

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

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: <ul style="list-style-type: none"> • 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 	
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		