

**GUIDELINES FOR THE USE OF TECHNOLOGY
IN THE COURTROOM AND FOR THE CONDUCT
OF REMOTE PARTICIPANTS IN A HEARING**

Superior Court, Court of Québec and Municipal Courts
May 25, 2022

PRINCIPLES

- ❖ The judge may, at his or her discretion:
 - issue any order to ensure decorum and good order, as well as the proper conduct of a hearing, whether the latter is conducted in person, virtually or semi-virtually;
 - authorize, according to the terms and conditions he or she determines, any deviation from these guidelines upon express request to that effect.

A - USE OF TECHNOLOGY IN THE COURTROOM

Definitions and application

- ❖ An electronic device refers to any equipment with one or more functions covered by these guidelines, including cell phones, smart watches, tablets, computers, and any other equipment that the judge considers to be electronic.
- ❖ These guidelines apply, with the necessary adaptations, to any hearing, whether it is held in a courtroom at the courthouse or in a virtual or semi-virtual courtroom.
- ❖ Any failure to comply with these guidelines may result in contempt of court proceedings.

General prohibition for witnesses and members of the public

- ❖ Witnesses and members of the public are prohibited from using an electronic device in the courtroom. Accordingly, any such devices must be turned off. Furthermore, such a device may not be handled in a manner that suggests it may be in use.
- ❖ Witnesses and members of the public attending a hearing in a virtual or semi-virtual courtroom may use an electronic device solely for the purpose of connecting to the hearing. No photographs, screenshots, or audio or video recordings may be taken of a hearing held in a virtual or semi-virtual courtroom.

Rules for parties and lawyers

A lawyer or party may, while maintaining decorum and compliance with applicable orders, in a manner that does not interfere with good order, the conduct of the hearing or the digital recording system:

- ❖ keep an electronic device on vibrate or silent mode;
- ❖ use an electronic device exclusively for the purposes of a case, including to participate in a hearing held virtually or semi-virtually; to take notes; or to consult notes, an agenda, doctrine, legislation or case law;
- ❖ convey or send short text messages, observations, information and notes.

However, it remains forbidden for lawyers and parties:

- ❖ to make or answer telephone calls;
- ❖ to take photographs or screenshots, or to make audio or video recordings.

Rules for accredited journalists

An accredited journalist may, while maintaining decorum and compliance with applicable orders, in a manner that does not interfere with good order, the conduct of the hearing or the digital recording system:

- ❖ keep an electronic device on vibrate or silent mode;
- ❖ use an electronic device exclusively for the purposes of a case, including attending a hearing held in a virtual courtroom; to take notes; or to consult notes, an agenda, doctrine, legislation or case law;
- ❖ convey or send short text messages, observations, information and notes;
- ❖ make an audio recording of a court hearing (Superior Court, Court of Québec and municipal courts).

However, it remains forbidden for a journalist:

- ❖ to make or answer telephone calls;
- ❖ to take photographs or screenshots, or to make video recordings;
- ❖ to broadcast an audio recording of a hearing.

B - RULES OF CONDUCT FOR INDIVIDUALS REMOTELY PARTICIPATING IN A HEARING

The following rules of conduct apply to parties, witnesses and lawyers remotely participating in a hearing through technological means. These guidelines are intended to ensure a minimum of decorum at such hearings.

Dress code

- ❖ All participants must be suitably dressed.
- ❖ Except where exempted by express provision or by the court, lawyers wear a black robe closed in front with a black jacket and white shirt, collar and bands. The same rules apply to articling students, minus the white bands.
- ❖ Male lawyers, in situations where the wearing of a robe is not ordinarily required in the courtroom, wear plain trousers, jacket, shirt and tie. Female lawyers wear either a dress or a skirt or trousers with a blouse and jacket, all in plain taste. The same rules apply to articling students, minus the white bands.

Conduct and language

- ❖ At all times, participants must show respect, courtesy and restraint to the judge, opposing party, attorneys, witnesses and court staff.

Room used

- ❖ Participants attend from a closed room with sufficient soundproofing. Participants cannot attend while travelling.
- ❖ Participants must take the necessary measures to ensure that the hearing is not disrupted by any external factors, including the presence of other people, alarms, fax machines, pets or any other noise coming from inside or outside the room being used.
- ❖ Parties not represented by a lawyer and witnesses must be alone in the room.
- ❖ Parties represented by a lawyer may attend from the same room as their lawyer.

Communication between a party and his or her lawyer

- ❖ A participant represented by a lawyer or the lawyer in question may ask the judge for a moment to speak privately with each other. Depending on the circumstances, the judge may suspend the hearing and ensure that confidential communication is possible.

Equipment

- ❖ The TEAMS application (<https://www.microsoft.com/en-ca/microsoft-teams/download-app>) must be installed on the participant's equipment.
- ❖ The microphone and camera must be turned off while waiting and turned on when the participant's case is called and proceeds before the court.

- ❖ When their camera is activated, participants must remain seated in front of the camera in such a way that their upper body and face are clearly visible on the screen. Participants should not sit with their back to a window and their face should be adequately lit.

Background

- ❖ The background (*the area visible on the screen behind a participant*) must be neutral. Participants may also use a virtual background, provided it is neutral.

Recording and broadcasting

- ❖ Participants may use an electronic device solely for the purpose of connecting to a hearing. It is forbidden to make an audio recording of the proceedings or decision; to record images; or to broadcast any recording, sound or image from the courtroom.

Food and beverages

- ❖ When the camera is on and the hearing is in progress, no food or drink, except for a glass of water, may be consumed.

Other guides

- ❖ More comprehensive guides are available on the websites of the different courts:
 - <https://coursuperieureduquebec.ca/en/roles-of-the-court/virtual-hearings>
 - [Tools for semi-virtual room hearings | Cour du Québec - courduquebec.ca](https://www.courduquebec.ca/en/tools-for-semi-virtual-room-hearings)
 - [Documentation | Cours municipales du Québec - cours municipales.ca](https://www.coursmunicipales.ca/en/documentation)

Signed original

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Jacques R. Fournier
Chief Justice of the Superior Court

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(s) Lucie Rondeau
Lucie Rondeau
Chief judge of the Court of Québec

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Claudie Bélanger
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These guidelines replace those adopted on June 19, 2020.