



Connecting and Attending a Virtual Hearing Guide

For Counsel and
Self-Represented Litigants

Version 5.0

June 16, 2023

Virtual Hearings at the Court of Appeal of Alberta

Overview

Effective May 2, 2022, the following matters will continue to be heard electronically:

- Single Judge (Chambers) applications
- Appeal Conferences for Family Law Fast Track Appeals and
- Judicial Dispute Resolutions (JDRs).

While judges, lawyers, parties and court staff attend remotely, these proceedings remain formal settings. The following information and guidance have been developed to help ensure proceedings start on time, disruptions are minimized, and individual set-ups are arranged and operate to maintain decorum.

The links below contain instructions on various matters related to attending virtual proceedings from connectivity to guidelines for audio and video settings.

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How to Connect to a Virtual Proceeding

The Court of Appeal uses Webex, an internet browser-based program, for its virtual hearings. Webex can accommodate attendance by video or telephone.

***Note for counsel:** If clients wish to attend the proceeding as observers, separate instructions on how to connect are available [here](#). The public and media are entitled to attend a virtual hearing (other than Appeal Conferences and JDRs which are confidential).*

Quick Technical Troubleshooting Before You Connect:

Most technical issues experienced during virtual proceedings are related to one or all of the following:

Connectivity (e.g., screen freezing because of Wi-Fi/network uploading speed)

Audio (e.g., echoes; no sound)

Video (e.g., video feed does not work)

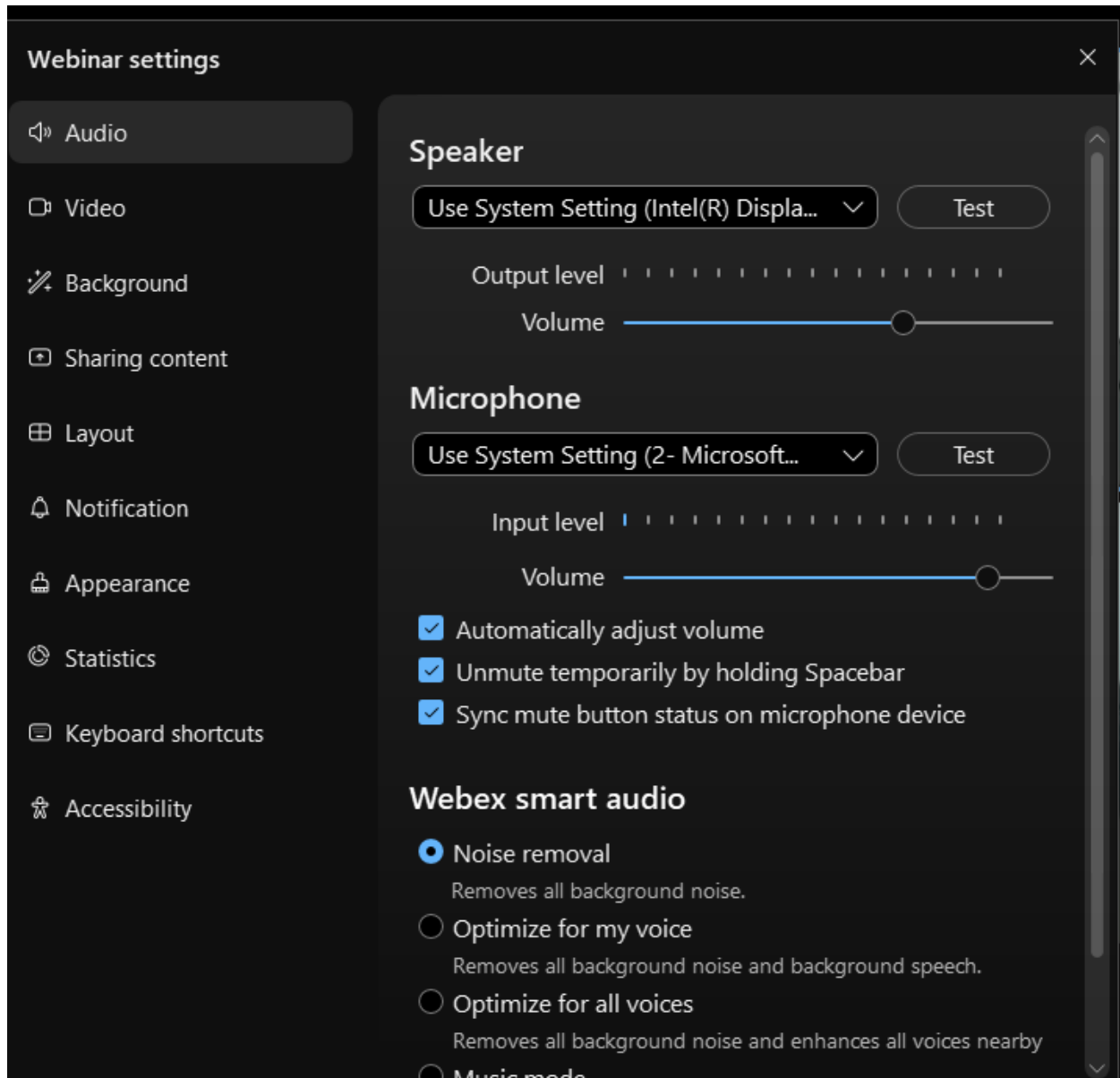
To minimize disruptions arising from these issues, counsel and self-represented litigants are encouraged to use the following best practices before and during the proceeding.

Connectivity:

- Restart your computer before logging in to the proceeding.
- Connect using Google Chrome when possible. (It is the recommended browser, but you can connect using other browsers if necessary.)
- Close as many programs and files as possible to improve your computer's performance. Clear your internet browser cache. (Instructions on how to do this are available here: [Internet Explorer](#), [Google Chrome](#), [Firefox](#))
- Test your Wi-Fi/network connectivity occasionally using one of the links below. (Note: The target upload speed is 10 Mbps or higher.) <https://mediatest.webex.com/#/main> or <https://speedtest.shaw.ca/>

Audio and Video:

- Use a fixed microphone headset during the proceeding. (It provides better audio quality than computer and webcam microphones do.) Refer to the Virtual Hearing Attendance Undertaking form [here](#).
- Test your computer's audio connection after you log in to the proceeding, <https://www.webex.com/test-meeting.html>, select Audio and Video to review settings, see picture below.



When You are Ready to Connect:

To connect to your proceeding, complete the following steps:

15-30 minutes before the scheduled start time, click the “Join Now” link provided in the email notification that you received from the Court Registry. (This will open to a login screen in your web browser.)

OR

Click on the link included in the hearing list on the Court of Appeal’s website

(<https://www.albertacourts.ca/ca/registry/lists>) to find your proceeding.

Complete the first name, last name and email address fields. (Take care when filling them in since this is how your name will appear on the screen during the proceedings.) The Court requires that all counsel and self-represented litigants use full names and that a **_P** (for participant) is placed behind their names so that they can easily be found in the list of attendees. (e.g., **John Smith_P**)

If the password field is not automatically populated, or if you receive an error message saying the password is incorrect, enter in the following: **abca**.

Accept the Terms of Use and click the **Join Now** button.

Once logged in, familiarize yourself with the control buttons:



Everyone involved in the proceeding will appear on the screen in a separate view box. View settings can be changed by clicking on the ‘Layout’ button at the top right of the viewing window. There are three view options:

1. **Recommended - Grid view:** Each person appears in equal sized boxes evenly displayed across the screen (the “Hollywood Squares” look).
2. **Active speaker video view:** Only the active speaker will appear on the screen.
3. **Active speaker and thumbnail video view:** The active speaker will fill the majority of the screen while all other view boxes will be minimized and appear in a row at the bottom of the screen. (This is the default view.)

After joining the proceeding, the Court clerk will test your audio/video feeds with you. When testing is finished, the clerk will move you to the virtual courtroom. Once the judge(s) joins the virtual courtroom, the clerk will call Court to Order.

Best Practices

Counsel and self-represented litigants have a role in setting the optimal conditions for the virtual proceeding to start on time and run smoothly with minimal interruptions.

Preparing for Your Proceeding

Click [here](#) to watch a video that describes many of the following tips on “How to Look Better on

a Video Call”.

- **Be aware of your surroundings:** Ensure your background is appropriate and free of excessive background noise. Try to attend from a room with a closed door in order to minimize video and audio interruptions.
- **Have appropriate lighting:** Light from a window behind you may blind your webcam. Light above you may cast shadows that affect the view of your face. Whenever possible, sit facing a window, a desk lamp or another light source so that your face is well illuminated and clearly visible.
- **Frame yourself appropriately:** Proximity to your webcam is important. The farther away or more obscured you appear, the less engaging you will be. Your head and the top of your shoulders should dominate the screen. If using a laptop or mobile device, try to position it so that the webcam is directed at you rather than looking up at you.
- **Focus on your camera:** Direct eye contact is important. When speaking, look into the camera rather than at the picture of the persons you are speaking to. Ensure your device’s camera is open and not obscured by post-it notes or otherwise concealed.
- **Set your device’s volume to 50 per cent:** This will ensure that your microphone does not pick up your speaker volume.
- **Silence or mute all telephones in the room:** Also close down or disable all other apps and browser windows to eliminate notifications.
- **Logging into the hearing:** If there is a publication ban or restricting order on file preventing the publication of party’s names, litigants are asked to use initials instead of full names when logging into the virtual hearing.

For additional tips for attending a proceeding remotely, refer to the [Procedure Guide for In-Person and Electronic Hearings and Other Matters](#).

During the Proceeding

Remember that a virtual proceeding should always be treated as a formal setting. Therefore, the same etiquette rules used in in-person proceedings apply when attending remotely.

- **Be on time and ready to proceed:** Join the proceeding 15-30 minutes prior to the scheduled start time.
- **Introduce yourself:** Identify yourself (and who you represent, if applicable) to the clerk

as soon as you join the proceeding. Complete the [Virtual Hearing Attendance Undertaking](#) form in advance of the hearing. If the form is not completed in advance, the clerk will be required to ask for contact information from you in the virtual courtroom in case there are problems with the connection during the appeal.

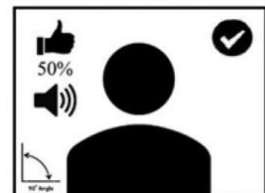
- **Dress appropriately:** Business clothing is recommended.
- **Use pen and paper to take notes:** Avoid using a keyboard. The sound of typing is easily picked up by a computer microphone, which will be distracting to others during the proceeding. Also refrain from shuffling papers.
- **Minimize background noise:** Mute your microphone when not speaking. (But don't forget to unmute before you start to speak.)
- **Speak clearly:** When speaking, ensure you speak clearly and slowly enough for everyone to follow what you are saying. Remember that sound quality is very important in this medium. It is also helpful if you identify yourself each time you speak to ensure the recording system clearly captures the discussions.
- **Pay attention to time limits for oral arguments:** A notification will be provided by a clerk when five minutes remain and again when the time has expired.
- **Do not have food or drinks other than water:** As with in-person proceedings, counsel and self-represented litigants are expected to refrain from eating or drinking anything but water during a virtual proceeding.
- **Timer:** During the hearing, a broadcast screen will be displayed which will include the following information:
 - Date and Time
 - Appeal No. and Style of Cause
 - Any Publication Ban or File Restriction
 - Timer – this will be a countdown of the party's argument time, i.e., 45 minutes, 15 minutes.
 - If the court is on an adjournment, the display will indicate "Court is adjourned."

Audio/Video Technical Tips

Attending a Virtual Hearing Using a Laptop or Desktop

The *optimal* set-up for appearing in a virtual proceeding are:

- Position yourself in the centre of the visible screen (2-3

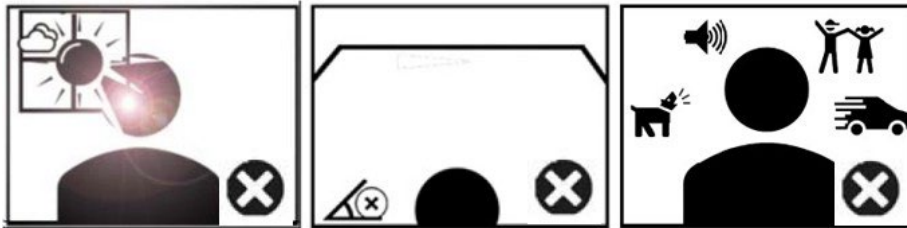


feet away maximum).

- When using a laptop, elevate the device by 6-8 inches when you place it in front of you. This way you are:
 - Closer to the microphone and less likely to pick up the sound of papers moving.
 - In a position to have a good camera angle, with less view of the room's ceiling.
- Prior to joining the proceeding, adjust your volume to 50 per cent. This can be adjusted later, once the clerk has stabilized the audio of the meeting room.

Avoid:

- Having bright light (of any kind) behind you.
- Awkward camera position.
- A busy background, both visually and noisy.



If you are attending from an area where you cannot control the background noise, it is recommended that you use fixed microphone headphones. A headset without a fixed microphone will pick up background noise that could cause delays in the court commencing.

Know the location of the “mute” button on your screen when you are participating in an electronic proceeding. When you are not speaking, mute yourself to minimize background noise that could distract others during the proceeding.



During virtual hearings, speakers tend to lean backwards and away from the computer camera over time. Instead, try to remain as stationary as possible because any increased distance from your microphone may reduce the quality of your sound. (This will also respect the formal setting.)



Attending a Virtual Proceeding Using a Cell Phone:

When using a cell phone or mobile device to attend a virtual proceeding, additional audio and video issues can arise.

Audio:

Use the mute button frequently when using the microphone on headphones to avoid distracting background noise.



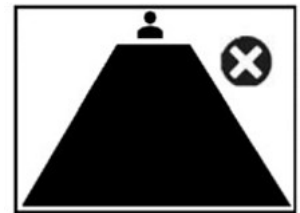
Video:

When using a cell phone or mobile device, there is a tendency to hold onto it. This can cause a lot of movement on the video display that others see. Instead, sit in a stationary location and mount your device on a stable surface.



Boardroom Issues:

Boardrooms tend to have fixed cameras that cannot focus on any one individual. As such, there is a tendency for individuals to sit at the opposite end of a conference table during a videoconference. However, for electronic proceedings, this approach will not provide adequate visual framing of you.



Instead, you should:

Sit as close to the webcam as possible. (This also applies for boardrooms with an adjustable webcam lens that can pan/tilt/zoom.)

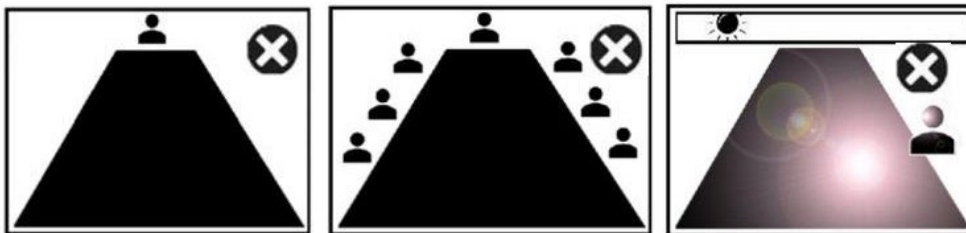


OR

Move to a location that allows you to connect via laptop (with a headset if necessary).

Note: If you intend to have more than one speaker during the virtual proceeding, you should set the camera to focus on one single area and have the speaker's rotate seats.

Boardrooms typically come with large windows. Make sure to close the blinds behind the speaker's chair to prevent the webcam's view from being washed out.



Boardrooms tend to have a single fixed microphone on top of a large monitor/TV. As a result, the volume heard by others during the proceeding is not crisp, but rather faded and low. (It is ideal for the microphone to be freely moved and positioned in front of the speaker.)

To address this, you should:

Sit as close as possible to the microphone and ask the clerk if the audio is acceptable.

OR

Move to a location that allows you to connect via laptop (with a headset if necessary).

Know the location of the mute button in your boardroom. Often the controls are located by the camera. Sit as close to any volume controls as possible.

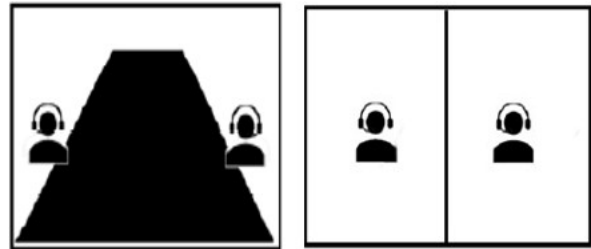
Counsel connecting (individually) to a virtual proceeding from within the same boardroom creates audio feedback and can cause delays in court commencing.

Never have more than a single connection per room (regardless of its size). Instead, you should:

Have the cameras focus on one single area, and when/if others need to speak, rotate seats.

OR

Individually go to separate rooms and connect.



Key Terms

1. Gallery

- All those attending the virtual proceeding (judges/lawyers/self-represented litigants, media, court staff and members of the public) join into the gallery and cannot see anyone except for the clerk (host).
- The clerk moves the judges/lawyers/SRLs who are participating in the appeal from the gallery into the virtual courtroom prior to the start of the electronic proceeding.

2. Virtual Courtroom (The Hearing)

- Virtual space on an internet-browser where the electronic proceeding takes place.

3. Public/Media/Staff (Attendees)

- Individuals attending for the purpose of observing the virtual proceeding. All attendees

stay in the gallery space for the duration of the appeal. They can be seen or heard only by the clerk.

4. Judge/Lawyer/SRL to the Appeal (Panelists)

- Any judge, lawyer or SRL who is participating in the appeal. They can be seen and heard during the virtual proceeding by attendees in the gallery.