

# REMOTE HEARINGS CHECKLIST

By Luke Nelson

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## 1. Which platform to use

- a) What are the issues in the case?
- b) How many witnesses are there?
- c) What does the client think?
- d) What software, if any, is my client able to use?
- e) What does my opponent think?
- f) Who is going to record the hearing? Do I need permission to do so?
- g) Where am I going to keep the recordings?
- h) What is the back up plan in case the first option fails?

## 2. Client management

- a) Has the client been fully advised as to their available options, including adjournment?
- b) Has the client been given an opportunity to voice any concerns and ask any questions?
- c) Is it possible to perform a test run with the client?
- d) Has the client and any witnesses been provided with simple, step-by-step instructions to access the remote hearing software?
- e) Has the client and any witnesses been provided with guidance as to how to best engage with the remote hearing?

## 3. Case management cooperation

- a) Have I called my opponent to discuss the most appropriate venue for the hearing and any other case management features?
- b) Have I called the court to check the listing?
- c) Has the court made any suggestions as to the appropriate format of the hearing?
- d) Do I disagree with the suggestion of the court? Is it necessary to write to the judge to request a different course of action? Does my opponent agree?
- e) Are my witnesses able to sign their witness statements? Do I need to obtain any less conventional means to indicate acceptance of the document?

#### 4. **ADR**

- a) Have I advised the client as to the appropriateness of ADR in the present case?
- b) Does the client want their day in court or do they want to have the matter dealt with as quickly as possible?
- c) What form of ADR is most appropriate?

#### 5. **Instructions to Counsel**

- a) Have I sent the following contact details to my barrister:
  - i) Client?
  - ii) Witnesses?
  - iii) Opposing barrister?
- b) Have I obtained the necessary consent to pass the contact details to my barrister?
- c) Have we agreed a confidential, secondary line of communication to enable effective instructions to be taken at the hearing?

#### 6. **E-Bundles**

- a) Do I have the appropriate software to create an E-Bundle?
- b) Do I need to undertake CPD to improve my abilities in this regard?
- c) Is my bundle paginated?
- d) Do all the parties have the same bundle?
- e) Do my witnesses have copies of their statements?
- f) Do my witnesses need the full bundle?
- g) Does the platform I am using for the hearing facilitate screen sharing?
- h) Do I need to create a time-limited link to the bundle for any witnesses?

#### 7. **Remote hearing hygiene**

- a) Am I wearing appropriate attire?
- b) Can I hear those involved clearly enough?
- c) Is my background neutral?
- d) Am I maintaining the usual level of formality as I would if attending in person?
- e) Is my room free from distractions?
- f) Do I need to declare who I am before I speak?
- g) Am I muted when I am not speaking?
- h) Am I unmuted when speaking?
- i) Am I talking at a reasonable pace?
- j) Does the party I am addressing have the correct page in the bundle?

k) Does the Judge have the correct page in the bundle?

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