



## June 2020

### Remote Hearings in the High Court – A Practical Review

Since the implementation of the Covid-19 restrictions the Courts Service has endeavoured to implement a number of measures to facilitate court hearings. One of the major changes has been the use of remote hearings for certain urgent and important cases.

These cases are held in a virtual courtroom or virtual meeting room (VMR) using a programme known as Pexip which provides the VMR to facilitate the hearing of the case.

Once a case qualifies for hearing, the Courts Service provide each of the parties to the case with the details outlining the hardware requirements and log-in details needed to log-in on the day of the hearing. Each new hearing date requires updated log-in details to be provided.

The software runs on tablets, PCs, laptops and smartphones and allows participants to join in via a number of platforms such as Skype or Zoom. The most straight forward approach however is to copy the link provided by Courts Service directly into an internet browser and follow the prompts. A strong internet connection and microphone capabilities are required, camera capabilities are preferred.

Upon access to the VMR your name will be displayed together with your image. Microphones should be muted upon joining as all other practitioners in the list for that day will be on the same call. They should remain muted until it is your turn to speak. If you are not addressing the court you may also disable your camera. Formal attire should be adhered to and the VMR should be treated as any other courtroom.

A participant undertaking form will also be provided to each party by the court. This must be completed by each party listing the participants

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who will be logging on from each party and providing an undertaking from each side to say they will not disseminate the log-in details to third parties.

On the morning of the hearing, the court registrars sit in their usual place while the Judge remains in chambers. The registrar then goes through the list in the usual manner calling each case in turn.

### **Practical Considerations**

One consideration practitioners should be aware of is that the Pexip website, Zoom or Skype may be blocked from their laptop/computer by certain firewalls and they should ensure that they will have access to the platform before attempting to log-in on the morning their matter is listed.

Another issue that has arisen is that there may be a space or a break in the web address provided by the Courts Service and this space should be deleted when copying the link to a browser to avoid a broken link.

Another point to note is that due to the measures with regard to social distancing the central office will only accept documents by appointment. Such appointments are obtained by emailing [dublincivillaw@courts.ie](mailto:dublincivillaw@courts.ie).

If a party wishes not to log on or refuses to participate in the court proceedings without a valid excuse orders may be made in their absence as normal. This is of particular significance when the other party to a case is a lay litigant. The court will insist that all documents and notifications of the hearing dates be properly served as normal before making any orders.

### **Oaths and Affirmations**

If an oath or affirmation needs to be sworn on the Bible or other text, a copy of that text will need to be with the person swearing and should be shown to the court. All such oaths and affirmations will have the same effect as in a normal court.

### **What cases qualify?**

If a party believes their matter to be urgent a case can be made to the court setting out the facts as to why the matter should be included in the list for a remote hearing. The court will then make a decision as to whether or not it can be accommodated. Any such email should be on notice to the other parties so that they may object if they do not agree.

### **Overview**

While not all cases will be capable of remote hearings and while it is not without its teething problems, the remote hearings have been running very well in circumstances where they have been rolled out quickly. This is largely due to the accommodation and assistance of the Courts Service and judiciary. There are only a number of courts with the capabilities to hold the hearings and as a result the number of available places are limited although it is envisioned that this will be increased in the future as necessary.

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