



THE PROVINCIAL COURT  
OF BRITISH COLUMBIA

Effective Date: *18 July 2022*

**NP 21**

## **NOTICE TO THE PROFESSION AND PUBLIC**

### **REMOTE ATTENDANCE IN THE PROVINCIAL COURT**

#### **Purpose**

This Notice provides direction and information for anyone who will attend a Provincial Court proceeding remotely by audioconference (including telephone or Microsoft Teams) or videoconference (Microsoft Teams).

For a step-by-step guide to appearing by Microsoft Teams audioconference or videoconference see the [Guide for Appearing in the Provincial Court Using Microsoft Teams](#). It contains detailed information about connecting to and managing a Microsoft Teams audioconference or videoconference. Review the guide carefully before your matter proceeds.

#### **Notice**

##### **Remote Attendance Etiquette**

In some ways, the behaviour expected of people attending and observing court remotely is the same as if they were actually in a courtroom. However, attending a proceeding fairly and effectively by audioconference or videoconference requires some modification to etiquette and behaviour. The Chief Judge directs that certain aspects of hearing etiquette and decorum required for in-person hearings be modified for remote attendance. In particular:

## I. Parties, Counsel for Parties, Witnesses, and Other Court Participants

### 1. For audioconference or videoconference attendance

- a. **Use of cameras:** When counsel attend court proceedings remotely using MS Teams, they must appear by videoconference or apply<sup>1</sup> to the Court to appear by audioconference only. Counsel should generally have their cameras off while waiting for their matter to be called. When dealing with their matter, counsel must leave their cameras on, even when not speaking, unless the judge or justice directs otherwise. Self-represented parties, witnesses, and other court participants are encouraged to do the same.
- b. **No recording or photography:** You are not permitted to audio- or video-record, photograph, or screenshot any portion a court proceeding. Some proceedings are confidential and there may be a publication ban in effect. The BC Courts' Policy on the [Use of Electronic Devices](#) sets out penalties for recording, including prosecution. See, also, [Access to Court Proceedings](#) Policy, sections 5 and 8.
- c. **No publishing, broadcasting, reproducing, transmitting, sharing, making available, or disseminating:** Except as authorized by the Court, the publishing, broadcasting, reproducing, transmitting, sharing, making available, or otherwise disseminating of court proceedings or recordings thereof is prohibited. See section 6 of the [Access to Court Proceedings](#) Policy, including section 6.2 which sets out the penalties for publishing etc., including prosecution.
- d. **Confidentiality:** The conversation between the parties, their counsel (if represented), and the judge in a case conference or pre-trial conference is private and confidential. Only parties and/or their counsel should appear at the conference and no-one else should be present, unless otherwise permitted by the conference judge. Do not forward or share the meeting link or dial up information to any unauthorized individuals.
- e. **Mute microphone:** To minimize background noise, mute your microphone when you are not speaking. If you are using a computer, close applications on your computer—such as Twitter, Facebook, and email—that are not needed so you are not interrupted during the proceeding. Also, put your cell phone to silent mode.
- f. **Introductions:** When parties are introducing themselves, or lawyers are introducing themselves, their client, witness or another individual, in court proceedings, they should

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<sup>1</sup> The application can be made on the same day as the court appearance before the presiding judicial officer and no materials are required to be filed in advance unless otherwise directed by the Court.

provide the judge or justice with each person's name, title (e.g. "Mr./Ms./Mx./Counsel Jones") and pronouns to be used in the proceeding. (See [NP 24 Form of Address for Parties and Lawyers](#))

- g. **Speak clearly and slowly:** Remember to unmute before speaking. Speak clearly and slowly enough for everyone to follow what you are saying. Pause frequently to allow the judge to ask questions and avoid speaking over the judge or other participants. This is particularly important when there is an interpreter. Mute the microphone again when done speaking. Follow the judge's directions about when to speak or ask questions.
- h. **Objecting, responding or commenting:** If you find it necessary to object to, respond to, or comment on something that an opposing party has said and it cannot wait:
  - if on video, click on the raise hand button or raise your hand to signal to the judge that you wish to speak; and
  - if on audio, respectfully interrupt the conversation when appropriate to let the judge know that you have something to say.
- i. **Forms of address:** A Provincial Court Judge is called "Your Honour". For the other party and/or their lawyer, see [NP 24](#).
- j. **Time limits:** Time limits may have been set in advance, or the judge may set them during the conference or hearing. You must follow them to make sure everyone has a fair chance to be heard. If attending by videoconference, near the end of the time scheduled for the proceeding, an "End of Meeting" warning may appear on the screen. This warning indicates that the time scheduled for the proceeding is almost up, but the judge will decide when to end the proceeding. Do not disconnect from the proceeding until directed to do so by the Court.
- k. **Materials:** Collect and organize the documents you will need in advance, and make sure you have them with you for the hearing or conference.
- l. **Use pen and paper:** Take notes with a pen and paper. The sound of typing can be distracting, and make it hard to hear others. Avoid shuffling papers as that also can be distracting.
- m. **No food or drink:** As in a courtroom, participants are not to eat or drink anything except water, nor to smoke or vape.

## 2. Additional directions for videoconference attendance

- a. **Location:** Counsel must appear in a quiet, private space with a neutral background. Self-represented parties, witnesses, and other court participants should make reasonable efforts to find a quiet, private space with a neutral background for their court appearance. Neutral backgrounds can be especially important when there are security concerns for a party or a witness. Inappropriate profiles or background images must not be used.
- b. **Dress appropriately:** Counsel are expected to wear business attire. Self-represented parties, witnesses, and other court participants should dress as if they are attending a proceeding in person. Click on the [link](#) for more information on how to dress for court.
- c. **Arrive early:** You should be prepared to join the court proceeding at least 15 minutes before the start of the proceeding, to allow time to address any technical issues. Before the proceeding starts, you will enter a virtual waiting room and remain there until the proceeding begins.
- d. **Use your name when prompted for a screen name:** When you join the proceeding, you will be asked to enter your name. The name that you enter will be displayed for all participants to see. Type your first and last name.
- e. **Sitting and Standing:** You do not need to stand when the proceeding starts or ends, and you can remain seated when addressing the judge.
- f. **Bowing:** You do not need to bow at any time during the proceeding.
- g. **Focus on your camera:** Direct eye contact is important. When speaking, look into the camera rather than at the person(s) that you are speaking to.
- h. **Landscape mode:** If using a Smartphone, flip your phone horizontally to enable landscape mode so your full headshot displays.
- i. **Technical difficulties:** If the image and sound quality is interrupted, ask whether other participants can still hear you. If so, continue speaking as the image will reappear once bandwidth returns to normal. If problems continue, it may be necessary for some of the participants to turn off their video. If the session ends unexpectedly, please try re-connecting. If the Microsoft Teams video platform is not working, the Court will contact the parties either to provide Telus teleconference dial-in details or to reconnect the parties directly by audioconference, so all parties may continue the proceeding by dialing in from any telephone.

### 3. Additional directions for audioconference attendance

- a. **Location:** Counsel must appear in a quiet, private space. Self-represented parties, witnesses, and other court participants should make reasonable efforts to find a quiet, private space for your court appearance.
- b. **Connecting to the court proceeding:** Court proceedings are recorded by the Court. When you are connected to the court proceeding, introduce yourself by saying your first and last name. The court clerk will note the names of all the parties and lawyers attending the hearing on the court record.
- c. **Say your name whenever you start speaking:** It can be hard to know which person is talking.
- d. **Audio connection:** If using a telephone, a land line works better than a cell phone. In either case, do not use the speaker phone function. Instead, use a hand-held phone or use a set of headphones with a built-in mic and mute feature. If possible, avoid the use of VOIP (Voice Over Internet Protocol).

## II. Media and the Public

- a. **Undertaking:** Any member of the media or public remotely observing a court proceeding undertakes to remain silent (mute their microphone) and, if applicable, hidden (keep camera turned off) for the duration of the court proceeding.
- b. **No recording or photography:** You are not permitted to audio- or video-record, photograph, or screenshot any portion of court proceedings (except accredited media may audio-record for notetaking purposes only). Some hearings are confidential and there may be a publication ban in effect. The BC Courts' [Use of Electronic Devices in Courtrooms](#) Policy sets out penalties for recording, including prosecution. See, also, [Access to Court Proceedings](#) Policy, sections 5 and 8.
- c. **No publishing, broadcasting, reproducing, transmitting, sharing, making available, or disseminating:** Except as authorized by the Court, the publishing, broadcasting, reproducing, transmitting, sharing, making available, or otherwise disseminating of court proceedings or recordings thereof is prohibited. See section 6 of the [Access to Court Proceedings](#) Policy, including section 6.2, which sets out the penalties for publishing etc., including prosecution.

### **History of Notice to the Profession and Public**

- Original Notice to the Profession and Public effective on May 07, 2020.
- Amended Notice to the Profession and Public effective on July 13, 2020 (housekeeping amendments consequential to NP 19 COVID 19: Resumption of Court Operations – July 13, 2020).
- Amended Notice to the Profession and Public effective on July 29, 2020 (revised section on how to address counsel and parties).
- Amended Notice to the Profession and Public effective October 07, 2020 (adds “Media and the Public” section under “Virtual Proceeding Etiquette”; housekeeping changes, including references to “remote” changed to “virtual”).
- Amended Notice to the Profession and Public effective December 16, 2020 (revised section I(1)(e) on how to address counsel and parties consequential to NP 24 Form of Address for Parties and Lawyers).
- Amended Notice to the Profession and Public effective February 09, 2021 (adds no photography or screenshots of virtual proceedings to ss. I.1.a. and II.b.; adds ss. I.1.b. and II.c. regarding no publishing etc. of virtual proceedings; adds cross-references to Access to Court Proceedings Policy; updates s. I.1.j. regarding time limits; and housekeeping changes).
- July 2, 2021: Changes title from “Guide to Virtual Proceedings”; adds s. I.1.a. requiring counsel to use cameras for videoconference proceedings and encouraging self-represented parties, witnesses, and other court participants to do the same; clarifies for counsel manner of dress and location required for appearance; and housekeeping changes.
- July 15, 2021: Changes title from “Virtual Proceedings in the Provincial Court”; and adds definitions of “virtual(ly)” and “remote(ly)” under Purpose, references to attending virtual or in-person court proceedings remotely, “Inappropriate profiles or background images must not be used” to s. I.1.b., s. I.1.i re enabling landscape mode when using a Smartphone, and no smoking or vaping to s. 1.2.l.
- November 30, 2021: Words “sharing, making available” added to sections I.2.b and II.c; “neutral backgrounds can be especially important when there are security concerns for a party or witness” added to s. I.1.b; and housekeeping changes.
- January 19, 2022: Removed Appendix A “Guide for Appearing in the Provincial Court via Microsoft Teams” as that is now a stand-alone document.
- July 18, 2022: Removes references to “virtual proceedings” and updates requirements for counsel regarding use of cameras in s. I.1.a.

By Direction of Chief Judge Melissa Gillespie  
Provincial Court of British Columbia