**GAVIN HANDRAN | Barrister-at-law**



## How COVID-19 has changed the way hearings are being conducted

### A barrister's perspective

**Technology**

(a)    Embrace the technology and invest.

(b)    Invest/discover the range of web applications. Be familiar with their functions and differences. Get advice if needed.

(c)    Technology differs in performance. Get the best you can. Do not be the weak link in the technology chain.

(d)    Secure the best connection possible. Wireless (Ethernet) connection is best.

(e)    Check your systems work well before, but proximate to when, you need to appear or engage. Updates of web applications can reconfigure settlings. Do not leave it to others and assume your equipment will work.

(f)    Be nimble and patient. Where all else fails, appearances in person are still being held, where necessary.

**The new way**

*Etiquette*

[1]    Treat remote appearances no differently to an appearance in person. Act on the basis that you are seated at the bar/mediation table.

---

[2]     Only speak when you are called on. Do not chatter with others when you are in a shared space, such as a court or a virtual mediation room.

[3]     Mute your phone or webcam microphone unless and until you are called on.

[4]     Make sure you do not have any "hold" music.

[5]     Fix your camera position so that the camera is stable and you are clearly visible.

[6]     Speak slowly and pause between sentences. Judges are not merely there to listen.

[7]     Once the judge starts speaking, only resume speaking when you are called on or have provided a sufficient pause to be sure that the judge has stopped speaking.

*Approach*

[8]     Judges are reading submissions and material in advance.

[9]     Your written outline needs to be prepared more comprehensively than previously. The outline cannot merely serve as a reference point for oral address.

[10]    As outlines need to be exchanged well before the hearing, practitioners need to be front-loading work.  That requires weekly work schedules to be changed to accommodate that.

[11]    Draft orders still matter. So do lists of material.

[12]    Don't overload the associate's inbox with case attachments unless they are critical.