

**This Notice has been superseded or replaced by subsequent directives published on the Ontario Court of Justice website. This is an archived version provided for reference only.**

**URL:** <https://www.ontariocourts.ca/ocj/notices/remote-court-appearances-guide/>

---

## Remote Appearance Code of Conduct

### Information

Last updated: April 28, 2023

The Ontario Court of Justice recognizes that it is important to honour the open court principle and it is committed to using remote appearance technology in certain circumstances to improve access to justice. Subject to the discretion of the presiding Justice, proceedings in the Ontario Court of Justice are to be heard in-person, by remote court appearance, or by a combination of in-person and remote court appearance.

The *Remote Appearance Code of Conduct* will ensure that your participation in a remote hearing occurs without interruption and is in accordance with the level of decorum expected in Ontario Court of Justice proceedings. When individuals are permitted or required to appear remotely, they must conduct themselves as though they were physically inside the courtroom, subject to certain modifications that are explained below. Remote court appearances are no less formal than in-person court appearances.

The *Remote Appearance Code of Conduct* applies to all individuals who are required or permitted to appear before the Court remotely, including direct participants such as lawyers, paralegals, articling students, accused persons, litigants, and witnesses. The *Code of Conduct* also applies to members of the public and the media who wish to observe court proceedings remotely.

Individuals are responsible for knowing whether they can attend a court proceeding remotely, rather than in-person. Information about the expected modes of attendance for various types of criminal law proceedings in the Ontario Court of Justice can be found [here](#). Information about the expected modes of attendance for various types of family law proceedings can be found [here](#). Information about the expected modes of attendance for various types of *Provincial Offences Act* (POA) proceedings can be found [here](#).

Individuals must comply with this *Code of Conduct*. If the Court allows or requires an individual to appear remotely, it may at any time cease the remote appearance and take any measure it considers appropriate in the circumstances, including making an order that a participant attend at the hearing in-person, or that an individual is disconnected from the proceeding.

The *Remote Appearance Code of Conduct* is subject to the discretion of the presiding Justice.

### **Prohibition on Photography, Recording & Broadcasting**

- Audio or video recording, photographing, broadcasting, livestreaming, reproducing, screenshotting, or otherwise disseminating the video, audio, or any photograph of any remote court hearing is prohibited (subject to limited exceptions which are to be addressed with the presiding Justice). The statutory prohibition against such conduct at a court hearing, as set out in section 136 of the *Courts of Justice Act*, can be found [here](#).

### **Proper Use of Remote Appearance Technology**

- Participants must ensure that they have adequate computer or cellular device technology, a stable internet connection with sufficient bandwidth, and/or adequate cellular network coverage prior to making a remote court appearance.
- Before appearing remotely, participants should test their technology from the location that they intend to appear from, and with the same equipment that they intend to use.
- For most proceedings, the Ontario Court of Justice uses the third party ZOOM platform for remote video appearances. For technical information about participating in a ZOOM hearing, please see the [ZOOM user Guide for Remote Hearings](#).
- Participants should ensure that their devices are connected to a power source. Remote video appearances can deplete battery life very quickly.
- If technical difficulties prevent a participant from hearing or seeing a hearing, they should immediately notify the Court by speaking, raising their hand, or using ZOOM's "Raise Hand" function.
- If you are participating in the proceedings and become disconnected from the hearing, you should attempt to rejoin immediately. When possible, have access to a second device to contact the Court or other participants if technical issues cause you to become disconnected.
- To minimize disruptions, participants should turn off all unnecessary notifications, applications, and programs on their cellular or computer devices.
- Participants should connect to the courtroom prior to the scheduled start time, allowing sufficient time to address potential technical issues.
- Upon establishing a remote appearance connection, you may receive a message that the proceedings have not yet commenced. If this occurs, you should follow the on-screen instructions.
- Participants should have their camera on, unless directed otherwise.
- Use of the "speaker" function for computer and cellular devices should be avoided.
- Lawyers, paralegals, and articling students are strongly encouraged to use a headset or earbuds with an integrated microphone, or the technological equivalent. The use of such equipment provides a better audio experience. Other participants, such as accused persons, litigants, and witnesses, are also encouraged to use similar technology if possible.
- Participants should keep their microphones muted unless they are speaking. This will reduce the potential for background noise. You must remember to unmute prior to speaking.

- Participants can never place the Court on “hold”, nor can they “pause” the proceedings.
- Cameras must be maintained in a steady position to ensure that a stable image is displayed to the Court.

### **Required Decorum and Etiquette**

- Barring exceptional circumstances, remote appearances must be conducted from a quiet and private indoor location, free from distractions such as the presence of pets or other individuals passing through the frame of view. Remote appearances must not be made while traveling by motor vehicle or any other mode of transportation.
- On-screen backgrounds depicting inappropriate content are not permitted.
- Participants should have their head and upper torso area visible to the camera, unless the presiding Justice directs otherwise. Individuals appearing remotely should do so from a seated or standing position, and should not appear before the Court while slouching, reclining, or lying down, unless they are required to do so for medical reasons.
- Lawyers, paralegals, and articling students must ensure that the remote setting from which they appear has a professional appearance, and they should not use remote court appearances as an opportunity to advertise for legal services.
- Lawyers, paralegals, and articling students must wear business attire, as though they were attending court in-person. Other participants appearing remotely must be fully attired, as though they were attending court in-person. Hats or headwear are not permitted, except for religious or medical reasons. Sunglasses should not be worn, except for medical reasons.
- Lawyers, paralegals, and articling students must identify themselves on-screen, displaying their surname followed by their given name. Accused persons, litigants, witnesses, and other direct participants are strongly encouraged to do the same. When addressing the Court, participants must also identify themselves verbally, as they would during an in-person court attendance.
- Participants must not eat, or drink anything other than water.
- Smoking and vaping are not permitted while making a remote court appearance.
- Only one participant should speak at a time.
- Be sure to unmute your microphone before speaking. Speak clearly enough for everyone to follow along and hear what you are saying.
- Avoid speaking over other participants, or the presiding Justice. When you are finished speaking, mute your microphone again.
- When speaking, you should look at your camera.
- When appearing remotely, you are not required to stand when the proceeding starts or ends, and you may remain seated while addressing the Court.
- Unless directed otherwise by the Court, remote observers are not required to identify themselves on-screen and are expected to keep their camera and audio off.
- Observers cannot use inappropriate identifiers or backgrounds, nor can they attempt to disrupt the proceedings or distract the Court. The Court may take any measure that it considers appropriate in the circumstances to address a remote observer’s conduct or virtual attendance. If warranted, the Court may cease the remote attendance option.

## Proper Use of Documents & Materials

- Remote participants with documents, photographs, videos, or other materials relevant to their case should have such items ready and know how to display/share them on-screen should they be permitted to do so by the Court. The display of any such content is to occur only with the permission of the presiding Justice.
- Witnesses should not refer to documents or any other material while testifying, unless granted permission to do so by the Court.

As noted above, individuals must comply with this *Code of Conduct*. If the Court allows or requires an individual to appear remotely, it may at any time cease the remote appearance and take any measure it considers appropriate in the circumstances, including making an order that a participant attend at the hearing in-person, or that an individual is disconnected from the proceeding.

## Useful resources

- [ZOOM user Guide for Remote Hearings](#)