



COURT OF APPEAL OF QUEBEC

VIRTUAL HEARINGS GUIDE TO BEST PRACTICES



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1. INTRODUCTION

Given the health crisis caused by COVID-19, the Court of Appeal of Quebec has modified its processes so as to reduce travel and ensure that physical distancing and other health guidelines applicable to the current situation are respected. To find out the guidelines currently in effect, please refer to the [COVID-19 Pandemic – Update](#) section of the Court of Appeal's website.

In light of this situation, appeals and motions/applications can be heard virtually via the Microsoft Teams secure collaborative platform ("Teams"). Litigants (counsel or parties) will therefore be able to participate in a hearing from the location of their choice (home or office), without the need to travel.¹ The virtual courtroom is easy to use and is secure. It also allows for the recording of proceedings, as if they were being held at the courthouse.

This guide was prepared by the Court of Appeal in order to answer the most common questions from users and to explain the best practices for optimizing the quality of virtual hearings. Litigants are also encouraged to read the guide entitled [Hearings Conducted Through Technological Means \(Teams\)](#), prepared by the Ministère de la Justice ("*Virtual Hearing Guide*"), which sets out the essential elements to ensure that a virtual hearing proceeds smoothly.

2. PREREQUISITES

The following is a list of the elements the Court of Appeal considers essential or desirable in order to ensure that a virtual hearing proceeds smoothly.

(a) **Technical conditions**

- We recommend the use of a computer with camera and audio or a tablet with camera and audio. A smartphone may also be used, but, in addition to issues related to its size and to sound quality, there is a higher risk of disconnection when a text, email or phone call is received.
- The use of a headset or headphones with a microphone is strongly recommended. This provides a better audio experience and reduces background noise for other participants when you are speaking.
- To participate in a hearing via the Teams platform, you can use a Web browser² or you can download the Teams application at no cost prior to the hearing. By downloading the application, you will have a better user

¹ Please take note that a virtual hearing may not be appropriate for certain matters, in which case the Court office will contact those concerned. If you believe your file is not appropriate for a virtual hearing, please inform the Court office and provide the reasons. The Court will get back to you.

² We recommend you use Chrome or Microsoft Edge Chromium as your browser.

experience, including the ability to see all participants. For more information on how to install Teams, please refer to the [Virtual Hearing Guide](#).

- It is preferable to connect to the network with a cable rather than through Wi-Fi. If you must use Wi-Fi, please be as close as possible to the Wi-Fi access point. In order to avoid interference, you must turn off your VPN.
- You need a minimum Internet connection speed of 10 MBps as well as a transmission latency (or “ping”) of 13 ms or less. You can check the speed of your Internet connection and the transmission latency here: <https://www.speedtest.net/>. Note that the simultaneous use of the same Internet signal by others may reduce the smoothness of the video image, prevent your connection to the hearing or disconnect you from the hearing.
- You can also participate in the virtual hearing via telephone by dialling the telephone number indicated in the Teams invitation.
- Ensure you have access to a second device, such as a telephone or tablet, to contact the other participants in the event of a technical problem.
- Ensure your computer, tablet or telephone is fully charged before the videoconference and that the necessary charger is within reach.
- Please close applications that are not necessary for purposes of the hearing and deactivate all notifications (e.g., from your cellular telephone, email or messaging service) so they do not disrupt the hearing.

(b) Environment

- Each litigant may participate in the hearing from the location of their choice (home or office). It is best to choose a quiet location, preferably in a room with a door so as to minimize visual and auditory interruptions.
- No videoconference may take place outside or while travelling, including in a means of transportation.
- Make sure the support for your device is stable. Position the camera at eye level or slightly above eye level. Your head and shoulders should be predominant on the screen.
- The background must be neutral and appropriate. You may use a virtual background that complies with these requirements.
- No food or drink, except for a glass of water, may be consumed or be visible on screen, whether before the start of the hearing or during the hearing.
- Avoid direct sunlight. Position your camera so that it does not face a window. If that is not possible, close the blinds or curtains. Ideally, sit facing the window or install a light behind the camera so as to light up the area in front of the screen.
- Make sure you can access every document you will need during the hearing, such as briefs and books of authorities.

3. BEST PRACTICES AND GENERAL RECOMMENDATIONS

In order to ensure the serenity of the process, the protocol contains rules of conduct to be followed during videoconferences. In addition to the usual rules for hearings, which continue to apply, below are the best practices and rules of etiquette you should follow in order to ensure that your participation in a virtual hearing is as effective as possible. They are provided by way of example only and are not exhaustive.

- The dress code requirements set out in section 7 of the *Civil Practice Regulation*, section 8 of the *Rules of the Court of Appeal of Quebec in Criminal Matters* and section 7 of the *Regulation of the Court of Appeal of Quebec in Penal Matters* apply to virtual hearings. Thus, counsel and articling students must wear a gown, in accordance with those provisions.
- You need not stand when the videoconference starts or ends or while you are pleading.

- Subject to the adaptations required by the virtual mode, the appropriate decorum for hearings of the Court must be maintained and your conduct must therefore be the same as if you were physically present. It is therefore not appropriate, for example, to interrupt the person who is pleading, to fidget while on screen or to speak with another person (even with the microphone off, except occasionally), to have a meal or a snack, etc.
- Don't forget to identify yourself at the beginning of the videoconference for purposes of the recording. We ask that you indicate your name and, in parentheses, your position in the appeal. Also make sure to inform the judges and participants about the presence of others, whether they are next to you or on the phone.
- When speaking to the judge or panel, it is preferable to look at your camera. This way it appears to the other participants as if you are looking directly at them.
- Pause from time to time during your arguments so that the Court has the opportunity to ask questions.
- Mute your microphone during the videoconference except when speaking. This will prevent ambient noise from being picked up.
- Avoid unnecessarily flipping through the pages of your documents or using the keyboard when your microphone is on.
- It's a good idea to have a glass of water near you.
- The use of headphones improves sound quality while ensuring the confidentiality of what is said.
- During a break, the videoconference will nevertheless continue. In such a case, please mute your microphone and, if you wish, turn off your camera, but never disconnect yourself from the hearing, unless directed to do so by the judge or panel.
- Although the Teams platform offers the "share screen", "chat" and "reaction" functions, they must not be used.
- If you are disconnected from the hearing, we will give you time to rejoin the meeting using the link provided. If you are unable to reconnect, you can join the meeting using the telephone number indicated in the invitation.
- If the appeal record contains confidential information, please conduct yourself in that regard as you would in a regular courtroom.

- The Court's *Guidelines concerning the use of technological devices in courtrooms* apply to all virtual hearings held by the Court (also see art. 14 C.C.P.). Therefore, no participant is authorized to take a screenshot, record the hearing or broadcast it by any means whatsoever.
- Exceptionally, when you participate in a hearing by videoconference, the outline of your oral argument³ must be received at the Court office at least 2 working days in advance.

4. **PREPARING TO JOIN A HEARING**

Litigants are encouraged to read the document entitled *Technical Conditions*, prepared by the Court of Appeal, or the *Virtual Hearing Guide*, which set out the essential elements to ensure that a virtual hearing proceeds smoothly.

In particular, we ask you to take note of the recommendations regarding the capacity of the Internet connection used.

It is also advisable to download the Teams application. You do not need to open an account with Microsoft to do this. The application provides additional features and a more user-friendly environment than the Web platform.

Litigants are also strongly encouraged to test their microphone, camera and speakers to ensure proper operation. These tests should be carried out at the location where litigants will participate in the hearing and well in advance of the hearing, in order to correct any lighting, camera, sound, background or other issue.

For any questions regarding the use of the Teams platform, litigants may contact the office of the Court in Montreal or Quebec City, depending on the hearing venue (Office of the Court in Quebec City: courdappelqc@judex.qc.ca; Office of the Court in Montreal: courdappelmtl@judex.qc.ca).

5. **JOINING THE HEARING**

Please enter the virtual courtroom approximately fifteen minutes before the time indicated in the invitation and wait in the waiting room. At the scheduled time, the clerk will let you into the virtual courtroom.

The email sent by the Court office confirming the holding of a hearing in “virtual courtroom” mode contains the necessary information for litigants to connect themselves, including the specific time for the hearing of the appeal or the

³ Section 78 of the *Civil Practice Regulation (Court of Appeal)*, section 69 of the *Rules of the Court of Appeal of Quebec in Criminal Matters* and section 64 of the *Regulation of the Court of Appeal of Quebec in Penal Matters*.

motion/application, the conference number and the link for directly accessing the virtual courtroom. Merely click on “Join Microsoft Teams meeting” and follow the instructions on the screen. Don’t forget to turn on your camera and microphone. You must also identify yourself. If you experience a problem, you can participate via telephone by calling the telephone number indicated in the invitation.

In the event of technical difficulties on the day of the hearing:

- If you are unable to connect to the virtual courtroom by videoconference, we ask you to attend the virtual hearing via telephone using the telephone number indicated in the Teams invitation. Please do not use the hands free option on your telephone, but rather speak directly into the handset for better acoustics and better digital recording quality. You can also reach a clerk of the Court at 514-393-2022 (hearing in Montreal) or 418-649-3401 (hearing in Quebec City) to get help in order to connect to the virtual courtroom.
- If you experience technical problems during the videoconference, please wait a few moments to see if this is temporary. If the problem persists, inform the judge or the panel. If that is impossible (for example, because you have lost your Internet connection or you inadvertently disconnected yourself), reconnect as quickly as possible by following the steps outlined above. Please refer to the troubleshooting section in the [Virtual Hearing Guide](#).
- If, at any time, because of a delay, distortion or disconnection, you are unable to attend part of the hearing or you do not understand a question, please inform the judge or panel immediately so that the missed portion can be repeated. Similarly, be patient and ready to repeat yourself if you are asked to do so.

6. PUBLIC NATURE OF HEARINGS

(a) For clients or their representatives who wish to attend the hearing

It is the responsibility of counsel to send their client or the client’s representative(s) the necessary information to attend the virtual hearing. They can participate in the hearing by telephone or via audiovisual means, in the latter case making sure to keep their camera and microphone off. They will then be able to listen to the hearing, but, just as in an in-person hearing, they will have to remain silent. Clients or their representatives can, of course, attend the hearing from their counsel’s office while respecting the rules of physical distancing and the other applicable health guidelines.

(b) For the public (including journalists) who wish to attend the hearing

The use of virtual courtrooms does not prevent the public from attending hearings, given that the open court principle subsists (subject to the exceptions that apply under normal circumstances). The Court's rolls are posted on its website (<https://courdappelduquebec.ca/en/rolls/>).

Members of the public (including journalists) can attend virtual hearings via audio. By emailing a request to the office of the Court in Montreal or Quebec City, depending on the hearing venue,⁴ they will be able to receive the relevant information for such purposes. They will then be able to listen to the hearing, but, as always, while remaining silent.

The physical presence of members of the public in courtrooms will be authorized only in compliance with the health guidelines in effect, including those governing the maximum capacity in courtrooms. If you are a journalist, please contact the Court office.⁵

As mentioned above, it should also be noted that the *Guidelines concerning the use of technological devices in courtrooms* apply to virtual hearings, with the necessary modifications. Thus, subject to the exceptions set out in said Guidelines, no participant is authorized to take a screenshot, record the hearing or broadcast it by any means whatsoever.

(c) General instruction

Clients, journalists or members of the general public who attend a hearing of the Court via audio are asked to turn off their microphone and make sure they are in an environment that is calm and free of ambient noise. They must also refrain from speaking with others. Sounds emanating from virtual listeners or their surroundings are picked up by the system and disturb those pleading before the Court, who may even become difficult to hear.

⁴ Office of the Court in Quebec City: courdappelqc@judex.qc.ca.
Office of the Court in Montreal: courdappelmtl@judex.qc.ca.

Members of the public and journalists must provide the following information regarding the hearing they want to access: the name and docket number of the case as well as the date of the hearing.

⁵ Office of the Court in Quebec City: 418-649-3401 or courdappelqc@judex.qc.ca; Office of the Court in Montreal: 514-393-2022 or courdappelmtl@judex.qc.ca.

SRAVE test environment
(Service des ressources audiovisuelles et électroniques)
Assistance service

For all questions concerning videoconferencing, a technician is available
from Monday to Friday, 8 :00 am.to 5:00 pm.

Through the **Teams** application by clicking on the following link:
[Rejoindre la réunion Microsoft Teams](#)

Using a videoconferencing system,
Dial: **1173998390@teams.justice.gouv.qc.ca**

By phone, dial:
1(581) 319-2194 Canada, Quebec (charges apply)
1(833) 450-1741 Canada (toll free)
Conference ID: 475 793 860#