
Tax Court of Canada



Cour canadienne de l'impôt

VIRTUAL AND HYBRID PROCEEDING GUIDE

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1. Overview

This guide outlines the Tax Court of Canada’s procedures and best practices for virtual and hybrid proceedings,¹ which are currently conducted using Zoom. It contains information on how to apply to have a proceeding conducted virtually, how to prepare for a virtual proceeding, how to connect to a virtual proceeding and what to expect during a virtual proceeding.

This guide does not outline all of the Court’s rules, protocols or directions and does not override the [Tax Court of Canada Act](#) or any applicable Rules, Practice Notes, Forms and Notices. Links to the foregoing are found on the [Court’s website](#).

The Court understands that there may be circumstances where the procedures and best practices set out in this guide may be impractical for the type of procedure involved. In appropriate circumstances, the Court may waive or alter the requirements set out in this guide.

While users should read this guide as a whole, key points are summarized in the attached [Appendix D – Virtual Proceeding Quick Reference Guide](#).

2. Initiating a Virtual Proceeding

Generally, all of the Court’s proceedings are held in person. Trial management conferences, case management conferences and status hearings are sometimes held by teleconference.

A virtual proceeding (videoconference) may be initiated by the Court or by the parties (including pursuant to [section 6 of the Court’s General Procedure Rules](#) and [Practice Note No. 3](#)). Parties seeking a virtual proceeding should submit a written request to the Court in the form set out in the attached [Appendix A – Joint Application for a Virtual Proceeding](#).

In deciding whether a particular matter should proceed virtually, the Court will consider all relevant factors, including the following:

- Type of proceeding
- Nature of the issues raised in the proceeding
- Number of parties involved in the proceeding
- Whether all of the parties are represented by counsel
- Number of witnesses for each of the parties
- Whether there are any expert witnesses

¹ For ease of reference, references to virtual proceedings in this guide are generally intended to include hybrid proceedings. A hybrid proceeding is a combined in-person and virtual proceeding where some of the participants in the proceeding will participate in the proceeding from within a courtroom (as well as virtually from the courtroom) and other participants will participate in the proceeding virtually.

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- Whether there are any intervenors
 - Whether any interpreters are required
 - Number of documents each party intends to submit into evidence
 - Whether the parties have agreed on a Full or Partial Agreed Statement of Facts
 - Ability of the parties to submit Books of Documents, Authorities and Submissions to the Court, other parties and remote witnesses in paper and electronic format in advance of the virtual proceeding
 - Number of days the parties estimate they will require for the virtual proceeding
 - Location and time zone where the parties, counsel and third party witnesses will be located during the virtual proceeding
 - Availability of necessary technology and the computer literacy of the parties, counsel and witnesses
 - Any extenuating circumstances pursuant to which access to justice may be enhanced by proceeding virtually instead of in person
 - Availability of the Court's resources to hear the proceeding virtually or in person

In addition to considering the written request, the Court may hold a trial or case management conference with the parties to discuss whether a particular matter is suitable for a virtual proceeding.

3. Pre-hearing Conferences for Virtual Proceedings

If the Court determines that a matter should proceed virtually, the Court may schedule one or more pre-hearing trial or case management conferences with the parties (the first of which would generally be 3 to 4 weeks before the virtual proceeding). At those conferences, the Court may raise various matters, including the following:

- Factors set out in [section 2](#) above
- Any matters that would normally be discussed in a trial management conference (see [section 126.1 of the Court's General Procedure Rules](#))
- Scheduled order of proceedings, including any motions, the order and length of the testimony of all witnesses (including any expert witnesses), and the timing and nature of closing argument
- Impact that time zones may have on the scheduled order of proceedings
- Exclusion of witnesses during parts of the virtual proceeding
- Distribution of documents, authorities and submissions in paper and electronic format to the Court, parties, counsel and witnesses (as applicable)
- Court protocols (e.g., the gowning of counsel)

4. Interpreters

A party who requires an interpreter should submit a written request to the Court as soon as possible (and in any event no later than 2 weeks before the start of the virtual proceeding) in accordance with [Practice Note No. 15](#). The Court will then arrange for an approved interpreter to be available for the applicable part of the proceeding. Where possible, the interpreter should be in the same room as the person requiring interpretive assistance.

5. Books of Documents, Authorities and Submissions

The following protocols apply to Books of Documents, Authorities and Submissions for virtual proceedings:

- Books of Documents, Authorities and Submissions shall be prepared in both paper and electronic format.
- The paper format of Books of Documents, Authorities and Submissions shall comply with the requirements set out in the Court's rules and notices (e.g., see [section 15 of the Court's General Procedure Rules](#) and the [Court's February 23, 2010 Notice](#)).
- The electronic format of Books of Documents, Authorities and Submissions shall comply with and be submitted to the Court in accordance with the requirements set out in the attached [Appendix B – Electronic Documents](#).
- Except as otherwise provided in the Court's rules, Books of Documents, Authorities and Submissions shall be submitted at the following times:
 - Documents:
 - Books of Documents shall be served on the opposing party and on all witnesses who will be attending the proceeding remotely not less than 7 days before the virtual proceeding;
 - Books of Documents shall be filed with the Court in both paper and electronic formats not less than 7 days before the virtual proceeding;
 - Where possible, the parties should file a Joint Book of Documents; and
 - Additional documents may be submitted during a virtual proceeding with the permission of the Court.
 - Authorities:
 - Books of Authorities shall be sent to the opposing party and filed with the Court not less than 7 days before the virtual proceeding.
 - Submissions:
 - Written submissions shall be sent to the opposing party and submitted to the Court in accordance with the Court's rules or on the instructions of the Court.

6. Virtual Proceeding Set Up and Operations

a. Updated Joint Application for a Virtual Proceeding

If at any time there is a material change in any of the information set out in the Joint Application for a Virtual Proceeding which has been submitted by one or more of the parties to a scheduled virtual proceeding, the party or parties (as the case may be), shall promptly provide the Court with all such updated information. Upon receipt, the Court will consider whether a case or trial management conference should be held and whether the virtual proceeding can proceed based on the changed circumstances.

b. Participant Location and Necessary Equipment and Software

Participants should be located in a legal/business office or a room with a neutral background. Virtual background filters or blurring should not be used. The room should be quiet and free from interruption, including from pets and all other persons who are not participants in the proceeding.

Every participant in a virtual proceeding must have access to the following in the room where the participant will be located during the virtual proceeding:

- High speed internet connection (LAN or wireless) which is capable of supporting Zoom
- Computer that can operate Zoom and has a microphone, speaker and video camera built in or attached
- Printer and scanner (in the room or accessible nearby from that computer)
- Access to the email address provided to the Court on that computer
- Mobile phone with voice and text messaging capabilities so that the participant can communicate with the presiding Court Registrar during the virtual proceeding
- Surface with sufficient space to spread out any necessary documents
- Power cords for all devices

Participants should test Zoom on their computer to ensure that it and the camera, microphone and speakers are working correctly.

c. Virtual Proceeding Decorum and Procedure

Virtual proceedings will generally proceed in the same manner and follow the same rules of decorum and procedure that would apply if the proceeding were in-person. Participants must be gowned or dressed in attire that is appropriate for the nature of the proceeding.

d. Zoom Registration and Link

Once a virtual proceeding is scheduled by the Court, all participants and members of the public who wish to attend the virtual proceeding are required to register for the virtual proceeding using

the Court's [online registration portal](#) to obtain their individual Zoom Link. **Participants shall not share the Zoom Link or sign in information with any other person except as instructed or permitted by the Court.**

Participants to a virtual proceeding who are required to submit electronic Books of Documents, Authorities and Submissions should simultaneously request access to the Court's SharePoint folder which will be used for the submission of certain documents for the virtual proceeding.

e. Getting Ready for a Virtual Proceeding

Before connecting to a virtual proceeding, each participant should note the following:

- The participant should ensure they have everything they will need during the proceeding, including:
 - the equipment listed above in [Section 6\(b\)](#);
 - a glass or bottle of water if desired (food is not allowed);
 - any permitted documents to which the participant may need to refer;
 - if the participant will be testifying and wants to take an oath rather than affirm, the permitted religious text or sacred object the participant intends to use; and
 - the contact information provided by the Court for the presiding Court Registrar
- All devices should be fully charged and, if possible, plugged in
- The participant should close all other programs that may be open on the computer or other device
- The participant should position the camera at eye level or slightly above eye level and the participant should be centered vertically and horizontally in the camera's view
- If there are others present in the same room as the participant, ensure that everyone present in the room is in camera view
- The participant should position the camera so that light sources in the room do not make it difficult to see the participant. For example, do not position the camera so that a bright light or an uncovered window is behind the participant
- If possible, the participant should position the camera so that there are no uncovered or open windows or doorways in the camera's view (to the outside, hallway, or other rooms)
- The participant should consider disabling the camera's auto-dimming/auto-brightening function
- The participant should ensure that the participant's name is properly shown on their Zoom profile

f. Connecting to a Virtual Proceeding

When a participant is ready to log in to a virtual proceeding, the participant should do and note the following:

- **The Participant should log in to the virtual proceeding at least 30 minutes prior to the start of the proceeding.**
- Once connected, turn the camera and speakers on and mute the microphone (each participant's camera and speakers must be kept on the entire time that the participant is connected to the proceeding). Participants should ensure that their camera, speaker and microphone are working properly.
- Participants will generally be placed in a Zoom waiting room until admitted by a Court Registrar.
- The Court Registrar will admit all participants when the proceeding is ready to begin.
- The Court Registrar will greet and identify all of the participants prior to the start of the proceeding and ensure that all participants and the Court are ready and in the appropriate virtual room(s) for the proceeding.
- The Court Registrar will confirm names, emails and phone numbers of all participants in case of technical difficulties. The Court Registrar will also confirm that all participants have the correct contact information for the Court Registrar.

g. Virtual Proceeding Operations and Protocols

At the beginning of and during a virtual proceeding, all participants should note the following:

- The Court Registrar will facilitate the virtual proceeding, including operating Zoom and recording the proceedings where applicable
- After the Court Registrar opens court, the presiding Judge will address the parties and review housekeeping matters before starting the virtual proceeding
- The Court Registrar will swear or affirm witnesses, enter and confirm exhibits, call recess and close court
- **The Court will record the proceeding and will maintain an official record thereof. No other recording may be made of the proceeding in any way or by any means whatsoever**
- Microphones should be muted when not speaking
- When speaking, face the camera and speak slowly and clearly into the microphone
- Screen-sharing may not be used except with the permission of the Court
- Do not use the chat feature in Zoom

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- Electronic devices (aside from those used directly in the virtual proceeding) should not be active or used during a virtual proceeding
 - If disconnected from the virtual proceeding, try reconnecting using the link provided and, if unable to reconnect, call or text the Court Registrar as soon as possible at the number provided
 - For more detailed information about Court proceedings, please see the Court website's FAQ section <https://www.tcc-cci.gc.ca/en/pages/frequently-asked-questions>

7. Witness Testimony

In general, witnesses will testify in a virtual proceeding in the same manner as they would in an in-person proceeding. The parties, counsel and witnesses should be aware of the following with respect to the testimony of witnesses during a virtual proceeding:

a. General

- [Appendix C – Virtual Proceeding Quick Reference Guide for Witnesses](#) provides a summary of the information that witnesses need to know for a virtual proceeding. Parties should review and provide their witnesses with a copy of [Appendix C – Virtual Proceeding Quick Reference Guide for Witnesses](#) well in advance of a virtual proceeding.

b. Exhibits

- Witnesses should generally be provided with documents in electronic and/or paper format at least 7 days before the proceeding. Witnesses should not write notes on the documents, place post-it notes on the documents or otherwise alter the documents.
- With leave of the Court and in accordance with applicable rules of evidence, counsel may put a document to a witness, whether or not the document has previously been sent to the Court or opposing counsel. On the instruction of the Court, counsel will (i) share the document via SharePoint, (ii) email the document to the presiding Court Registrar who will then email it to the witness and the other participants, or (iii) circulate the document(s) in any other manner permitted by the Court. Witnesses should have access to email and a printer in order to print such documents during their testimony. All such additional documents shall comply with the Court's formatting requirements. A party who anticipates having a large number of such documents should raise this issue with the Court at a pre-hearing conference.

8. Virtual Settlement Conference

In general, a virtual settlement conference will proceed in the same manner as an in-person settlement conference. In addition, the guidelines set out elsewhere in this guide applicable to

virtual proceedings generally apply to virtual settlement conferences, with such changes as may be required by the Court's rules or as permitted by the Court. A virtual settlement conference conducted using Zoom will utilize a main meeting room, with break out rooms for each of the parties. A Court Registrar will move participants between virtual rooms as needed.

In accordance with [section 126.2 of the Court's General Procedure Rules](#), settlement conference briefs and any other documents required for a virtual settlement conference should be served on the other parties and submitted to the Court not less than 14 days before the virtual settlement conference.

The electronic format of settlement conference briefs and any other documents required for a virtual settlement conference shall comply with and be submitted to the Court in accordance with the requirements set out in the attached [Appendix B – Electronic Documents](#).

9. Access by the Public and Cyber Security of Virtual Proceedings

In-person Court proceedings, other than settlement conferences, are generally open to the public. Settlement conferences are closed-door proceedings and are confidential to the parties and the presiding Judge. There are inherent limitations and security risks associated with all virtual proceedings that cannot be eliminated by the Court. While the Court will endeavor to maintain public access to the Court's virtual proceedings (other than settlement conferences) and to maintain the confidentiality of virtual settlement conferences, the nature of these virtual proceedings inherently limits the Court's ability to do so.

Measures taken by the Court and the Courts Administration Service to maintain public access to the Court's virtual proceedings (other than settlement conferences) and to enhance the security of the Court's virtual proceedings include:

- Using the Enterprise version of Zoom and regularly updating it
- Password-protecting Zoom virtual proceedings
- Requiring all participants of a virtual proceeding to register for a Zoom link to the virtual proceeding and requiring all such participants to not share the Zoom link or to record the virtual proceeding in any way

Any member of the public who wishes to attend a scheduled virtual proceeding (other than a settlement conference) shall register for the virtual proceeding using the Court's [online registration portal](#) to obtain their individual Zoom Link. **Registrants shall not share the Zoom Link or sign in information with any other person except as instructed or permitted by the Court.**

The Court notes the following with respect to the attendance of the public at a virtual proceeding:

- There are capacity limits which apply to virtual proceedings
- **Public guests will not be allowed to enter a virtual proceeding unless they register with the Court**
- Public access is NOT granted to virtual settlement conferences
- Public guests must identify themselves to a Court Registrar when they are admitted into a virtual proceeding and will be noted as a public attendee
- **All public guests must have their camera and microphones turned off during the entirety of a virtual proceeding and must not disrupt the proceeding in any way**
- **All of the Court's rules of conduct which apply to public guests during in-person court proceedings apply to virtual proceedings, including a prohibition on the recording or broadcasting of all or any part of a virtual proceeding in any way whatsoever**
- **Any member of the public who violates the Court's rules of conduct may be removed from a virtual proceeding upon the instruction of the presiding judge**
- If the Court goes into a closed session for any reason, all public guests will be removed from the virtual proceeding during the closed session upon the instructions of the presiding judge and will be readmitted after the closed session is completed

10. Future Developments

The Court is in the process of adapting the [eTrial Toolkit](#) software for use by the Court in both in-person and virtual proceedings where e-trial software would be beneficial. It is currently anticipated that the eTrial Toolkit software will be ready for use by the Court in the latter part of 2023. The Court will use the eTrial Toolkit for e-trials on an interim basis until the Courts Administration Service (CAS) provides the Court with new CRMS and e-trial platforms.

APPENDIX A – JOINT APPLICATION FOR A VIRTUAL PROCEEDING



Joint Application for a Virtual Proceeding

BETWEEN:

TAX COURT OF CANADA

Appellant,

And

HIS MAJESTY THE KING,

Respondent.

Joint Application

The parties hereby request that the Court schedule a proceeding in this matter and jointly apply to the Registrar to fix a time to hold the proceeding virtually. In this respect, the parties agree that the following factors are relevant in the Court's determination of whether to proceed with this matter virtually:

- (a) What is the type of proceeding: _____
- (b) What issues are raised in the proceeding: _____
- (c) How many parties are involved in the proceeding: _____
- (d) Are all of the parties represented by counsel: Yes No
- (e) How many witnesses will each party have: _____

- (f) Will there be any expert witnesses: _____
- (g) Are there any intervenors: _____
- (h) Are any interpreters required: _____
- (i) How many documents does each party intend to submit into evidence: _____

- (j) Have the parties agreed on a Full or Partial Agreed Statement of Facts: _____

- (k) Are the parties able to submit Books of Documents, Authorities and Submissions to the Court and the other parties and remote witnesses in both paper and electronic format at least 7 days in advance of the virtual proceeding (14 days for settlement conferences): Yes No
- (l) How many days do the parties estimate they will require for the virtual proceeding: _____
- (m) Is the necessary technology available to the parties, counsel and witnesses: _____

- (n) Are the parties, counsel and witnesses sufficiently computer literate to participate in a virtual proceeding: _____
- (o) Are there extenuating circumstances pursuant to which access to justice may be enhanced by proceeding virtually instead of in person: _____

- (p) In what language will the evidence and the argument be:
 English French English/part French French/part English
- (q) What is the name, contact information, location and time zone (during the virtual proceeding) for each of the counsel, parties, witnesses, and other participants in the virtual proceeding:

(r) What are the most convenient dates for the virtual proceeding in order of preference:

(i) _____

(ii) _____

(iii) _____

(s) Who can answer inquiries about the acceptability of other dates for the proceeding:

(i) on behalf of the appellant is:
name _____ contact information _____

(ii) on behalf of the respondent is:
name _____ contact information _____

Dated at _____ this _____ day of _____, 20__

Counsel for appellant

Counsel for respondent

[Notes: The Registrar may be consulted regarding available dates before this application is submitted. The contact list shall comply with any formatting requirements of the Court.]

APPENDIX B – ELECTRONIC DOCUMENTS



The following guidelines apply to electronic documents filed with the Court in relation to a virtual proceeding:

- **General Formatting Requirements:** Electronic documents should follow the Court's general Rules and Notices for filing paper Books of Documents, Authorities and Submissions, and the electronic versions of such Books should follow the same general layout, tabbing and page numbering as the corresponding paper version such that any participant in a virtual proceeding can seamlessly use either a paper or electronic version of such Books.
- **PDF Format:** Electronic files shall be submitted to the Court in PDF format unless the Court grants permission to use another format.
- **Court Filing:** Electronic documents may be filed with the Court for a virtual proceeding via:
 - SharePoint
 - [the Court's Online Filing System](#)

Electronic documents which are required to be filed with the Court before a hearing in accordance with the Court's Rules (e.g., pleadings, motions, affidavits and motion records) should generally be filed through [the Court's Online Filing System](#). Such documents will then become part of the Court record. Documents which are not required or intended to become part of the Court record prior to a hearing should generally be submitted through SharePoint (e.g., books of documents, submissions and authorities for a trial hearing).

- **Maximum File Size:** Documents filed through [the Court's Online Filing System](#) may not exceed 100 MB for individual documents and 300 MB for all documents. Files that are larger than those sizes may need to be broken into multiple files or may be submitted via SharePoint upon request.

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- **SharePoint**: Participants who are required to use SharePoint to file their electronic documents for a virtual proceeding (e.g., books of documents, authorities and submissions as discussed above) should request access to the Court's SharePoint folder for the virtual proceeding when registering for the virtual proceeding using the Court's [online registration portal](#) to obtain their individual Zoom Link. Alternatively, a participant may contact the Court to request access to the Court's SharePoint folder for the virtual proceeding if the participant is unable to request access through Court's [online registration portal](#).

Once a document is uploaded to the Court's SharePoint folder for the virtual proceedings, participants may not edit, modify or delete the document without permission of the Court.

- **Page numbering and pinpoints**: Electronic files should display page numbers on each page in the file, consecutively numbered. Pinpoint references and hyperlinks to those page numbers should be provided when referring to such materials in written submissions or other documents (including affidavits).
- **Bookmarks**: Bookmarks shall be included in all electronic files that contain more than one document. Each such document, and each appendix, exhibit or schedule shall be separately bookmarked.
- **Optical Character Recognition (OCR)**: Before filing electronic documents that include scanned content or images, parties shall process the document with an OCR application that allows other parties and the Court to search the document using key word searches. Wherever possible, documents should be converted directly from digital format to PDF, rather than being printed and then scanned to PDF. However, if a document is scanned, the OCR process should be completed before submitting the document to the Court.
- **Confidential Documents**: Confidential materials filed pursuant to a confidentiality order or direction should be filed in a manner that preserves the confidentiality of the document. One acceptable procedure is to file a password-protected PDF with the Court, and provide the password or instructions to the Registry by email or telephone as appropriate. Such documents must be clearly identified as confidential. Paper copies of confidential documents must also be filed with the Court and must be clearly identified as confidential.
- **File Name Protocols**: Electronic files shall follow any naming protocols established by the Court, and shall include the matter number and name and sufficient information to be able to identify the file and the party that submitted it.

APPENDIX C - VIRTUAL PROCEEDING QUICK REFERENCE GUIDE FOR WITNESSES



Virtual Proceeding Quick Reference Guide for Witnesses

Witness Location and Necessary Equipment and Software

- Witnesses should be located in a legal/business office or a room with a neutral background. The room should be quiet and free from interruption, including from pets and all other persons.
- Witnesses must have access to the following in the room where they will be located during their testimony:
 - High speed internet connection (LAN or wireless) which is capable of supporting Zoom
 - Computer that can operate Zoom and has a microphone, speaker and video camera built in or attached
 - Printer and scanner (in the room or accessible nearby from that computer)
 - Access to the email address provided to the Court on that computer
 - Mobile phone with voice and text messaging capabilities so that the witness can communicate with the presiding Court Registrar during the virtual proceeding if necessary
 - Surface with sufficient space to spread out any necessary documents
 - Power cords for all devices
- Witnesses should test Zoom on their computer to ensure that it and the camera, microphone and speakers are working correctly.

Virtual Proceeding Decorum and Procedure

- Virtual proceedings will generally proceed in the same manner and follow the same rules of decorum and procedure that would apply if the proceeding were in-person.
- Business attire is recommended for all court hearings, including virtual proceedings.

Zoom Link

- Once a virtual proceeding is scheduled by the Court, witnesses who are required to attend the virtual proceeding are required to register for the virtual proceeding using the Court's [online registration portal](#) to obtain their individual Zoom Link. **Witnesses shall not share the Zoom Link or sign in information with any other person except as instructed or permitted by the Court.**

Getting Ready for a Virtual Proceeding

- Witnesses should ensure they have everything they will need during the proceeding, including:
 - the Zoom link to the proceeding and the equipment listed above;
 - a glass or bottle of water if desired (food is not allowed);
 - any permitted documents to which they may need to refer;
 - if they want to take an oath rather than affirm, the permitted religious text or sacred object they intend to use; and
 - the contact information for the presiding Court Registrar
- Witnesses should ensure that all devices are fully charged and, if possible, plugged in
- Witnesses should close all programs (other than Zoom) that may be open on the computer
- Witnesses should position the camera at eye level or slightly above eye level and witnesses should be centered vertically and horizontally in the camera's view
- If the Court allows other persons to be present in the same room as the witness, ensure that everyone present in the room is in camera view
- Witnesses should position the camera so that light sources in the room do not make it difficult to see the witness. For example, do not position the camera so that a bright light or an uncovered window is behind the witness
- If possible, witnesses should position the camera so that there are no uncovered or open windows or doorways in the camera's view (to the outside, hallway, or other rooms)

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- Witnesses should consider disabling the camera's auto-dimming/auto-brightening function
 - Witnesses should ensure that their name is properly shown on their Zoom profile

Connecting to a Virtual Proceeding

- The presiding Court Registrar (or a party on the instruction of the Court) will provide witnesses with an approximate time for their testimony.
- If a witness has not already joined the virtual proceeding, approximately 30 minutes prior to the witness being called, the presiding Court Registrar (or a party on the instruction of the Court) will contact the witness at the mobile phone number or email address that the witness provided, to advise the witness that the witness should join the virtual proceeding by Zoom.
- Once contacted, witnesses should log in to the proceeding using the provided Zoom link
- Once connected, witnesses should turn their camera and speakers on and mute their microphone. Witnesses should ensure that their camera, speaker and microphone are working properly.
- Witnesses' camera and speakers must be kept on the entire time that they are connected to the proceeding.
- Witnesses' microphone should be muted except when they are required to speak
- The Court Registrar will confirm names, emails and phone numbers of all witnesses. The Court Registrar will also confirm that all witnesses have the correct contact information for the Court Registrar.
- Witnessed will remain in the Zoom waiting room until they are called to testify and are admitted into the proceeding by the Court Registrar.

Witness Testimony

- Witnesses will testify in a virtual proceeding in the same manner as they would in an in-person proceeding
- Witnesses shall not use a headset or headphones when testifying
- Witnesses shall not use a blurred or other virtual background in Zoom
- Witnesses shall not have any documents, papers or electronic devices (other than the one used to connect to the virtual proceeding) near them, unless the documents are ones that are to be put to the witness, and the documents are not altered, marked or annotated in any way
- No person shall be in the same room as a witness when the witness is testifying except with the permission of the Court

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- Once a witness' testimony begins, no one may enter or leave the room where the witness is testifying and no one may speak or communicate in any way with the witness except as part of the proceedings or as otherwise permitted by the Court
 - A witness shall not refer to or rely on a script or any notes, and shall not communicate with any other persons, except as permitted or instructed by the Court
 - Witnesses should face the camera and speak slowly and clearly into the microphone when speaking
 - Witnesses may not use screen-sharing except with the permission of the Court
 - Witnesses may not use the chat feature in Zoom
 - Witnesses may not use electronic devices (aside from those used directly in the virtual proceeding) or have them in the room while they are testifying
 - If disconnected from the virtual proceeding, witnesses should try reconnecting using the link provided and, if unable to reconnect, call or text the Court Registrar as soon as possible at the number provided
 - If any technical issues arise during the witness' testimony, only the presiding Court Registrar may communicate with the witness (except as permitted by the Court)

Verification / Swearing In

- On the instruction of the presiding Court Registrar, witnesses will take an oath or make a solemn affirmation
- Witnesses shall answer all questions and queries of the presiding Court Registrar or Judge before commencing testimony
- Witnesses will confirm the documents that they have in their possession, and that the documents have not been altered, marked or annotated since being received

Exhibits

- Witnesses will be provided with documents in electronic and/or paper format at least 7 days before the proceeding. Witnesses shall not write notes on the documents, place post-it notes on the documents or otherwise alter the documents.
- Witnesses should have access to email on their computer and a printer nearby in order to print any other documents that they may be asked to refer to during their testimony.

APPENDIX D - VIRTUAL PROCEEDING QUICK REFERENCE GUIDE



Virtual Proceeding Quick Reference Guide

Prior to the Virtual Proceeding, ensure you have:

- Read the Court's VIRTUAL AND HYBRID PROCEEDING GUIDE
- A computer capable of connecting to Zoom which has (or is connected to) a camera, microphone and speakers
- Tested Zoom on your computer
- A mobile phone to communicate with the presiding Court Registrar in case you are disconnected from the virtual proceeding
- The Zoom link to the virtual proceeding provided by the Court
- A printer/scanner nearby in case documents need to be distributed
- Any permitted or required documents
- Connected to the virtual proceeding by Zoom at least 30 minutes prior to the scheduled time
- A glass or bottle of water (food is not allowed)

Where you should be physically and what to wear:

- A legal/business office or a room in another location which has a neutral background and is quiet and free from interruption (including from all pets) and has a good high speed LAN or wireless internet connection and the equipment listed above
- Dress as though it is an in-person court appearance

During the virtual proceeding:

- Keep your camera and speakers on at all times
- Unmute your microphone only when required to speak
- If you lose your connection to the virtual proceeding, try to reconnect using the Zoom link provided. If you are unable to reconnect, promptly contact the presiding Court Registrar at the number provided
- **Do not record or broadcast the proceeding in any way**
- Turn off and do not use any electronic devices except those required to connect to the proceeding (or as permitted by the Court)