



Northern Circuit Coronavirus Task Force

Technology Group

**Useful Materials and Guidance for Remote Hearings in Civil
Cases**

2nd April 2020

Useful Materials and Guidance for Remote Hearings in Civil Cases

Rules and Practice Directions

Telephone and Video Hearings

- CPR Practice Direction 23A paragraph 6 – Applications – Telephone Hearings
https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part23/pd_part23a#I
- MoJ Guidelines for telephone hearings in district registries and the county court
<https://www.justice.gov.uk/newsite/courts/telephone-hearings>
- CPR Practice Direction 51Y: Video or Audio Hearings in Civil Proceedings during the Coronavirus Pandemic
<https://www.judiciary.uk/announcements/practice-direction-on-video-or-audio-hearings-in-civil-proceedings-during-the-coronavirus-pandemic/>
- CPR Practice Direction 51ZA: Extension of Time Limits
<https://www.judiciary.uk/announcements/118th-practice-direction-update-to-the-civil-procedure-rules-coronavirus-pandemic-related/>

Local Court Guidance

- Greater Manchester Court Guidance, HHJ Bird, 20th March 2020
- Note on Covid-19 Orders, Temporary Procedures and Listing Priorities, Manchester Courts, HHJ Bird, 31st March 2020
- Liverpool and Chester County Court Guidance, HHJ Wood QC, 23rd March 2020
- North and West Yorkshire County Courts and Leeds District Registry Guidance, HHJ Gosnell, 23rd March 2020
- Northumbria and Durham Courts Guidance, HHJ Freedman, 26th March 2020

Remote Hearings during the Coronavirus Outbreak

- Civil Justice in England and Wales Protocol regarding Remote Hearings, Master of the Rolls, 20th March 2020
- HMCTS Guidance on telephone and video hearings during coronavirus outbreak, 23rd March 2020

Guidance and Tutorials on the Use of Remote Meeting Platforms

- A Concise Idiot's Guide to Videoconferencing – Brian McCluggage/CTF Technology Group
- Skype for Business
<https://support.skype.com/en/skype/all/>
- Microsoft Teams
<https://support.office.com/en-gb/article/microsoft-teams-video-training-4f108e54-240b-4351-8084-b1089f0d21d7>
- Zoom
https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials?_ga=2.154973880.1878988383.1585033077-1481993740.1585033077
- Ishan Kolhatkar (Director of BPP Education and Technology)
https://www.pscp.tv/BPTC_Lecturer/1lPJqVqbLolxb

Dear Court User,

I am writing to let you know what steps we are taking to keep the civil courts running in these difficult times. Specific arrangements apply to BPC work and to Family cases. The steps set out in this letter (“the Temporary Measures”) will apply to county court cases in Greater Manchester and to general Queen’s Bench Division work.

Our overarching aim in setting out these Temporary Measures is to facilitate access to the courts whilst ensuring that all court users, HMCTS staff and Judges operate and work in a safe environment. Where there are court hearings we will do what we can to avoid the need to congregate with others. The listing of cases will remain a matter for individual judges, who may, in appropriate circumstances, override the general practice set out below.

This letter is addressed to both litigants in person and representatives. I appreciate however that it will be read and acted upon, in the main, by lawyers. Where any party to a claim is represented, I confidently expect those representatives to ensure this general practice is followed, and to take steps to ensure that litigants in person are fully informed.

Temporary Changes

Until further notice the following will apply:

- a. From 25 March 2020 all interim applications, costs and case management conferences and pre-trial reviews will take place by telephone or video. The guidance set out at the end of this letter should be followed in each such case.

- b. With immediate effect and until 25 March, if all parties involved in a hearing consent (and arrangements for a telephone or video hearing are made) the hearing will take place by video or telephone. Parties are encouraged to co-operate and take a realistic view when considering the question of consent.
- c. Any applications seeking the adjournment of hearings (by consent or otherwise) will be dealt with as a priority and in the first instance on paper.
- d. Parties may agree that a hearing not covered by (a) should be heard by telephone or video. If that is the case the court is likely to accommodate the request. Where the parties have not been able to agree, any application for a video or telephone hearing (where the hearing does not fall within (a) or where there is an absence of consent under (b) above) will be dealt with as a priority and also in the first instance on paper.
- e. Judges are likely, in accordance with existing powers to make more orders on paper and without a hearing, giving parties an opportunity to apply to vary such orders where appropriate.

Urgent applications arising out of the processes set out in this letter should be communicated in the first instance to the court by email to manchestercivil@justice.gov.uk . The email **must** include in the subject line the claim number and the date and time of any relevant hearing.

Any email or other correspondence should be copied to all parties and be succinct. The body of any email must contain a brief explanation of what the court is being asked to do, why it is being asked to do it, and on what basis it should do it.

General Points

All Judges are likely to have access to Skype for Business in the near future, some have access now. Parties may wish to consider this as an alternative to telephone hearing.

Some matters (included most block listed applications) are not covered by the above specific steps. The parties should in those instances consider how matters might best proceed and make an application to the court accordingly. The parties are encouraged to carefully consider if applications might be dealt with by consent.

It is likely that some hearings (including trials and some block-listed matters) may be vacated by the Court and re-listed. We will do what we can to keep such orders to a minimum.

The processes set out above will be subject to change and are temporary. Where it is necessary to make changes, and to update the Temporary Measures, we will let you know as quickly as possible.

I would encourage feedback and views on the points I have set out – please email manchester.dcj@justice.gov.uk if anything arises.

Kind regards,

Nigel Bird

DCJ Greater Manchester

The Guidance

1. This guidance applies to all interim applications, costs and case management conferences and pre-trial reviews listed to be heard on or after Wednesday 25 March 2020 in the county court at Manchester, Wigan or Stockport or in the District Registry of the Queen's Bench Division in Manchester, Wigan or Stockport. It does not apply to the Business and Property Courts.
2. All hearings covered by this guidance shall be conducted by telephone, skype, BTMeetMe or some other mutually convenient method. In each case arrangements for the remote hearing shall (unless otherwise agreed in writing between the parties) be made by the Claimant or, if the Claimant is a litigant in person the first named represented party
3. No less than 3 days before the hearing is to take place the parties shall send to the court at manchestercivil@justice.gov.uk :
 - a. An agreed focussed reading list of documents for the Judge who will conduct the hearing together with an agreed estimate of the time it will take the Judge to read the documents
 - b. attached to the email as separate attachments each document referred to in the reading list or where appropriate relevant extracts from such documents. The total length of the attachments when printed shall not exceed 100 pages.
4. The parties should prepare the focussed reading list and attachments on the basis that the Judge may have no previous knowledge of the case and may not have access

to the court file

Note on Covid-19 Orders, Temporary Procedures and Listing Priorities

Orders

1. I have directed that orders be issued on cases and applications in civil work (excluding BPC) listed in Manchester after 31 March 2020 in accordance with drafts attached to this note. In due course these orders are likely to cover cases listed in both Stockport and Wigan.
2. The orders made in individual cases (which will be sent out by the Court in the usual way) may vary slightly, but the substance of those orders is likely to match the attached drafts. Orders will change as time goes on and as we gain experience of how they work in practice.
3. The parties should consider the orders carefully and, if they object to any part of the order (for example because they want the matter to be adjourned), make an application to the court to vary the order. Each order sets out how that must be done. If both parties object to any part of the order they should file a consent order reflecting that agreement for the court to consider.
4. The orders make broadly standard provision for the arrangements to be made for setting up a video hearing (see the FT and MT order at para.3) and preparing an electronic bundle (see the same order at paragraph 7). I would encourage parties to consider these drafts as a starting point for any consent orders which concern electronic bundles or video hearings.
5. The orders mandate the production of electronic bundles. This will greatly enhance the court's ability to deal with matters efficiently. As the orders make clear, the aim is to ensure that a judge can determine the matter without having the court file or a paper bundle transported to her/him from the court or by the parties.
6. If electronic bundles have not been prepared the judge may decide to adjourn the hearing and costs consequences may follow.

Communication with the Court

7. Telephone lines will still be open for you to speak to court staff. The lines will be busy and, by reason of reducing numbers, staff will be under greater pressure than usual. It is likely to be far more effective to communicate by email.
8. The main email address for all civil matters will remain manchestercivil@justice.gov.uk
9. I have directed within the orders that emails contain certain information in the subject line. The provision of the right information will help HMCTS staff and judges to deal with emails efficiently. HMCTS staff are very likely to deal with compliant emails first. Please bear that in mind and ensure that your emails are succinct.

Listing Priorities

10. From now, work will be dealt with following the priorities set out in the attached document (see annex.1). We will keep the priorities under review.
11. It is important to note that the priorities do not apply to general QB matters.

County court

12. A protocol to help the court prioritise county court work (claims and applications) has been prepared for the CJC (annex.2). A Greater Manchester Courts version is in the course of preparation. It covers all existing work and work issued after 29 March 2020. A listing questionnaire designed to help the court carry out the triage process is part of the protocol.
13. The Protocol should be followed.

Queen's Bench

14. Queen's Bench work outside the TCC and the Circuit Commercial Court will be dealt with on a case-by-case basis.

Mode of Hearing

15. If a matter remains in the list and involves live evidence all efforts will be made to arrange a remote hearing. It is likely that a video hearing will be preferred over a telephone hearing. If no live evidence is involved it is likely that telephone hearings will be the best way forward. However, there will be (at the moment and in most cases) no fixed rules as to when a telephone hearing or a video hearing should be used. I encourage all parties to agree the way forward; agreement will limit the time the court spends considering the matter and will ensure that the parties can work with the arrangements made both practically and from an IT point of view.
16. The main platforms for a telephone hearing are the usual court HMCTS approved legal conference providers and BTMeetMe. Generally, where a legal representative sets up a call one of the approved providers should be used. This will mean that BTMeetMe hearings (which do not require any pre-booking and so are easier to use) will be generally available for litigants in person.
17. If the hearing is by telephone, each participant (other than the Judge) should introduce herself/himself by name each time she or he speaks.

Video

18. If video hearings are to be arranged, careful thought needs to be given to a number of matters. Some are set out in the MR's Protocol (at <https://www.judiciary.uk/wp-content/uploads/2020/03/Civil-court-guidance-on-how-to-conduct-remote-hearings.pdf>)

which should be read with care.

19. It will be sensible to ensure all attendees are gathered on the video call and for the judge then to be the last introduced participant and to ensure that the court has contact details for all participants.

Witnesses

20. Arrangements will need to be made for witnesses to have access to the bundle.
21. It will be important that witnesses understand, before they give evidence, the need to be in an appropriate place which is quiet and free of distraction. Arrangements to swear the witness in or for the witness to affirm should also be made. The responsibility to arrange or point out these matters will rest with representatives.

Bundles

22. It will also be important to give careful thought to bundles (for all hearings). The old practice of including everything in the bundle will need to change. Bundles should be prepared so that they are concise and manageable. I would encourage the parties to include only extracts of documents if only extracts are needed. You should remember that the judge may not have the court file and may be working away from the court building.
23. Where possible if the bundle is to be emailed, it should not be made available in a piecemeal fashion, it should be sent via one email. As far as possible attached documents should not be password protected and the provision of documents after the bundle has been finalised should be kept to a minimum.
24. Where possible, online (or virtual) data rooms should be used for bundles, particularly large bundles for use at trial. The court is unlikely to be able to accept emails which are in total larger than 10 MB (see PD5B and general email guidance at <https://www.justice.gov.uk/courts/email-guidance#canfile>) and so using an online vault will ensure that the court has easy access to the relevant papers. Arrangements to access the online vault should be communicated in good time before the hearing.

Platform

25. It will be important to agree an appropriate platform for the hearing. Most judges will have access to Skype for Business, but the Protocol makes clear that other platforms might be used. It will be important to make sure that the judge dealing with a matter is content to use the suggested platform.
26. Participants should be aware that the email address used to sign in to Skype may be visible to all other participants.

Moving matters to a paper determination

27. If the trial is a small claims trial it may be sensible to consider inviting the court to deal with the matter on paper in accordance with CPR 27.10. The judge will have the final decision as to whether the case can be dealt with in that way.
28. When dealing with applications, thought should be given to the use of CPR 23.8(b). I would encourage parties to consider if the application can be dealt with on paper. If the parties agree it can they should comply with CPE PD 23A para.11.1. Again, the judge will have the final decision as to whether the application can be dealt with in that way. The court might consider using its powers under CPR 23.8(c) to make orders on paper where it does not consider a hearing is necessary.

Litigants in Person

29. Litigants in Person will also be affected by these temporary arrangements and should actively consider what remote hearings would best suit them. Parties will no doubt bear in mind CPR 1.3 which sets out the duty of all parties (and by extension their representatives) to help the court to further the overriding objective and ensure that all cases are dealt with justly.

Other Orders

30. When allocating a county court claim to track, the Judge will bear the listing priorities in mind. High Court Multi Track cases are likely to be listed to a CCMC to be heard by telephone.
31. Further orders have been issued on block listed matters, Small Claim trials, appeals, applications for permission to appeal and possession matters. Those orders are not attached. Many matters have been moved to be heard by way of telephone conference or video with the co-operation of the parties.
32. I would urge all parties to co-operate to find means by which matters can be heard remotely. Such agreements are very likely to be approved by the Court. If consent orders can be lodged on any matter I would again encourage that to be done.
33. The Manchester CJC will remain open.
34. Matters heard remotely may be relayed through an open court room. Hearings will be shown on the daily cause list. If the hearing is relayed into a court room, it will be recorded by the court's recording system.
35. If any matter is heard in private and there is no court based recording facility a legal representative may be invited by the judge to arrange for recording and required to hold the recording on strict undertakings. Representatives must remind parties that is a contempt of court to record (or transmit) proceedings in any way unless the Judge gives permission.
36. In considering if it is necessary to hold a hearing in private the Judge will have regard to CPR 39.2 and 39.9 (in its updated version as appears at

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part39>) section 85A of the Courts Act 2003 and CPR PD51Y.

HHJ Nigel Bird

DCJ Greater Manchester

31 March 2020

ANNEX.1

CURRENT LISTING PRIORITIES IN CIVIL – COVID-19
FOR COURTS IN GREATER MANCHESTER¹

Issued: 27.03.20

Priority 1: Work Which Must Be Done

1. Committals
2. Freezing Orders
3. Injunctions (and return days for ex parte injunctions).
4. The emphasis must be on those with a real time element (such as post-termination employment restrictions), noise or interference with property.
5. Anti-Social Behaviour/Harassment injunctions (not ancillary to possession)
6. Applications to stay enforcement of existing possession orders
7. Production of persons in custody following Power of Arrest detentions
8. Applications to displace under s 29 of MHA
9. Homelessness Applications
10. Enforcement work that does not involve bailiffs, such as third-party debt orders (particularly hardship payments).
11. Any applications in cases listed for trial in the next three months
12. Any applications where there is a substantial hearing listed in the next month.
- 12a. any application suitable for paper determination
13. All Multi Track hearings where parties agree that it is urgent (subject to triage).
14. Appeals in all these cases

¹ Additional items for GM are shown underlined

Priority 2: Work Which Could Be Done

1. Infant and Protected Party approvals (children could attend by Skype)
2. CPR 21 approvals
3. Applications for interim payments in MT/PI/Clin Neg
4. Stage 3 assessment of damages
5. Trials involving the survival of a business or the solvency of an individual
6. Enforcement of trading contracts
7. Applications for summary judgement for a specified sum
8. Applications to set aside judgement in default
9. Applications for security for costs
10. All small claim/fast track trials where parties agree it is urgent (subject to triage)
- 10a. Any small claim suitable for determination on paper
11. Preliminary assessment of costs
12. Appeals in all these cases

Caveat

The work in the Court of Appeal and the QBD (and District Registries) are excluded from these lists, for obvious reasons.

B&PC work is also excluded from these lists. Thus far, it has not proved possible to deal with this work on anything other than a case-by-case basis. The triage system is working well. Accordingly, these lists relate only to County Court work.

Annex.2

Protocol for the prioritisation of civil work

In the present emergency, the court's resources must be concentrated on the most urgent cases. The Deputy Head of Civil Justice has identified the priorities for the County Court. The Designated Civil Judge, HHJ Bird, has modified the priorities slightly, as appears in the accompanying direction. The following protocol is intended to assist in identifying those cases which require prioritising.

1. For all existing claims and applications, the listing officer will in the first instance make an assessment of whether the case falls within category 1 or category 2 or otherwise and will list accordingly. In cases of doubt the matter will be referred to a judge.
2. For all applications or claims issued after 29th March 2020 the party issuing the application or claim will be required to a) complete the attached listing questionnaire; and b) file a copy of the completed request with the court within 7 days of the issue of the application and c) serve it on the respondent / defendant. The questionnaire is intended to be sent out and returned electronically but can be printed if necessary.
3. The parties' responses will be considered by a member of the listing office. In a clear case the hearing will be prioritised as suggested by the parties without referral to a judge. In a case of any doubt or disagreement between the parties the matter should be referred to a judge for prioritisation.
4. In any case which has not been prioritised that comes before a judge, the judge shall assign a priority.
5. In any such case as referred to in paragraph 4 above the judge shall at the same time, and if not already determined, give an indication of the preferred method of hearing – whether in court or remotely and if remotely the preferred method of conducting the hearing (telephone or video and the arrangements for such if not already made).
6. The listing office will have the power to remove cases from the list that either a) do not have priority or b) cannot be accommodated because of the amount of other prioritised work.
7. Any case that has to be removed from a list will be referred to a judge for directions as to relisting.

Greater Manchester County Courts

Listing priority questionnaire

In the present emergency, the court's resources must be concentrated on the most urgent cases. The Deputy Head of Civil Justice, Coulson LJ, has identified the priorities for the County Court. The Designated Civil Judge, HHJ Bird, has modified the priorities slightly, as appears in the accompanying direction. You should complete this form to enable the court to list your case.

You should identify any matters in support of your application in the "Comments" section, for example, why you say that a multi track case should be treated as urgent. This form should be submitted by email to manchestercivil@justice.gov.uk. The email must include in the subject line of the email the claim number, the names of the parties and the words "Listing priority."

You should return this form as soon as possible and in any event within 7 days.

| | |
|---|---|
| Case number | Click or tap here to enter text. |
| Name of parties | Click or tap here to enter text. |
| Your name | Click or tap here to enter text. |
| Which party are you (or whom do you represent)? | Click or tap here to enter text. |
| What kind of case is this? (You should refer to HHJ Bird's direction) | Choose an item. |
| Will the case be heard | <input type="checkbox"/> In court Cases will be heard in open court only in exceptional cases. State in the "Comments" section below why this case must be heard in court <input type="checkbox"/> By video link State in the "Comments" section below what arrangements have been/will be made to ensure that the judge, the parties and the witnesses will be connected <input type="checkbox"/> By telephone <input type="checkbox"/> Decision only on papers |
| Have you prepared an electronic bundle in accordance with HHJ Bird's direction? | Choose an item. |
| Do all parties agree the contents of this form? | Choose an item. |

Comments

Click or tap here to enter text.

Judge's comments

Click or tap here to enter text.

Annex.3

Orders to be issued where a FT or MT is listed – subject to any decision on priority

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Before His Honour Judge Bird the Designated Civil Judge for Greater Manchester

UPON the court taking notice of the COVID 19 (Coronavirus) pandemic and the measures being taken in response and the Protocol regarding remote hearings issued on 20 March 2020 (“the Protocol”) a copy of which can be found at <https://www.judiciary.uk/wp-content/uploads/2020/03/Civil-court-guidance-on-how-to-conduct-remote-hearings.pdf>

AND UPON the Court having considered matters on the papers

AND UPON it being recorded that the court expects the parties to do their utmost to co-operate with each other in all things and lodge consent orders wherever possible

AND UPON the parties being reminded of the HMCTS Email Guidance referred to in CPR PD 5B which provides that the total size of an email, including attachments, must not exceed 10 megabytes

AND WITHOUT A HEARING AND ON THE COURT’S OWN INITIATIVE

IT IS ORDERED THAT:

1. The parties shall use their best endeavours to agree a mechanism to allow the trial of this action presently listed to commence on [] 2020 to proceed on that date by way of video hearing or telephone hearing, having regard to the matters set out in this Order and in the Protocol (insofar as they do not clash with the terms of this order).
2. Within 7 days of service of this order upon the parties,
 - a) In the event that the parties reach agreement, the Claimant (or the first named represented party in the event that the Claimant is unrepresented) shall send an email to the court at manchestercivil@justice.gov.uk which confirms that terms have been agreed and sets out such terms as an attachment to the email;

b) in the event that terms are not agreed, the parties shall send an email to the court at manchestercivil@justice.gov.uk attaching each party's draft directions, containing brief reasons for each side's proposal for the disposal of this claim.

3. In the event that the agreed arrangement is for a video hearing, the terms shall include the following detail:

- a) The chosen video platform (bearing in mind that all judges have access to Skype for Business but that not all judges will have access to other video platforms)
- b) Arrangements that will be made to join the judge and all persons into the video conference and how witnesses will be dealt with
- c) The identity and a contact telephone number and email address for all persons who will join the conference
- d) Provision for all parties to sign in to the conference at least half an hour before the hearing is due to begin, to address any issues with the connection
- e) Such other matters as are necessary for the hearing to take place including the matters listed at paragraphs 20 to 23 of the Protocol

4. The subject line of the email must include the claim number and the date of the trial and include the words "agreed remote directions".

5. In the event that the parties reach agreement and comply with paragraphs 2, 3 and 4 of this order the court the directions set out at paragraphs 7 and 8 of this order shall apply. If the parties seek alternative directions in relation to the bundle they must set out within the email the directions they seek and the reasons why the provisions set out in paragraph 7 are not appropriate in their case. The court will consider the agreement, and any request to vary paragraph 7, and give such further directions as are required which may include attendance at a brief telephone directions hearing.

6. In the event that the parties fail to reach agreement the court will give directions in any event which may include the vacation of the trial or the requirement for the parties to attend a brief telephone directions hearing.

7. Any directions already given as to the filing of a trial bundle or skeleton argument are varied as follows. No less than 3 days before the hearing is to take place the Claimant (or if unrepresented, the first named represented party) shall send an email to the court at manchestercivil@justice.gov.uk , copied to the other party and (if provided) to the Judge's email address:

- a) Containing in the subject line the name of the case and the date and time of the hearing
- b) Setting out in its body (not as an attachment) a succinct reading list of documents for the Judge who will conduct the hearing together with an agreed estimate of the time it will take the Judge to read the documents. The parties should endeavour to agree the list and the list should be specific and if necessary refer to specific sections of a document, with page references to the electronic bundle.
- c) Containing a link to the electronic bundle at an online data room (where possible). If it is not possible the electronic bundle must be attached to the email, in which case the size of the email including attachments may not exceed 10 megabytes. The electronic bundle:
 - (i) Should be agreed
 - (ii) Must only contain the documents referred to in the reading list, which should only be those documents which are necessary and will be referred to at trial
 - (iii) Should include skeleton arguments if ordered or appropriate
 - (iv) Wherever appropriate, should contain extracts of documents rather than the entirety of documents
 - (v) be prepared in a single pdf format
 - (vi) Must be indexed and paginated in ascending order, to include index pages and necessary authorities
 - (vii) Must always have a default display view for all pages of 100%
 - (viii) Must allow text on all pages to be selectable and to facilitate electronic annotation
 - (ix) Must have a resolution reduced to about 200 to 300 dpi to prevent delays whilst scrolling from one page to another
 - (x) Shall not exceed 250 pages in a claim allocated to the fast track, or 750 pages in a claim allocated to the multi track.
- d) The parties should prepare the focussed reading list and electronic bundle on the basis that the Judge dealing with the matter may have no previous knowledge of the case and may not have access to the court file.
- e) For the avoidance of doubt, this paragraph and the provision of an electronic bundle must be complied with even if the parties have already filed a paper bundle.

8. Save insofar as they are varied or superseded by this order, directions already given in respect of the preparation for trial shall continue to apply.
9. The parties must ensure that all witnesses have a copy of the bundle in a format that they are able to use whilst giving evidence.
10. At an appropriate stage, the Court will consider whether the hearing should take place in public or private having regard to CPR 39.2 and the Protocol.
11. Because this order has been made without a hearing a party may apply to set it aside or to vary its terms. Such an application:
 - a) may be made by email to manchestercivil@justice.gov.uk
 - b) must be made within 7 days of service of this order and be copied to all parties
 - c) must include in the subject line of the email the claim number and the date of the adjourned hearing
 - d) must attach a draft of the order the court is invited to make and
 - e) must set out in the body of the email on what grounds the proposed order is sought and, if it is proposed that a hearing in a Court room is to take place, the measures required to ensure that this can be done safely, lawfully and in accordance with Government, Public Health England, and other appropriate guidelines
 - f) will be dealt with on paper without a hearing.

Annex.4

Order to be issued in all listed applications – subject to any decision on priority

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Before His Honour Judge Bird the Designated Civil Judge for Greater Manchester

UPON the court taking notice of the COVID 19 (Coronavirus) pandemic and the measures being taken in response and the Protocol regarding remote hearings issued on 20 March 2020 (“the Protocol”) a copy of which can be found at <https://www.judiciary.uk/wp-content/uploads/2020/03/Civil-court-guidance-on-how-to-conduct-remote-hearings.pdf>

AND UPON the Court having considered matters on the papers

AND UPON it being recorded that the court expects the parties to do their utmost to co-operate with each other in all things and lodge consent orders wherever possible

AND UPON the parties being invited wherever possible to consider the use of CPR 28.8(b), as set out in paragraphs 7 to 9 of this order, bearing in mind that such a determination will be final pursuant to CPR PD 23A para 11.1

AND UPON the parties being reminded of the HMCTS Email Guidance referred to in CPR PD 5B which provides that the total size of an email, including attachments, must not exceed 10 megabytes

AND UPON it being recorded that in the event that any party fails to comply with any provision of this order the matter may be adjourned

AND WITHOUT A HEARING AND ON THE COURT’S OWN INITIATIVE

IT IS ORDERED THAT:

1. The hearing of this application listed to take place on [] 2020 shall (subject to the remaining terms of this order) proceed by way of a telephone conference.

2. At an appropriate stage, the Court will consider whether the hearing should take place in public or private having regard to CPR 39.2 and the Protocol.

Arrangements to be made for the hearing if at least one party is represented

3. If at least one party is represented then the hearing shall be organised through an approved legal conference provider, with the Claimant (or if the Applicant is unrepresented, the first named represented party) to make the arrangements for the telephone conference.

Arrangements to be made for the hearing if both parties are unrepresented

4. If no party is represented then each party should separately
 - (a) notify the court as soon as possible (and in any event by 4pm 3 days before the hearing) that they are unrepresented;
 - (b) provide a telephone number on which they confirm that they can be reached by the court for a telephone hearing conducted using BTMeetMe (or such other telephone hearing method as may be utilised by the court in future).

5. The court will, after receiving the telephone numbers referred to in paragraph 3(b) above, make the necessary arrangements for the telephone hearing. If the court cannot facilitate a BTMeetMe hearing (or other telephone hearing method utilised by the court) on the time and date of the hearing, the hearing will be adjourned to a date when the court can facilitate the telephone hearing.

Arrangements for preparation of electronic bundle for remote hearings where one or both parties is represented

6. No less than 3 days before the hearing is to take place the Applicant (or if the Applicant is unrepresented the first named represented party) shall send an email to the court at manchestercivil@justice.gov.uk copied to the other party and (if provided) to the Judge's email address:
 - a) Containing in the subject line the name of the case and the date and time of the hearing

b) Setting out in its body (not as an attachment) a succinct reading list of documents for the Judge who will conduct the hearing together with an agreed estimate of the time it will take the Judge to read the documents. The parties should endeavour to agree the list and the list should be specific and if necessary refer to specific sections of a document, with page references to the electronic bundle.

c) Containing a link to the electronic bundle at an online data room (where possible). If it is not possible the electronic bundle must be attached to the email, in which case the size of the email including attachments may not exceed 10 megabytes. The electronic bundle:

- (i) Should be agreed
- (ii) Must only contain the documents referred to in the reading list, which should only be those documents which are necessary and will be referred to at the hearing
- (iii) Should include skeleton arguments if ordered or appropriate
- (iv) Wherever appropriate, should contain extracts of documents rather than the entirety of documents
- (v) be prepared in a single pdf format
- (vi) Must be indexed and paginated in ascending order, to include index pages and necessary authorities
- (vii) Must always have a default display view for all pages of 100%
- (viii) Must allow text on all pages to be selectable and to facilitate electronic annotation
- (ix) Must have a resolution reduced to about 200 to 300 dpi to prevent delays whilst scrolling from one page to another
- (x) Shall not exceed 100 pages.

d) The parties should prepare the focussed reading list and electronic bundle on the basis that the Judge dealing with the matter may have no previous knowledge of the case and may not have access to the court file.

e) For the avoidance of doubt, this paragraph and the provision of an electronic bundle must be complied with even if the parties have already filed a paper bundle.

Arrangements for preparation of electronic bundle for remote hearings where no party is represented

7. In the event that no party is represented the Applicant shall comply with the requirements of paragraph 6

Arrangements to be made if the parties wish the application to be dealt with on paper

8. The parties should consider inviting the court to deal with the application on paper in accordance with CPR 23.8(b) instead of at a telephone hearing.

9. If the parties are agreed, they should invite the court to deal with the matter in that manner by sending an email to manchestercivil@justice.gov.uk

a) the subject line of the email must include the claim number and the date of the hearing and include the words “paper determination” and

b) the email shall comply with paragraphs 6 (b) to (e) of this order

10. On receipt, the listed hearing will be vacated and the court will determine the application on paper or give further directions.

Right to apply to vary this order

11. Because this order has been made without a hearing a party may apply to set it aside or to vary its terms. Such an application:

a. must be made by email to manchestercivil@justice.gov.uk

b. must be made within 7 days of service of this order and be copied to all parties

c. must include in the subject line of the email the claim number and the date of the adjourned hearing and the words “Application to vary order”

d. must attach a draft of the order the court is invited to make and

e. set out in the body of the email on what grounds the proposed order is sought and, if it is proposed that a hearing in a Court room is to take place, the measures required to ensure that this can be done safely and lawfully and in accordance with Government, Public Health England and other appropriate guidelines.

f. will be dealt with on paper without a hearing.

Dear local practitioner and other court users,

Covid 19 arrangements and temporary measures at Liverpool and Chester County Court and other courts in the Cheshire and Merseyside cluster for CIVIL WORK

There have been several requests for some standard guidance in relation to the conduct of court business over the forthcoming weeks in the light of the present public health crisis, and in particular the advice that is given at national level that we should avoid unnecessary travel or personal contact (“social distancing”), and bearing in mind that many vulnerable individuals will be self-isolating to avoid exposure to the virus. If we continue to insist on face-to-face hearings this will exclude a significant portion of court users.

It has not been possible to provide any clear guidance before now because of the ever-changing picture, and the advice which is being received from the senior judiciary and HMCTS. Leadership judges have been keen to ensure a consistency of approach, insofar as that is possible, but as you will appreciate different courts have different resources and there is no “one size fits all”. Further, as you will appreciate our guidance and arrangements put in place are likely to evolve in coming days.

I and my colleagues, in drawing up these arrangements, have taken into account the fact that many of our court users are litigants in person, and will not have access to the same technology available to lawyers, and it is important that not only is fairness assured, but also that accessibility to the court is not restricted. The starting point, in accordance with national guidance, is that all our hearings, other than urgent cases and one or two exceptional categories, will be conducted remotely, by such means as are available as soon as possible. Currently that is by telephone through BT conferencing controlled by the BT manager, or the judge (BT meetme), or by video, through Skype and Microsoft Teams. Unfortunately, there is insufficient capacity in the court to use the installed video link widely, and this must be reserved for the most urgent of cases. Currently the technical barriers restricting external Skype conferencing are being investigated and hopefully will be resolved.

Accordingly, the following procedures will apply immediately for ongoing court work. (Because of the difficulties of sending out notices there will probably remain some conventional lists in the week commencing 23rd March, but it should be expected that these practices will be followed for all weeks thereafter until further notice).

1. Small claims track hearings.

All small claims track lists will be vacated until after 4th May, and orders will be sent out accordingly. It is considered that it would not be practicable to have these matters, in most of which the parties are unrepresented, proceed by telephone or remotely. Because of the way these cases are listed, there is likely to be significant personal contact between individuals and court staff, which is not justified in the circumstances. New dates will be sent out in due course.

2. Fast track and multitrack trials and other open court face to face hearings such as injunctions and committals

The default position for all fast track and multi-track cases will be that they shall be vacated for a minimum period of four weeks from 25th March 2020. The position will be reviewed for the period thereafter. It is considered that insufficient safeguards can be introduced for the majority of trial work to ensure social distancing and negligible contact with staff and other court users. **As it is the default position, it will be clear from orders vacating, (a judicial order subject to CPR 3.3 (5)) that parties can apply for a variation and the reinstating of the trial.** However it is only in the most exceptional cases that any such order will be varied and it will be incumbent on the parties to demonstrate that safety can be assured and social distancing preserved and that continuation of the trial is consensual between all parties and advocates.

Trials listed within a window up to 1st June will be vacated and parties will be notified of the new trial window in due course. Any payment of the hearing fee will also be deferred to a later date.

Committals (including arrest cases for ASBI and gang breaches) and injunctions will remain listed in court but may be subject to vacating after assessment by a judge.

3. Appeals

Oral renewals will be heard from 30th March remotely. Litigants in person will be given a number to dial into, in the absence of any representative, but if a party is legally represented it is expected that the responsibility will lie with the lawyer to set up as usual. Arrangements are being put in place to have full appeals proceed remotely in straightforward cases, although it is likely that more complicated heavy documented appeals will be stood out.

4. CCMCs and Chambers lists

This will cover interim applications, pre-trial reviews, applications to set aside etc, as well as costs and case management. All cases will now proceed by remote hearing. Parties are encouraged to cooperate in the mode of hearing (usually telephone) and the usual arrangements for telephone hearings will apply, with one party being directed to organise (see guidance attached at appendix 1). It should be borne in mind that litigants in person are not to be excluded from the telephone hearing process, and

lawyers are encouraged to ensure that unrepresented parties are aware of the process involved and can properly participate. If both parties are unrepresented, they will be contacted by the court with a number to dial into. There is active consideration being given to a new telephone system for hearings from BT which can be controlled by the judge, and full details will be supplied when this is up and running (BT Meetme).

5. Stage 3 hearings and disposals (back-to-back lists)

It is proposed that these should now proceed by a remote method, preferably by Skype. There is to be liaison with local practitioners as to the processes involved, including the filing of the necessary documents to enable consideration by the judge, but the intention will be that where cases are block-listed they can be assigned to a particular judge (say 4 or 5 cases per hour) and counsel can still enter the video-conference as and when it is necessary to consider a particular case. This will still enable counsel to attend on other Skype conferences, in a virtual courtroom, in much the same way as happens now in actual courtrooms. These procedures will require the cooperation of practitioners to work efficiently. Current technical difficulties are being ironed out.

6. PCOL, mortgage and possession cases (both private and social)

Whilst some housing work will continue (e.g. urgent ASBI injunctions, committals etc) in accordance with national guidance the default position will be that all possession claims and evictions will be vacated and postponed for at least three months. The current working date is 19th June, although this may change.

7. Oral examinations, attachment of earnings and third party debt orders

Oral examinations will be vacated. It is clearly inappropriate for members of staff and members of the public to be in such close association. Fresh dates will be provided after 19th June. Consideration is being given to moving attachments of earnings hearings and third party debt order hearings to a remote method, but this has not yet been finalised. For the time being, parties should assume that these cases will continue as before.

8. Insolvency and BPC work

It is intended that separate guidance will be issued in relation to the BPC (mainly Chancery and TCC) work which is conducted in Liverpool, in line with national and regional guidance for these cases, which is likely to involve a substantial amount of remote hearing. Please consult that guidance when available. In relation to corporate and personal insolvency, consideration is being given to finding alternative methods of dealing with these cases, but for the time being please assume that they will continue as face-to-face hearings until notified to the contrary.

9. Infant Approvals

In the short-term infant approval hearings are being dealt with as telephone hearings. Parties should be aware of the need to ensure the judge has sight of the birth certificate and the CFO form by filing them at court 3 days prior to the hearing. However, over coming weeks in Liverpool at least I propose to adopt the new Birkenhead practice of having these hearings proceed as “paper hearings” to minimise the strain on the telephone capacity. Please see the attached guidance at Appendix II for the practice to be followed once adopted.

10. Other matters

I am conscious that this is not a comprehensive list of all matters which proceed in the Liverpool and Chester civil courts at present and that there are various species of case, the method of hearing of which has yet to be resolved, and which will depend upon a number of circumstances. Both I and other senior judges are happy to receive representations about the best method of proceeding in the current climate. After all, we are all on a learning curve. Please send any suggestions my Diary Manager, Alison Blunsden, at alison.blunsden@justice.gov.uk;

- Please note in relation to the above arrangements, that orders will be sent out by the court where the listing is to be varied, or where a case is to be vacated. In all instances the order should include the right of the parties to apply pursuant to CPR 3.3 (5) for a variation of that order. Exceptionally it might be considered that either a telephone hearing is inappropriate, or that a case otherwise due for a face-to-face hearing should not be vacated. Formal applications for a variation with the payment of fee are unnecessary, but any request should be put in writing, with full and cogent reasons given as to why an exceptional course should be taken. This request will be referred to a judge,

who may consider a brief telephone hearing if it is considered to be valid.

- These arrangements are being put in place in the Liverpool and Chester civil courts. I have liaised with the district judiciary in Birkenhead, St Helens and Crewe and it should be expected that similar arrangements will be followed in those courts. However, because each court centre has different resources and priorities, you should consult the individual court to determine their practice over the coming weeks and not assume that it will precisely coincide with the Liverpool arrangements.

I also set out in the separate sheet attached at Appendix I, guidance for the practice to be followed for those cases which are now converted to remote hearings (i.e. not face-to-face). This applies principally to the cases described at paragraph 4. Separate guidance will be provided in relation to stage 3 and disposals when it has been agreed with practitioners.

Kind regards

Graham Wood

His Honour Judge Graham Wood QC
Designated Civil Judge for Cheshire and Merseyside
21st March 2020

Appendix 1

The Guidance

1. This guidance applies to all interim applications, costs and case management conferences and pre-trial reviews listed to be heard on or after Monday 30th March 2020 in the County Court at Liverpool and Chester or in the District Registry of the Queen's Bench Division in Liverpool. It does not apply to the Business and Property Courts.
2. All hearings covered by this guidance shall be conducted by telephone, skype, BTMeetMe or some other mutually convenient method. In each case arrangements for the remote hearing shall

(unless otherwise agreed in writing between the parties) be made by the Claimant or, if the Claimant is a litigant in person the first named represented party

3. No less than 3 days before the hearing is to take place the parties shall send to the court at enquiries.liverpool.countycourt@justice.gov.uk
 - a. An agreed focussed reading list of documents for the Judge who will conduct the hearing together with an agreed estimate of the time it will take the Judge to read the documents.
 - b. attached to the email as separate attachments each document referred to in the reading list or where appropriate relevant extracts from such documents. The total length of the attachments when printed shall not exceed 50 pages and the total size of the email and its attachments must be less than or equal to 10mb.
4. The parties should prepare the focussed reading list and attachments on the basis that the Judge may have no previous knowledge of the case and may not have access to the court file.
5. Not less than 2 days after the telephone hearing the Claimant shall draft the order (in Word) and send it to the court at LiverpoolCivilOrders@Justice.gov.uk
6. To help the court you must file your electronic Court documents correctly. The subject field of any email sent to the court must include the following:

- a. Case number
 - b. Party names (abbreviated where appropriate)
 - c. The date and time of any hearing to which the email relates
 - d. Subject matter title
- eg E43YJ345 Smith v Jones hearing 23 March 2020 @ 2pm – list of documents*

Appendix 2

BIRKENHEAD INFANT APPROVALS

Due to the ongoing Public Health crisis concerning Covid-19, there is a need to reduce attendance at Court to a minimum whilst, in so far as is possible, enabling matters to be dealt with.

The arrangements for Infant Approval hearings in Birkenhead are being varied with effect from 26 March 2020. The arrangements will last, in the first instance, until 1 June 2020. This is to enable the hearing to proceed remotely. For the avoidance of doubt, these steps are to be considered “a hearing” for the purpose of costs.

The Claimant’s solicitor will need to file at Court, electronically, the following documents:

1. The medical report;
2. The Claimant’s Litigation Friend’s witness statement;
3. Confirmation from the Defendant as to the final offer and the position on costs;
4. A certified copy of the Birth Certificate; and
5. **IN A SEPARATE PDF**, a signed copy of the C320

The judge will then, insofar as is possible, approve the award and complete the relevant paperwork without attendance of the parties.

There should also be details included within the e-mail of a representative of the Claimant who can be contacted at the time of the hearing as is necessary.

In any case where the award cannot be approved, further listing directions will be given.

This memo is being distributed to the Claimants' Legal Representatives in all up-coming lists. It is their responsibility to forward this memo to a representative of the Defendant.

Of course, should either party have representations at the hearing, they are free to do so but they will need to be made in writing.

Mark Gosnell

Designated Civil Judge

LISTING PROTOCOL DURING THE COVID-19 PANDEMIC

23rd March 2020

Introduction

This document is an attempt to explain how the courts are likely to approach the listing of hearings during the current crisis. It has not been possible to provide this information sooner as the picture is currently changing nationally. I anticipate that this guidance will be amended regularly in the future as we have to react to further advice from Government and the Lord Chief Justice.

As stated in the most recent national Protocol (20/02/20) when a hearing is fixed or approaching there will be three options:

1. A remote hearing by a specified communication method (BT conferencing, BT MeetMe, Skype or Zoom);
2. A Face to Face hearing proceeding in court with appropriate precautions (with social distancing throughout in a sufficiently large court room to ensure this);
3. The hearing will have to be adjourned because neither of the previous two options are practicable.

It is likely that the parties will be notified which option the Judge dealing with the case has chosen but given the opportunity to email with any reasoned objections which can then be dealt with by the Judge on paper only without a hearing.

1.Small Claims Track hearings:

These are challenging for two reasons; firstly, they often involve litigants in person who may have difficulty with remote hearings; secondly, they are commonly block-listed so it would be impossible to list them all at the same time remotely. I have decided therefore to vacate and relist the block list small claims hearings for the next four weeks to give us some breathing space to rearrange future lists.

After the four-week period litigants will receive a letter in which they will be given the option to choose between:

1. Asking the Judge to determine the claim on paper and without attendance pursuant to CPR 27.9;
2. Having the hearing take place remotely using one of the approved methods;

3. Having their hearing adjourned until it is safe to have a face to face hearing.

I have decided not to give parties in small claims hearings the option of a face to face hearing until it is medically safe to do so given the risks to participants, staff and judiciary. Court staff may well then have to unpack the block lists so that individual cases are given a separate hearing time for their remote hearing. The final decision on whether to list the claim for a remote hearing will be made by a District Judge.

2. Fast track and Multi track trials, Injunctions and Committals

In each case the parties will be contacted, and the three options outlined in the introduction above will be offered to them. I am not anticipating many takers on the remote hearing option, but it may be suitable in cases where witness evidence is not really disputed, and it is more a matter of construction of documents. If a face to face trial is to take place, then a Judge (probably me) will assess whether we are confident a hearing can be conducted safely. This will depend on how long the hearing is likely to last and how many participants are likely to be in the courtroom. I do not anticipate these hearings taking place in District Judge's hearing rooms unless they are of a size and configuration to be considered a court room.

Injunction applications can in all probability be dealt with on paper initially with a right to review by remote hearing. Final contested hearings for injunctions will be treated like trials in accordance with the preceding paragraph

Committals I suspect will have to remain listed in court for face to face hearings, but the court can always adjourn if it is not considered to be safe or convenient for there to be a court hearing

3. Appeals

Applications for permission to appeal will continue to be dealt with on paper. Any oral renewals will be dealt with by remote hearing. This will also apply to litigants in person who will either take part in a BT MeetMe call or alternatively be telephoned by court staff and put through to the Judge who will conduct a telephone hearing.

Contested appeals unless very complex will be done remotely. If not capable of being done remotely they will probably be adjourned until a face to face hearing is safe.

4. CCMC's and chambers lists

This will cover all interim applications including applications to set aside judgment, relief from sanctions and extensions of time. All such hearings will now be dealt with by remote hearing. Represented parties will be encouraged to co-operate and agree the mode of hearing. If BT conferencing is to be used then one party will organise it, if Skype or BT MeetMe is to be used then the organisation and recording will be controlled by the court. Litigants in Person are parties in the case they should be involved in the remote hearing.

5. Stage 3 hearings and disposals

These are typically done in back-to-back lists with many hearings listed with attendance on both sides. Henceforth they shall be done by remote hearings, preferably Skype to reduce the pressure on phone lines. This may result in the back to back hearings having to be unpacked and each case being given a time slot so that it can be done remotely successfully. Co-operation from practitioners is required and guidance may need to be given about the electronic filing of bundles

6. PCOL mortgage and possession cases (both private and social landlords)

I am aware of the announcement made by the Prime Minister about staying possession claims for 3 months but it was not clear if it applied to cases already reaching a final hearing. In the absence of any further guidance I have decided to vacate and re-list all possession hearings for the next three months. Applications to suspend evictions will be listed and heard urgently. I am not convinced it is in anyone's interests to evict litigants from their homes to have them wandering around looking for new accommodation when we should be encouraging people to stay at home.

7. Orders to obtain information, attachment of earnings and third-party debt orders

Appointments to obtain information will be vacated and relisted after 3 months. The risk to members of staff interviewing litigants in small rooms is not acceptable. Attachment of earnings and third-party debt orders can be dealt with on paper with review hearings conducted remotely for those who wish to attend / object.

8. Insolvency and BPC work

Will no doubt be the subject of separate guidance from that court.

9. Infant and Protected Party approvals

These will be done by remote hearings from now on. It may be necessary to remind Claimant's solicitors of the various documents that will need to be filed such as the CFO form and the birth certificate. If all the documents are in order, I see no reason why the hearing could not be done on paper without the need for a telephone hearing.

10 Practical Matters

The first point to make is that this is intended as general guidance and individual courts and Judges may choose to depart from it for good reason. I also anticipate that it will change as the overall situation develops. It at least gives litigants, Judges and Court Staff a starting position to work from over the coming weeks.

I am aware that BT Conferencing have indicated that they are already at capacity and cannot meet the increased demand. Each court should have a new facility BTMeetMe which will enable them to set up conference calls and record them. This has only really come online today, and we are still working out how to use it. In Leeds we have 15 licences (lines) spread through civil, criminal and family so it is not unlimited. It would therefore be helpful if Judges used Skype for Business wherever possible to take the pressure off the phone lines.

Each hearing will still be in public and should be recorded either electronically or on the recording system already in the Judge's chambers

I am attaching some guidance which will be sent out to represented parties about remote hearings

The Guidance

1. This guidance applies to all interim applications, costs and case management conferences and pre-trial reviews listed to be heard on or after Wednesday 25 March 2020 in the county court North and West Yorkshire or in the District Registry of the Queen's Bench Division in Leeds. It does not apply to the Business and Property Courts or the Family Court.
2. All hearings covered by this guidance shall be conducted by telephone, Skype, BTMeetMe or some other mutually convenient method. In the case of telephone conferencing arrangements for the remote hearing shall (unless otherwise agreed in writing between the parties) be made by the Claimant or, if the Claimant is a litigant in person the first named represented party. In the case of BT MeetMe or Skype arrangements shall be made by the Court
3. No less than 3 days before the hearing is to take place the parties shall send to the court at leeds.countycourt@justice.gov.uk:
4. An agreed focussed reading list of documents for the Judge who will conduct the hearing together with an agreed estimate of the time it will take the Judge to read the documents
5. attached to the email as separate attachments each document referred to in the reading list or where appropriate relevant extracts from such documents. The total length of the attachments when printed shall not exceed 100 pages.
6. The parties should prepare the focussed reading list and attachments on the basis that the Judge may have no previous knowledge of the case and may not have access to the court file

Designated Civil Judge for North and West Yorkshire

Guidance RE. Civil Cases (COVID-19)

1. Small Claims & Fast Tracks

- All Small Claims & Fast Tracks listed in Northumbria and Durham between now and 9th April 2020 are vacated from the list. Individual orders will be made in each case (in due course) making provision for the re-listing of the cases.
- Small Claims & Fast Tracks listed from 14th April 2020 onwards will be kept under review; and parties will be notified during the week beginning 6th April 2020 whether it is practicable for the trials to proceed.

2. Short Hearings

- All 'Short hearings' (including Stage 3 Hearings and Approvals in P.I. cases), other than Trials, will be conducted by telephone or other remote means for the foreseeable future (to be kept under review).
- Where reasonably practicable, one party (usually the Applicant/Claimant) shall file a small electronic bundle [e bundle] by midday on the day before the hearing.
- The judge before whom the case has been listed shall be informed at the same time (by email) that such a bundle has been filed.
- If no e bundle is filed in accordance with 2.3 above, the Hearing may have to be adjourned.
- In the event that there are technical difficulties in recording the hearing, where deemed necessary, the legal representatives shall agree a note of the Hearing/Judgment.
- If a party or parties consider that a telephone hearing is not appropriate or practicable (for whatever reason) a letter or email should be sent to the court at least 2 clear days before the Hearing giving reasons why such is the case. The court will then make an appropriate order.

3. Multi Tracks

- The parties are at liberty to extend, by consent, any step in the timetable up to a maximum of 90 days (as opposed to the present limit of 28 days).
- If the extension of time, as agreed by the parties does not adversely affect the Trial date, the court does not need to be notified.
- If the Trial date cannot be met because of an agreed extension of time or because of any other difficulty related to, or arising from COVID-19, if the parties agree, a letter shall be sent to the court, with a draft order attached:

4. Proposing a new timetable as appropriate

5. Proposing a new Trial window

- Providing agreed availability within the Trial window
- If the trial date cannot be met and a draft order cannot be submitted in accordance with 3.3 above, the parties are at liberty to agree a stay and to notify the court accordingly.
- In default of agreement in relation to any of the above, the ‘applying’ party must request a telephone hearing, by letter or email, with a time estimate indicating whether such hearing is urgent and providing an e bundle in advance of the hearing.

4. Possession Proceedings

- All Possession Proceedings relating to residential property listed between now and 19th June 2020 are vacated from the list.
- The Proceedings will be re-listed on the first available date after 19th June 2020.
- Any newly issued Possession claims shall be stayed until 19th June 2020 to be listed on the first available date thereafter.
- Notwithstanding the above, a party is entitled to apply to the court for a particular eviction hearing to proceed if there are exceptional circumstances.

5. Committals & Injunctions

- Applications for Injunctions will be prioritised and heard urgently but, wherever practicable, by telephone or other electronic means
- Committals fall into a separate category and will of necessity require personal attendance at court. Upon any application for a committal the court will give specific directions.

6. Generally

- It is not possible (inevitably) to make provision for every eventuality in the context of this Public Health Emergency: there will still be a need for some cases to be managed on an individual basis and outside of this guidance.
- In the interests of expediency, and given the terms of CPR 5.3, an electronic signature on all documents including Witness Statements & Disclosure Statements will suffice.

HH Judge Jeremy Freedman

DCJ for Northumbria & Durham



JUDICIARY OF
ENGLAND AND WALES

CIVIL JUSTICE IN ENGLAND and WALES
PROTOCOL REGARDING REMOTE HEARINGS

20 March 2020: for publication

Introduction to this Protocol

1. The current pandemic necessitates the use of remote hearings wherever possible. This Protocol applies to hearings of all kinds, including trials, applications and those in which litigants in person are involved in the County Court, High Court and Court of Appeal (Civil Division), including the Business and Property Courts. It should be applied flexibly.
2. This Protocol seeks to provide basic guidance as to the conduct of remote hearings. Whilst most court buildings currently remain open, the objective is to undertake as many hearings as possible remotely so as to minimise the risk of transmission of Covid-19.
3. The method by which all hearings, including remote hearings, are conducted is always a matter for the judge(s), operating in accordance with applicable law, Rules and Practice Directions. Nothing in this Protocol derogates from the judge's duty to determine all issues that arise in the case judicially and in accordance with normal principles. Hearings conducted in accordance with this Protocol should, however, be treated for all other purposes as a hearing in accordance with the CPR.
4. It is inevitable that undertaking numerous hearings remotely will cause teething troubles. All parties are urged to be sympathetic to the technological and other difficulties experienced by others.
5. CPR Part 39.9 provides that "[a]t any hearing, whether in the High Court or the County Court, the proceedings will be tape recorded or digitally recorded unless the judge directs otherwise" and that "[n]o party or member of the public may use unofficial recording equipment in any court or judge's room without the permission of the court".
6. CPR Part 39.2(3)(g) provides that hearings can (actually must) be held in private if the court is satisfied that it is, for any reason, "necessary, to secure the proper administration of justice". In such a case, however, a copy of the court's order to that effect must be published on www.judiciary.uk, "[u]nless and to the extent that the court otherwise directs", and non-parties may apply to attend the hearing and make submissions, or apply to set aside or vary the order.
7. There are, therefore, the following legal issues to be addressed before any remote hearing can begin: (i) whether the hearing is to be in public or in private; if in private, on what grounds, and (ii) how is the hearing to be recorded, or can an order properly be made to dispense with recording?

8. As to the first, remote hearings should, so far as possible, still be public hearings. This can be achieved in a number of ways: (a) one person (whether judge, clerk or official) relaying the audio and (if available) video of the hearing to an open court room; (b) allowing accredited journalists to log in to the remote hearing; and/or (c) live streaming of the hearing over the internet. The principles of open justice remain paramount.
9. As to the second, the recording of hearings and compliance with CPR Part 32.9 can also be achieved in a number of ways: (a) recording the audio relayed in an open court room by the use of the court's normal recording system, (b) recording the hearing on the remote communication programme being used (e.g. BT MeetMe, Skype for Business, or Zoom), or (c) by the court using a mobile telephone to record the hearing. It is not, however, permitted for the parties to record the hearing without the judge's permission.

What should happen when a hearing is fixed?

10. In the present circumstances, the court and the parties and their representatives will need to be more proactive in relation to all forthcoming hearings.
11. It is good practice for the listing office, judges, clerks and court officials to consider as far ahead as possible how future hearings should best be undertaken.
12. It will normally be possible for all short, interlocutory, or non-witness, applications to be heard remotely. Some witness cases will also be suitable for remote hearings.
13. Available methods for remote hearings include (non-exhaustively) BT conference call, Skype for Business, court video link, BT MeetMe, Zoom and ordinary telephone call. But any communication method available to the participants can be considered if appropriate.
14. Before ordering a hearing by court video link, the judge must check with the listing office that suitable facilities are available.
15. The listing office will seek to ensure that the judge(s) and the parties are informed, as long in advance as possible, of the identity of the judge(s) hearing the case.
16. Judges, clerks, and/or officials will, in each case, wherever possible, propose to the parties one of three solutions:-
 - (i) a stated appropriate remote communication method (BT conference call, Skype for Business, court video link, BT MeetMe, Zoom, ordinary telephone call or another method) for the hearing;
 - (ii) that the case will proceed in court with appropriate precautions to prevent the transmission of Covid-19; or
 - (iii) that the case will need to be adjourned, because a remote hearing is not possible **and** the length of the hearing combined with the number of parties or overseas parties, representatives and/or witnesses make it undesirable to go ahead with a hearing in court at the current time.
17. If the parties disagree with the court's proposal, they may make submissions in writing by email or CE-file (if available), copied to the other parties, as to what other proposal would

be more appropriate. On receipt of submissions from all parties, the judge(s) will make a binding determination as to the way in which the hearing will take place, and give all other necessary directions.

18. It will also be open to the court to fix a short remote case management conference in advance of the fixed hearing to allow for directions to be made in relation to the conduct of the hearing, the technology to be used, and/or any other relevant matters.
19. The fact that a hearing is to be a remote hearing and, where possible, the technological method to be employed, will normally be shown in the cause list.

The remote hearing itself

20. The clerk or court official, and the parties, will all need to log in or call in to the dedicated facility in good time for the stated start time of the remote hearing. In a Skype, Zoom or BT call, the judge(s) will then be invited in by the clerk or court official.
21. The hearing will be recorded by the judge's clerk, a court official or by the judge, if technically possible, unless a recording has been dispensed with under CPR Part 39.9(1). The parties and their legal representatives are **not** permitted to record the hearing. With the court's permission, arrangements can be made with privately paid-for transcribers.
22. The hearing can be made open to the public, if technically possible, either by the judge(s) or the clerk logging in to the hearing in a public court room and making the hearing audible in that court room, or by other methods (see [8] above). But in the exceptional circumstances presented by the current pandemic, the impossibility of public access should not normally prevent a remote hearing taking place (see [6]-[7] above). If any party submits that it should do so in the circumstances of the specific case, they should make submissions to that effect to the judge.
23. The clerk, court official or the judge(s) must complete the order that is made at the end of the remote hearing. The wording of the order should be discussed and agreed with the parties.

Preparations for the remote hearing

24. The parties should, if necessary, prepare an electronic bundle of documents and an electronic bundle of authorities for each remote hearing. Each electronic bundle should be indexed and paginated and should be provided to the judge's clerk, court official or to the judge (if no official is available), and to all other representatives and parties well in advance of the hearing.
25. Electronic bundles should contain only documents and authorities that are essential to the remote hearing. Large electronic files can be slow to transmit and unwieldy to use.
26. Electronic bundles can be prepared in .pdf or another format. They must be filed on CE-file (if available) or sent to the court by link to an online data room (preferred), email or delivered to the court on a USB stick.

The Master of the Rolls
The President of the Queen's Bench Division
The Chancellor of the High Court
The Senior Presiding Judge

1. Home (<https://www.gov.uk/>)
2. Crime, justice and law (<https://www.gov.uk/crime-justice-and-law>)

Guidance

HMCTS telephone and video hearings during coronavirus outbreak

Guidance on how HMCTS will use telephone and video technology during the coronavirus (COVID-19) outbreak.

Published 18 March 2020

Last updated 23 March 2020 — see all updates

From:

HM Courts & Tribunals Service (<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service>)

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Running our courts and tribunals is an essential public service. Audio and video technology has long played a part in the justice system and can now provide particular support during the coronavirus outbreak. We will make as much use of our current technologies as possible, and are working urgently to increase our capacity, so we can keep our courts and tribunals running smoothly.

Guidance from the Lord Chief Justice (<https://www.judiciary.uk/announcements/coronavirus-update-from-the-lord-chief-justice/>) to the wider judiciary encourages the use of telephone and video to support hearings. We have issued guidance to HMCTS staff on how to use our current technology for

telephone and video-enabled hearings. The guidance also encourages them to maximise the use of this technology for telephone and video-enabled hearings.

The decision to use telephone and video hearings

The decision as to how a hearing is conducted is a matter for the judge, magistrates or panel, who will determine how best to uphold the interests of justice. In considering the suitability of video/audio, judges will consider issues such as the nature of the matters at stake during the hearing; any issues the use of video/audio technology may present for participants in the hearing; any issues around public access to or participation in the hearing.

Using existing technology and making new technology available

We are seeking to make the best possible use of existing technology in the courts. This includes the Justice Video Service in the criminal courts, and provision for audio hearings that exists widely in the civil courts.

We are also rapidly extending our capability. In particular:

- The Justice Video Service (JVS) was designed to work between fixed endpoints (prisons, courts and police stations). We have now begun the process of unlocking JVS so that it can also work with other laptops, which will mean criminal trials with JVS equipment can be joined remotely. At present, we can do this in up to 100 concurrent hearings - we expect to raise this to 500 concurrent hearings over the next seven days. By using this system, as many parties as the judge considers reasonable can join the hearing by video.
- Our audio conferencing system (BT Meet Me), which is widely used in civil courts, and includes the ability to record hearings in a way that meets the standards required of the justice system. We are rapidly increasing the number of licences we have and training staff in use of the system. We can now cover the equivalent of one third of the rooms across the whole court estate, in all jurisdictions. We expect to have complete coverage next week.
- To give us more quick and flexible capacity, we have also activated Skype for Business on all staff and judicial laptops. This change took effect today (18 March) and work is underway to train staff and judges as quickly as possible, as well as testing the technology to ensure it works for user. We expect to start using this at scale very soon. Legal professionals who wish to join hearings remotely may want to install Skype and test it on their own systems if they do not already have it.

The rules on using video and audio technology in courts

Current rules and practice in the civil and family jurisdictions continue. In tribunals, the Senior President of Tribunals is preparing Practice Directions to permit the maximum use of paper determinations and remote hearings where appropriate. In the criminal courts, the use of audio and video links is set out in legislation and there are further measures in the proposed emergency legislation to expand the circumstances when video/audio technology can be used

Requirements relating to the recording of hearings remain unchanged.

Proposed legislation

The coronavirus bill (<https://www.gov.uk/government/publications/coronavirus-bill-what-it-will-do/what-the-coronavirus-bill-will-do#contents-of-the-bill>) published by the Department of Health and Social Care expands the availability of video and audio link in court proceedings. This includes:

- allowing specific civil applications (relating to infectious diseases / coronavirus) in the magistrates' court to take place by phone or by video, should an individual appeal against restriction of movement due to quarantine measures
- expanding the availability of video and audio link in various criminal proceedings, including fully video and audio hearings in certain circumstances
- allowing the public to participate in court and tribunal proceedings through audio and video.

The measures will allow a wider range of proceedings to be carried out by video and audio; and the judiciary will always have the final say in how a hearing is conducted. This lets courts to continue to function and remain open to the public, without the need for participants to attend in person

Open justice

In considering the use of telephony and video technology, the judiciary will have regard to open justice, as they do now. Public galleries in court rooms will remain open to public access, and dedicated press seats will continue to allow journalists to report on hearings.

Court and tribunal users

Using such technology may be new for some court and tribunal users and we will keep them notified should there be a change in how a hearing is to take place. To join by audio or video, users will need a phone or a computer with internet access, a webcam and microphone. Users will need a quiet space where they will not be disturbed during the hearing.

Video hearings provide an additional channel for conducting a hearing and should be as accessible as possible. But they may not be suitable for everyone.

We are grateful to all those working in, and using courts and tribunals, as we modify our ways of working. We will issue more detailed guidance for participants shortly.

Joining a video hearing

Each court site has telephone conferencing numbers to facilitate hearings and, when required, allow recording of those hearings.

Where the judiciary has decided it is appropriate for a hearing to take place via teleconference using BT MeetMe, all parties will receive a notice of hearing containing joining instructions. This includes a request to provide the court with a preferred contact number by which they can join the hearing.

In order to join a hearing by video you will need a computer or suitable phone with access to the internet, a web browser, camera, microphone (you can use your device's built-in microphone), and a quiet space where you will not be disturbed during your hearing. You do not need any specific software. The court or tribunal will send you an email with a link to click and you can join the hearing using HMCTS' Skype for Business software as a guest.

Communication with clients

We are rapidly scaling up our audio and video capabilities to ensure that we continue to provide a service that upholds access to justice. We are working hard to find solutions to problems that haven't been seen before.

Legally privileged conversations with clients are fundamental to representative justice, and are a necessary part of our justice system. Our bespoke product for fully video hearings, which is subject to testing at the moment, provides for this in the form of private consultations. We are working to scale up this solution, as we are doing with our other capabilities, as soon as possible. In the meantime, other arrangements will have to be made to facilitate these conversations, such as phone calls to clients.

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1. 23 March 2020
Additional info added.
2. 18 March 2020
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Explore the topic

- Crime, justice and law (<https://www.gov.uk/crime-justice-and-law>)

USER GUIDE 5 ON HOW HEARINGS WILL OPERATE – FOR IPAD AND IPHONE

1. Once you have downloaded 'Skype for Business' on your iPad or iPhone and logged in, it will provide a list of your upcoming meetings/hearings. The app is very intuitive. Select the hearing you wish to join, press 'join' and from there the steps/in-meeting controls are very similar to laptops.
2. The same will also apply for Android Phones you will need to download the app and then login with your email.

A CONCISE IDIOT'S GUIDE TO VIDEOCONFERENCING



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v3, March 2020

INTRODUCTION

1. You already know that we live in interesting times. This document is made concise because one of the main impediments to getting work done is not just homeworking but the overwhelming number of emails, policy documents and similar flying into our inboxes. You do not need another long or technical document. It is written from the perspective of a personal injury practitioner. Most readers will be able to transpose to their own area of practice.
2. We have to get on with work, for the sake of our business, our clients, and ultimately so that we still have a job to go to at the end of these crazy times.
3. Videoconferencing enables work to progress. It is far superior to telephone calls for many types of interaction because:
 - a. We are animals who communicate and understand by looking at other's faces, gauging reaction etc.
 - b. Multi-party telephone conferences (eg with 5 experts) are difficult for attendees to maintain concentration.
 - c. Videoconferences allow sharing of documents, sharing of screens including looking at a web-browser, electronic brief etc. This is particularly helpful with witnesses, whether lay or expert.
 - d. If someone falls off the call, then they can simply click back on the link and re-enter, rather than go through the rigmarole of having someone leave the call to join the lost attendee back in.

VIDEOCONFERENCING OPTIONS

4. Most services perform the same essential function. It is really a matter of features, which are more expansive or user friendly in some formats.
5. Brands/Programs you will hear about include: Zoom, Skype for Business, Microsoft Teams, BlueJeans, StarLeaf, Webex. Other flavours exist.
6. The *most important thing to realise* is that most of the time *only the host of the meeting* needs to have the software and subscribe to it. Usually, invitees can just click on a weblink and access the meeting through a webpage connection. There may be less functionality, but that does not matter for most invitees.
7. If invitees want to download the software for the brand/program all the better. *It will usually be free.* Only the host needs to have the paid service and then usually only if there are 3 participants or if the meeting is to be recorded or to last more than a particular time etc. Most of these services have a free basic model you can download and experiment with.
8. The best way to learn the features of the videoconferencing software is not to read a brochure or instruction manual but to call someone and play about with it. The better programs are very intuitive.
9. Some of the programs have features such as “Breakout Rooms” (where participants can be divided into different rooms for a time or indeed the entire videoconference, one potential JSM model), a “Waiting Room” (so that counsel and solicitor or solicitor and insurer can have a chat before bringing others in). Most programs have good screenshare options.
10. Skype for Business, said to be all that most judges can use for hearings, has been described as the modern-day equivalent of a Betamax video recorder. It has limited features. It is being phased out by Microsoft Teams (Teams). Teams is particularly good for internal videoconferencing within a firm or chambers because it interfaces with the chat channels that can be created. Some have experienced difficulties having external connections with Teams.
11. Most of the programs have lots of free training documents and videos, on their own website, but also on YouTube. Some of the smaller companies appear to have less publicly available training. Some companies appear just as much “hardware providers” as software providers, because they will sell hardware to set up in a conference room. It is true that such equipment does have advantages if you have a full room of people who are required to videoconference with another full room of people, as might happen in a large solicitors’ firm. However, that is obviously not a pressing concern at this time in 2020.
12. Importantly, iPhones and Android phones can be used in a perfectly serviceable manner for most videoconferencing. An invitee accessing through her phone will not be able to see documents very well unless they have a larger screen, but she will be seen and heard very

well, often better than someone using a 3-year-old laptop. This may be particularly important where clients or insurers have older technology.

HARDWARE

13. Try to avoid videoconferencing through the firm's or chambers' Virtual Private Network. The webcam and sound may not work properly. Use of a VPN affects internet speed. Ideally, install the software or use the web browser on your desktop.
14. Many £30 webcams will provide very good sound and vision, usually 720p. You do not need 1080p pictures though some may prefer. However, use of a dedicated headset will often allow others to hear you better, as the quality of microphones in webcams and laptops is variable.

COURT

15. The court administration believed until days ago that they only enjoyed the facility of Skype for Business. The judiciary have discovered since that most have Teams, but have never (like most practitioners) used it until the last week.
16. Some judges have been experimenting with different software, even those said to have some security concerns. I am not aware of hackers having put the relevant hearings onto YouTube. As an eminent Manchester judge has allegedly pointed out, the cases are supposed to be in public anyway.
17. As per paragraph 6 above, even if you do not have Skype for Business, it should be possible to participate using a page in a web-browser. Thus the nightmare of obtaining numerous licenses for obsolete and about to be discontinued software does not arise. It may not be quite as stable and will lack the features of more modern programs but it seems it will have to do until use of the superior Teams is appreciated.
18. The great advantages of video-conferencing over telephone hearings are:
 - a. They are easier to organise. The judge can send out an email with the advocates and solicitors' email addresses. There need be no (often unreliable) third party commercial organiser.
 - b. A party can organise the hearing in appropriate cases (ie without litigants in person) if provided with a judicial email address.
 - c. If an attendee drops off the line, she just needs to click back on, rather than hope the telephonic conference attendant becomes available from the other side of the world 5 minutes after punching “*0”.

- d. Documents can be shared near immediately. I understand that it is not unknown for a critical skeleton argument to fail to reach the bench even when sent in days before.
 - e. It is easier to avoid talking over one another when we can see each other's faces. Again, I gather some judges are averse to counsel interrupting them and may even say so in a direct manner.
 - f. It is easier to communicate when we can look counsel or a judge in the eyes. Effective communication helps the quality of advocacy and decision-making in turn.
 - g. Software that allows for private messages or an opportunity to be allocated into a 'break out room' will enable private instructions to be taken. (Attempted) Private messages are I suspect a greater danger than a benefit as we all know what will happen. And if they say it about the judge, game over.
19. Though a convert to videoconferencing generally, I am highly sceptical as to its practicability as to anything more than a straightforward one-day Fast Track trial. But that type of analysis and decision lies at much higher pay grades.
20. As with any sort of remote hearing, a concise skeleton argument prepared ahead of time perhaps assumes greater importance given the blunting of advocacy over even the very best remote facilities.

JOINT SETTLEMENT MEETINGS

21. Videoconferencing will give a new dimension to JSMs in a time of quarantine. Some are proposing 'telephone JSMs'. The latter approach can be adopted, but the reality is that achieving settlement involves psychology – developing rapport; seeing someone's facial reaction; encouraging the opponent to talk too much; persuading your opponent that you are completely on top of things.
22. Video JSMs can be undertaken in my view in 3 ways:
- a. A host creates 3 separate parallel meetings: claimant's meeting; defendant's meeting and joint meeting. Counsel (and solicitors if desired) can leave their side's meeting room and enter the joint meeting. The timing for doing so can simply be by sending a SMS text to opposing counsel, as happens anyway where a physical premises requires teams to be on different floors.
 - b. The Claimant's lawyers create their own meeting room and the Defendant's lawyers create their own meeting room and one of the two creates a separate meeting room for the joint discussion. This might in some circumstances be preferable because it gives more 'control' to each side. There would be no risk of Defendant's counsel just joining the Claimant's room without warning because he created it and so has access.

- c. There is one meeting and a number of different ‘breakout rooms’. This can work, but is probably better suited to mediation under the control of the mediator.
- 23. Being able to take the opponent to particular pages of a document and then look at it together, whether it be the Schedule of Loss, a spreadsheet or medical report takes the negotiation well beyond the scope of a telephone interaction.
- 24. From an insurer’s perspective, cases still need to progress and ideally get settled. One imagines getting some cases off the books will be particularly important in the current climate where financial reserves are concerned; Claimant’s solicitors want to progress case, both for their clients’ interests and also because leaving cases sitting in the virtual cupboard for 3 months does not assist with cashflow. Individual claimants may wish to have the security of an early settlement given the added worries in the current climate and wish their cases to conclude sooner rather than later.

CONFERENCES WITH EXPERTS

- 25. Some experts provide a mediocre service for the money they charge. Typical problems include: large sums charged but unwilling to travel to meet when issues really need to be bottomed out; incomplete attention during telephone conferences; a failure to have access to the most recent medical reports received on an email, or to have read the most up to date medical records.
- 26. Videoconferencing solves these problems to some extent, irrespective of social distancing and travel restrictions. The vital supplementary medical report you want to refer the expert towards can efficiently be brought up on screen.
- 27. If counsel has been sent an electronic brief (or counsel has prepared his own as I do) then it need not be a ‘screen’ that is shared but only the pdf program (eg Adobe Acrobat or Nitro) which will have all of the documents indexed. Everyone in the conference can immediately be shown page 945 of the medical record bundle. It has the potential to work better than actually being present in person.
- 28. The host can handover to another and that invitee can share their own web browser or Word or Adobe Acrobat from their computer.
- 29. Better still, an invitee can be given control of the program on someone else’s computer to scroll through to take everyone present to the particular line or entry that they are referring to. In conferences with liability evidence or where there are multiple medical reports needing to be refined, this is an amazing facility to the uninitiated.
- 30. Need to give someone a copy of a missing document instantly? No need to email it – send it in the chat function.
- 31. There is probably scope for using this technology even whenever we go back to (a reduced number of) face to face meetings to ensure that everyone can see the same document at the same time as they sit round a table.

CONFERENCE WITH A LAY CLIENT OR WITNESS

32. A telephone conference with a lay client is often unsatisfactory. The individual can be sitting driving a lorry whilst claiming they are parked up, or just not treating the call as a 'meeting' at all.
33. Many agree that one cannot effectively test credibility by speaking to a witness over the telephone.
34. Providing the insured has a laptop or mobile telephone, a conference can be held virtually and he can be shown the liability documents, taken to Streetview etc. Recent experience has shown this to work surprisingly well.
35. Of course, there may be some lay clients who just cannot deal with the concept, but then these are probably the same people who don't turn up to meetings anyway.
36. Those who complain they cannot travel or take time off work etc will have less of an excuse to avoid virtual attendance.

TIPS & TRICKS

37. Do not leave trying your first videoconference from home to an actual meeting with a client. Try one out with a colleague for 10 minutes as much as anything to make sure that the webcam is working and presenting a professional picture.
38. It is particularly important to determine how you look on the screen before a conference with a client who matters. It is not looking pretty that matters but rather avoiding only half your face being in the picture, a lightshade growing out of your head or the webcam being directed straight up your nostrils. It is distracting to the other invitees and will undermine your message if basic steps are not taken to ensure you can properly be seen as if sitting across a table.
39. Getting the right angle on the laptop screen is important for this.
40. A webcam on top of a monitor will often give a better and more professional view; however, a good result can be gained from a laptop but may require a bit more experimentation.
41. If at home, get a plain wall behind you, or sit in front of a bookcase. Lots of clutter in the background is distracting. We are inherently distractible beings.
42. On Teams, the background can be "fuzzed out", which is popular.
43. On Zoom, a specific background can be placed, though the computer needs to be reasonably powerful and it can be fuzzy about the edges. However, this is less of a mental deviation

than having you admire my fishtank, my guitar and making out the case names on the shelf behind me.

44. Do not, ever, sit in front of a window for a videoconference.
45. Experiment with the light in your room: can a desk lamp be angled to give a better impression?
46. If there are invitees who are mainly present in a listening capacity, especially if more than 4 attending, *encourage them to Mute their audio unless it is time to say something*. Having many people on the line all with their audio on is the best way to degrade the quality of the call. All it needs is a few coffee cups to be dragged across a desk to destroy someone's flow.
47. If the meeting really matters, politely ask members of your family to leave off Fortnite on the Xbox for the duration or to restrict to one device streaming Netflix. Everyone else in the neighbourhood is using the internet too at this moment. Thus there is more risk of limited bandwidth for part of the meeting. This may be fairly theoretical but we all know there are busy times when the internet seems 'slow'.

SECURITY/GDPR

48. There are some concerns doing the rounds about security in relation to these services. It is right that there is attention paid to these.
49. Most large organisations use Microsoft Products. Do a google search on "Windows Security Problem" or "Teams Security Problem" under "News" and there are security problems every other day with software on our PCs, often described as 'critical'. Vulnerabilities are common reports within the tech community where there is competition and cred in worming them out.
50. The Independent reported yesterday about one application:

But the government said that the app is still believed to be safe to use for meetings that do not require the very highest level of security. Anything with a security classification high enough will use more secure systems.

"In the current unprecedented circumstances the need for effective channels of communication are vital," a government spokesperson said. "National Cyber Security Centre guidance shows there is no security reason for Zoom not to be used for conversations below a certain classification."
51. Immediate bans were placed by some solicitors on the product concerned. I would not want to discuss nuclear codes over any of these products. But theoretical risk needs to be balanced against reality. The security risk is in the real world very remote. Many security issues have appeared in relation to specific hardware rather than software.

52. Invitations can be sent out with a password in many of the programs. This involves the host ticking a box. The password can be clicked rather than typed avoiding time-consuming problems of fat finger mistakes.
53. There is always a GDPR worry where US based companies are concerned. However, google the provider and GDPR and you will find that they all have policies, are signatory to Data Protection agreements, have their own Data Protection Officers and so on. Unsurprisingly, they do not wish to lose out on the European market. Theoretical arguments can doubtless be had. One suspects that the ICO will not be very interested. Practically, I am not concerned about any of the big players, but make up your own mind.
54. With some services, meetings can be recorded and the host can store on her computer and then send out a weblink to a recording in the cloud to participants if desired. That may be a relevant privacy consideration. Consent should be obtained at the start of the meeting. If consent is obtained then storing the recording is really no different than the lawyers keeping a careful note of a conference on their computer. The recording can be local or in the cloud (where there may be more of a security/GDPR issue). Encryption, particularly of laptops is, as ever, the key to good real-world security.

BEYOND THIS

55. Experiment and use YouTube and free training videos to see how the features work for your software.
56. Download a plug-in for the software you use straight into Outlook. It makes arranging a meeting a breeze, no different than sending a regular email.
57. I am not “tech support”. I just spent some hours using different programs to see how they worked with the help of multiple colleagues in chambers. There is much more that can be said but this is designed to be a simple concise paper to give some pointers to those who, like me a week ago, are new to it all. I hope it helps a little.

Brian McCluggage