## Checklist: Matters to Consider Reviewing with Judge In Advance of Hearing

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| **SUBSTANCE OF THE HEARING** | **DECISION** |
| 1 | Issues in the case |  |
| 2 | Parties’ agreements re facts or law |  |
| 3 | Issues for parties’ written submissions, subject to questions by the judge at the hearing |  |
| 4 | The areas on which evidence or submissions will focus at the hearing |  |
| **LOGISTICS OF THE HEARING** |  |
| 5 | Platform to be used |  |
| 6 | Test run |  |
| 7 | Directions regarding etiquette and formality that differ from Notices to the Profession, Practice Directions or the Best Practices |  |
| 8 | Are microphones and cameras on or off when a participant is not speaking |  |
| 9 | Should participants have a photograph or name only as their screen identifier when their video is off |  |
| 10 | Display names and how participants will be identified on the platform (e.g., John Smith for the D Acme Inc.) |  |
| 11 | Structure of the hearing:* order of presentation
* turn-taking
* time limits
* any need for participants to take a break to attend personal matters (particularly during the COVID-19 pandemic)
* how to signal interjections to speak or object
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| 12 | How to notify judge if technical difficulties are encountered (including disconnection) |  |
| 13 | How a self-represented litigant may indicate to the judge a lack of understanding or need to interrupt for clarification |  |
| **DOCUMENTS AND EXHIBITS** |  |
| 14 | Naming and numbering conventions for documents to be used at the hearing |  |
| 15 | Time lines for and manner of delivery of Joint Brief of Documents (JBD), compendiums, documents that are not shared (e.g., for use in cross-examination only) |  |
| 16 | Hyperlinked written argument – time line for delivery |  |
| 17 | How referenced documents will be viewed by the court and the other parties (e.g., by sharing a screen or by reference to the electronic materials in the possession of parties and the court) |  |
| 18 | How will electronic marking of exhibits be captured and stored |  |
| 19 | How any private or sensitive information will be referred to and protected during the hearing |  |
| 20 | Whether, how and when participants can distribute a document or legal authority that has not been circulated prior to the hearing |  |
| 21 | Costs submissions |  |
| **WITNESSES (IF APPLICABLE)** |  |
| 22 | Should witnesses be in a separate virtual waiting room before joining the hearing for their testimony |  |
| 23 | Instructions to witnesses about communications and being alone in the room (consider cases where some witnesses are appearing remotely from the same office or household) |  |
| 24 | Exclusion of witnesses |  |
| 25 | Administration of the oath or affirmation |  |
| 26 | How a witness can be excluded to deal with an objection |  |
| 27 | How witnesses will be shown or referred to documents |  |
| 28 | The procedure to be followed for documents or exhibits that cannot be reduced to an electronically-stored format |  |
| 29 | Expert witnesses: how to allow attendance for all or part of the hearing |  |
| 30 | Interpreters: how to best facilitate their involvement (interpreters should be consulted) |  |
| **PUBLIC ACCESS TO THE HEARING / RECORDING** |  |
| 31 | Will the proceedings be recorded or transcribed and available to the parties after the hearing |  |
| 32 | How interested non-participants will be permitted to access the proceeding and evidence filed during the hearing |  |
| **OTHER MATTERS** |  |
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