

REVOKED (March 29, 2021)



## **PRACTICE DIRECTION CONCERNING PUBLIC AND MEDIA REMOTE OBSERVATION OF ORAL HEARINGS DURING THE COVID-19 PANDEMIC**

**(“Practice Direction – Public and Media Remote Observation of Oral Hearings –  
COVID-19”)**

**January 25, 2021**

**This Practice Direction applies until further notice:**

### **I. APPLICATION**

1. This practice direction applies to all oral hearings in appeals and motions at the Court of Appeal for Ontario, including motions heard by a single judge and motions heard by a panel of three judges (“panel motions”).

### **II. PROHIBITION ON RECORDING**

2. Hearing participants and observers are reminded that, unless permission is given by the court, it is an offence under s. 136 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, punishable by a fine of not more than \$25,000 or imprisonment of up to six months, or both, to record any part of a hearing, including by way of screenshot/capture and photograph, as well as to publish, broadcast, reproduce or disseminate any such recording.

### **III. OBSERVER ACCESS**

3. Unless there is a legal provision or a court order that requires a hearing to be held *in camera* (closed to the public), members of the public and the media may observe hearings remotely. The Court of Appeal cannot accommodate in-person observers at this time.

4. Generally, members of the public and the media may observe the hearing remotely by connecting to the hearing by Zoom or by telephone. Connecting by Zoom allows an observer to watch and listen to the hearing. Connecting by telephone allows an observer to listen to the hearing.
5. Except in appeals brought by persons in a provincial or federal custodial institution (“inmate appeals”), when an observer connects by Zoom or by telephone to a hearing, the other participants and observers will not be able to see them. The judge(s), counsel and court staff involved in the hearing will be able to see all observers’ screen names (if connecting by Zoom) or telephone area codes and the last three digits of their telephone numbers (if connecting by telephone). No one else will see this information.
6. When an observer connects by Zoom or by telephone to an inmate appeal, if their camera and/or microphone is turned on, all participants and observers in the hearing will be able to see and/or hear them; however, the court will typically ask observers to turn off their cameras and mute their microphones. Whether or not an observer’s camera is off and/or microphone is muted, the observer’s screen name (if connecting by Zoom) or the observer’s telephone area code and the last three digits of their telephone number (if connecting by telephone) will be able to be seen by all participants and observers in the hearing.
7. To connect to the hearing by Zoom, observers can either click on the Zoom link for the hearing or go to <https://join.zoom.us> and enter the meeting/webinar ID and password. To connect to the hearing by telephone, observers can either dial the telephone number for the hearing that contains their preferred area code or dial the toll-free number for the hearing. Observers connecting by telephone must enter the meeting/webinar ID and password when prompted.
8. Parties to a hearing and their counsel may share the Zoom link, webinar/meeting ID and password, and telephone numbers for the hearing that they receive from the court with anyone that wishes to observe, unless the hearing is *in camera*. The same Zoom link, webinar/meeting ID and password, and telephone numbers will work for parties/counsel and for observers. When sharing this information with observers, it is the responsibility of the parties/counsel to also share this warning:

Unless permission is given by the court, it is an offence under s. 136 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, punishable by a fine of not more than \$25,000 or imprisonment of up to six months, or both, to record any part of the hearing, including by way of screenshot/capture and photograph, as well as to publish, broadcast, reproduce or disseminate any such recording.

Usually, this warning will be included with the Zoom link, webinar/meeting ID and password, and telephone numbers for the hearing provided to the parties/counsel by the court.

9. Members of the public and the media who wish to observe a hearing and have not received the Zoom link, webinar/meeting ID and password, and telephone numbers for the hearing from the parties/counsel may send a request for access to the hearing to the Office of the Registrar at [coa.registrar@ontario.ca](mailto:coa.registrar@ontario.ca) at least 48 hours in advance of the hearing (excluding weekends and holidays). So long as the hearing is not *in camera*, the Office of the Registrar will provide the observer with the Zoom link, webinar/meeting ID and password, and telephone numbers for the hearing, as well as the warning set out in paragraph 8.

#### **IV. NEW FORM: COUNSEL SLIP AND HEARING INFORMATION FORM**

10. The court has revised its Counsel Slip. It is now called the Counsel Slip and Hearing Information Form. A copy of the new Counsel Slip and Hearing Information Form can be found at this [link](#).
11. In accordance with the deadlines set out in paragraphs 12 and 13, completed Counsel Slip and Hearing Information Forms should be submitted to the court (copying all other parties) using the [coa.e-file@ontario.ca](mailto:coa.e-file@ontario.ca) email address.
12. For single judge motions, moving parties must submit their Counsel Slip and Hearing Information Form at the same time as they file their notice of motion. Responding parties must submit their form 24 hours before the hearing (excluding weekends and holidays).
13. For panel motions and appeals, all parties must submit the Counsel Slip and Hearing Information Form at least 10 business days before the hearing. Parties to panel motions and appeals are encouraged to collaborate and submit one form on behalf of all parties.
14. The judge or panel hearing the motion or appeal will review the form and will provide directions where necessary.

##### ***A. When to Start Using the New Counsel Slip and Hearing Information Form***

15. For single judge motions, parties must submit the new Counsel Slip and Hearing Information Form on all motions filed on February 1, 2021 and thereafter.
16. For panel motions and appeals, parties must submit the new Counsel Slip and Hearing Information Form on all panel motions and appeals scheduled to be heard on February 8, 2021 and thereafter.

***B. How to Get the New Counsel Slip and Hearing Information Form***

17. Parties can obtain a copy of the new Counsel Slip and Hearing Information Form by clicking on this [link](#).



January 25, 2021

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Chief Justice George R. Strathy

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Date

Effective: January 25, 2021