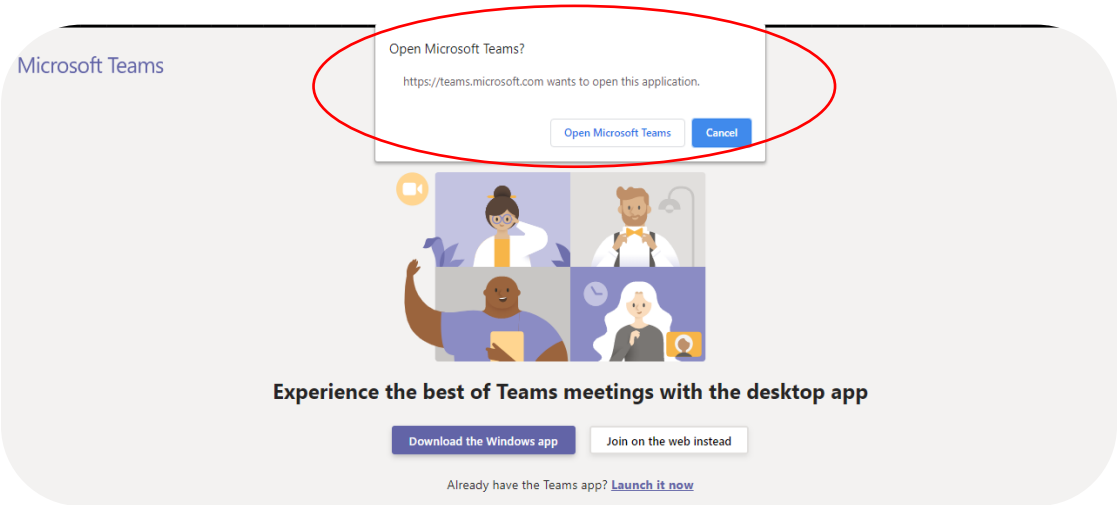
The Microsoft Teams webpage and web version work better in the Google Chrome web browser. All links should be copied and pasted into Chrome, rather than Internet Explorer, Mozilla Firefox or Safari.

To download the desktop app and join the proceeding through the app:

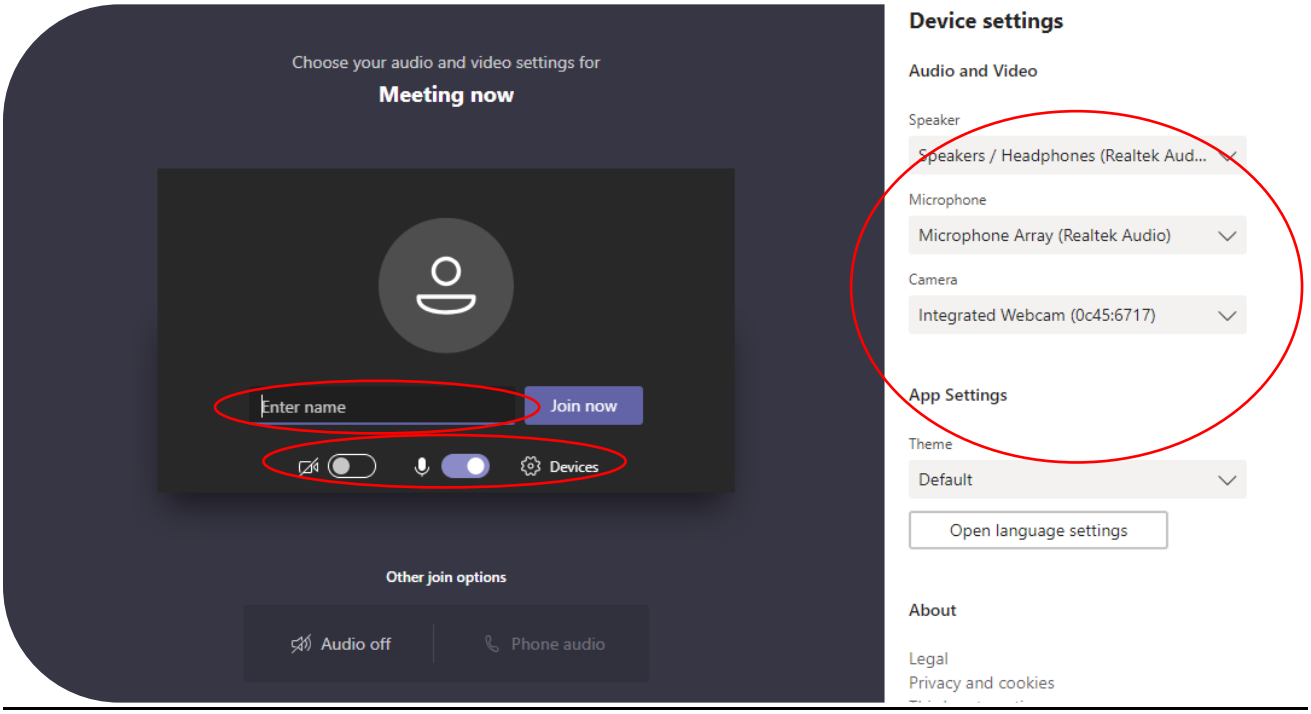
1. Visit **https://www.microsoft.com/en-ca/microsoft-365/microsoft-teams/download-app**;
2. Click on the purple download button;
3. A download will begin. Once completed, click on the file to begin installation;
4. Once installation is complete, press Continue to check that Microsoft Teams will open. If it opens, no further action is required until the day of the proceeding.
5. *On the next screen (which will read "You're not on Teams yet, but you can set it up for your organization"), participants do not need to sign up for a Teams account – it is sufficient to have the desktop app downloaded onto the computer;*



6. On the day of the proceeding, **at least 15 minutes before the listing time**, click on the 'Join Microsoft Teams Meeting' link. It will open in the web browser, but a dialogue box will pop up that says 'Open Microsoft Teams?' or 'Launch Microsoft Teams now'. Click open or launch so that the meeting opens in the app.

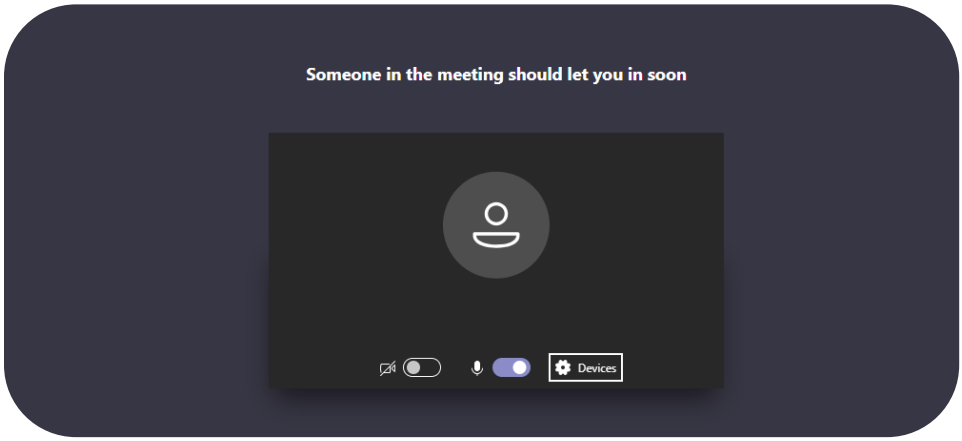


7. The Microsoft Teams app should launch the meeting and show the following screen:

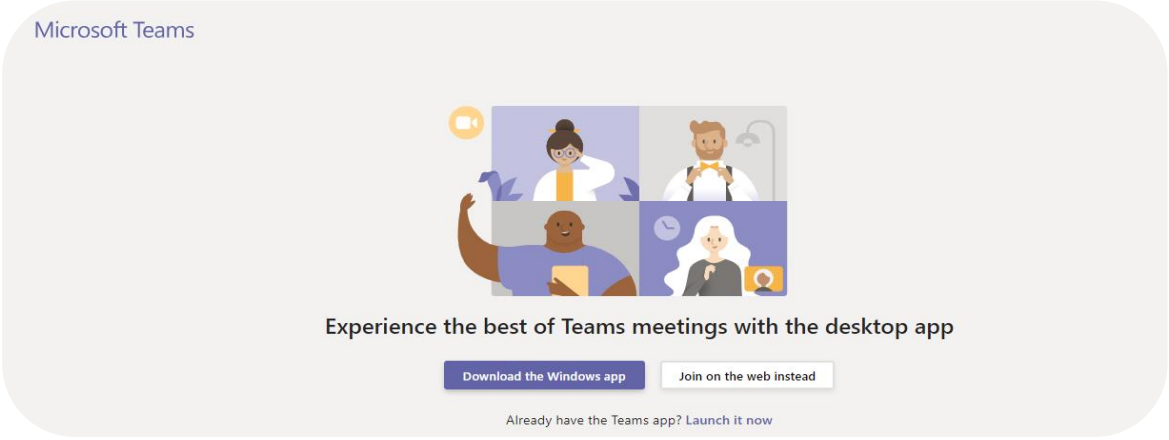


8. Fill in the 'Enter name' field with your full name and description, such as 'First and Last Name (Crown)' or 'First and Last Name (Defence)'.

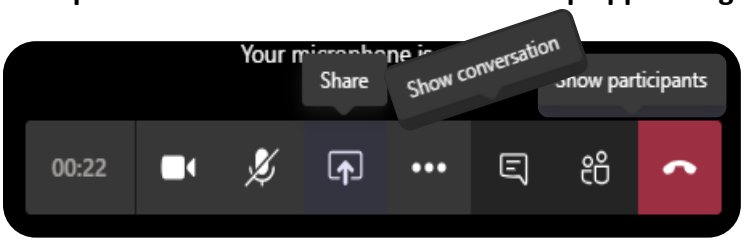
9. Use the sliders next to the camera icon and microphone icon to turn camera or microphone on and off.
10. Clicking on the 'Devices' cog will open the Device Settings menu, which allows the user to select the correct microphone, speakers and webcam that they are using, and to make a test call.
11. When ready to join the proceeding, click on 'Join Now'.
12. All participants will wait separately in a virtual lobby. The below screen will be displayed. The judge running the proceeding can see when participants are waiting in the lobby, and will accept each participant into the proceeding when ready to do so. Please wait patiently, do not exit the lobby if you are not immediately admitted. If you have joined the meeting early, or the Court is delayed, the lobby may time out. If this occurs, please re-join the meeting.



If a participant clicks on 'Join Microsoft Teams Meeting' from an email or calendar invite and does not have the desktop app installed, the below webpage will open. Select 'Join on the web instead', and then follow steps 8 to 12 above.



4. Options in the Microsoft Teams desktop app during a proceeding

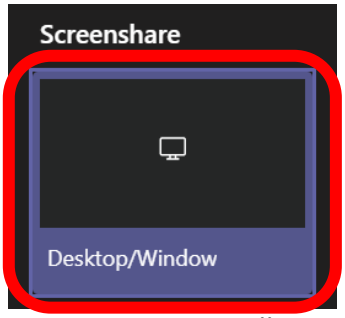


During a Microsoft Teams proceeding, moving the mouse brings up a ribbon of meeting options across the screen. Participants can take the following actions:

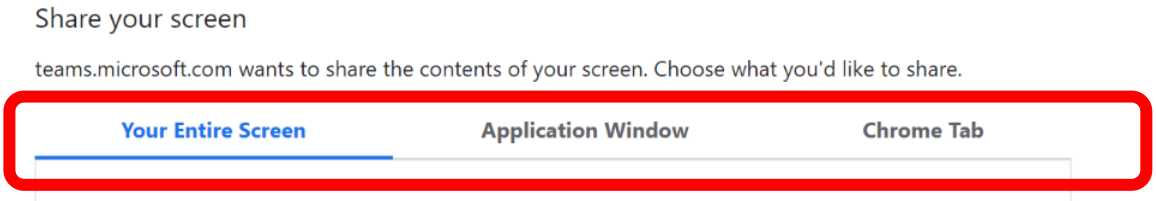
- Click on the **camera icon** to turn the video on and off;
- Click on the **microphone icon** to turn the microphone on and off (mute and unmute);
- Click on the **ellipsis** (the three dots) for more options, including to check device settings, blur background, turn off incoming video;
- Click on the **show conversation icon** to see the chat window on the right hand side of the screen;
    - If you do not have the chat window open and a message is entered into the chat, an orange dot will appear on the show conversation icon to indicate that there is a new message.

- Click on the **show participants icon** to see a list of all the participants in the proceeding;
- Click on the **red phone** icon to end the meeting when the proceeding is finished.
- In the desktop app, participants can right click on up to four participants' videos to **pin** them to the screen so that they are always visible.
- If using the web browser version, by default, Microsoft Teams will display the video of the person speaking.
- Please note, on different devices, these options may appear in a different location.
- **<u>Only if directed by the Court</u>**, click on the **share icon** to share a document on the screen for all participants to see – this option may only be available if the Court gives permission for participants to share;

    - A panel will open to confirm that you would like to use Screenshare. Click the computer screen icon above <u>Desktop/Window</u>.



- A pop up will appear asking you to choose the item you wish to share. Select either Your Entire Screen, Application Window, or Browser Tab, and then click on the item that you would like to share.



  - Your Entire Screen: This will show all participants whatever you are currently viewing on your screen and allow them to view any actions you make on your device while your screen is being shared.
  - Application Window: This will show all participants a specific file only (for example, a PDF of materials related to your court file). You will need to have the file open prior to sharing your screen or else you will not be able to select it. All files currently open will appear as thumbnails from which you may select.
  - Browser Tab: This will show all participants the contents of a specific tab that is currently open in your web browser.
    Note: Google Chrome was used for the pictures in this guide. The browser you use to attend the videoconference proceeding may be different.

- Once you have selected the item that you wish to share on the screen, click Share.

Note: You will not be able to click share if you have not selected an item. The share button will change colour from white to blue once you have selected an item.

5. Standing down

Should the Court need to stand down (provide everyone with a break during the proceeding), the videoconference will stay on. You are responsible for turning off your own microphone and webcam. **Do not leave** the videoconference. If you do not turn off your microphone and webcam other participants in the videoconference will be able to see and/or hear you.

Turn on your microphone and webcam at the end of the break. As soon as you do this, you can be seen and heard by anyone participating in the proceeding.

6. Options on the telephone during a Microsoft Teams audioconference proceeding

If a participant joins the audioconference proceeding by dialling the conference number and conference ID, it is a standard telephone call. Participants only have the options presented to them on their phone screen, such as to mute, place the phone on speaker and hang up the call.

Participants should not place the Court on hold, or put the phone on loudspeaker, as this will decrease audio quality. The Court has the ability to mute participants who have joined the proceeding by telephone. If you are muted, a voiceover will inform you of this, and how to unmute. To unmute, press *6. A voiceover will inform you when you are

If a participant is experiencing poor video quality during a proceeding, or cannot maintain a connection through the desktop app or web version, they can join via the teleconferencing option. The details are included in every meeting invite. If counsel or litigants do not have a strong internet connection, or do not have access to the technology to appear by video, communicate with the Court prior to the proceeding about participating by telephone.

7. Preparation and testing

Participants should download the Microsoft Teams desktop app well in advance of the proceeding, and ensure they are familiar with the microphone, webcam and speakers on their device, and that any external hardware is installed and working properly. We recommend that you test the technology before the proceeding *from the location you plan to use during the hearing* in order to check your internet connection at that location.

Once you have received a link to a Microsoft Teams proceeding from the Court, the link may be accessed at any time prior to the proceeding to check that the correct microphone, webcam and speakers are being recognised by Microsoft Teams, make a test call and to see what your video will look like.

Depending on the case, the Court may schedule a test between the parties prior to the proceeding. This is of benefit to all parties, and the Court expects that counsel and litgants will make themselves available to participate to reduce the need for an adjourment or any delay on the day of the proceeding.

Prior to any proceeding, counsel should agree with their clients on a method of confidential communication and how they will obtain any urgent instructions during the proceeding. Otherwise, instructions must be obtained **prior to** the commencement of the proceeding.

8. Technology tips

Use a headset, or headphones that have a microphone (such as most headphones that come with smartphones), to avoid echo and increase audio quality. Ensure you select the headphones in the settings for 'Devices' as the microphone and speaker. If you have the volume turned up and audio coming through the speakers of your device, it may be picked up by your microphone and echo. If other participants are complaining of echo and you cannot hear any echo, it is likely that you are the cause.

Ensure you are located in a quiet, distraction free location with good lighting and minimal background noise. Use an appropriate camera angle and background to your video.

If litigants are participating from their home, as far as is possible, ensure that they are out of earshot of any children present in the household to which the proceedings relate.

Participants should have their microphone muted and cameras switched off when they are not speaking or not required to be seen, as the Judge directs.

If appearing by telephone, do not place the Court on hold. Speak directly into the phone. Do not place the phone on loudspeaker, as it will decrease audio quality.

Ensure devices are fully charged before the proceeding, and have the charger handy nearby. Videoconferencing can drain the battery of devices quickly.

9. Technological Issues

The Court is not able to provide technical support. Do not contact the Court Registry for assistance using Microsoft Teams. The Microsoft Teams website and the Help section of the Microsoft Teams application provide additional tips and advice about how to use the program.

In the event that you experience technological issues during an audioconference or videoconference proceeding, you should wait to see if the issue resolves itself. If the problem does not resolve on its own, tell the judge that you are experiencing a problem. If you are not able to communicate with the judge directly (for example, because you have lost your internet connection), for criminal matters, contact the applicable JCM.

If you accidentally log out of the videoconference proceedings, or otherwise lose your connection to the proceeding, you should quickly attempt to rejoin by following the steps outlined in section 3 above.

If at anytime, due to delay, distortion or disconnection, you miss something that was said during the proceeding, please let the judge know immediately so that the statement can be repeated. Likewise, please be patient and prepared to repeat your own statements if asked.

If the Microsoft Teams platform is not working, the applicable JCM will contact the parties and provide dial-in details so all parties may continue the proceeding via Telus teleconference by dialing in from any telephone. To join the Telus teleconference:

- Dial the conference phone number;
- Follow the prompts and enter the teleconference participant number: ******* # ; and
- Hold music will play until the “moderator” (i.e. the judge) joins the call.