



SUPREME COURT
277 MAIN STREET
GIBRALTAR
Tel: (350) 20075608 (Registry) (350) 20075445 (Registrar)
Fax: (350) 20077118

CIRCULAR TO ALL CHAMBERS

2 February 2021

Circ. 4 of 2021

VIRTUAL HEARINGS AND MICROSOFT TEAMS

Enclosed please find a Protocol on virtual hearings and Microsoft Teams.

A handwritten signature in blue ink, appearing to be 'Karl Tonna', with a horizontal line above it.

KARL TONNA
Registrar

Enc. Protocol dated 2 February 2021



SUPREME COURT OF GIBRALTAR

PROTOCOL ON VIRTUAL HEARINGS AND MICROSOFT TEAMS

1) Introduction

- a) This document sets out directions and guidance in relation to remote video hearings (referred to as virtual hearings) in the Supreme Court. Annex A contains illustrative instructions on how to use Microsoft Teams.
- b) The success of a virtual hearing depends on collaboration between parties and the equipment and internet connectivity available to each participant (including witnesses). Parties are asked to pay particular consideration to this when making submissions to the court about the suitability of virtual hearings.
- c) Parties are expected to read this protocol carefully prior to participation in a virtual hearing.

2) Establishing a Virtual Hearing

a) Virtual Hearing Invitations

- i) Parties are to provide the Listing Officer with the identity of each person attending remotely, the capacity in which they will attend, their email and telephone contact details no later than 2 clear working days prior to the hearing.
- ii) Participants will receive one link for each hearing, which is to be used at each session, even on multi-day hearings.
- iii) Teams invites include a link to join the meeting, however, persons seeking to join a virtual hearing via a Teams link are subject to being admitted or declined by the Court.
- iv) Only lawyers enrolled in Gibraltar, parties and witnesses will be provided a link. Each party will be entitled to one connection. Corporate parties therefore only have one connection to the hearing.

b) Software Requirements

- i) Parties can open up the virtual hearing from the ‘Join Microsoft Teams Meeting’ link in the virtual hearing email invite. The link must not be circulated unless directed by the Court or the Registry.
- ii) Teams may be used through a web browser or through the Teams Application:
 - (1) Users connecting via a web browser must test different browsers prior to the hearing to resolve any compatibility issues that may arise.
 - (2) Parties may download the Teams Application from the Microsoft product [website](#)¹ free of charge. The Teams Application for iOS and Android are also available and free of charge. Smartphones and tablets can be used by parties who may not have other facilities.
- iii) A list of hardware requirements for Teams can be accessed [here](#)².

3) Joining a Virtual Hearing

a) Participation

- i) Participants are to join the virtual hearing at least 15 minutes prior to the listing time to allow sufficient time to address any technical issues.
- ii) Where possible, identify and resolve any firewall and security restrictions before the virtual hearing commences.
- iii) Participants will be asked to enter their name and details when joining. This is the name that will be displayed for all participants to see and must consist of your first name and surname only.
- iv) After ‘joining’ the virtual hearing, participants will enter a virtual lobby and will remain there until admitted into the virtual hearing.
- v) Microphones and cameras are to be tested and must be working prior to joining a virtual hearing. This can be managed through the Teams Device Settings.
- vi) Participants playing an active part in proceedings are encouraged to wear headsets during the virtual hearing as this greatly improves the sound quality for the other participants and for the recording made by the Court on its regular recording system.

¹ <https://www.microsoft.com/en-ww/microsoft-365/microsoft-teams/download-app>

² <https://docs.microsoft.com/en-us/microsoftteams/hardware-requirements-for-the-teams-app>

- vii) Cameras must be positioned so that participants are looking at the judge and so that the judge can see as much of the room as possible.
- viii) It is not permitted for parties, their legal representatives or any other person to record the hearing in any manner, including audio and screenshots. **Judges will warn all participants at the start of proceedings that participants must not record proceedings in any manner and that doing so may be a contempt of court.**
- ix) In the event of unforeseen and unavoidable technological issues, the Court will temporarily adjourn to address these.
- x) Once the hearing has ended you click on 'Leave' to end the connection.

b) Participants

- i) The same formal etiquette and protocol of a physical Court is expected in a virtual hearing. All participants are to respect that although they are not physically present in a court room, they are taking part in court proceedings with all the constraints on behaviour that implies.
- ii) Traditional court dress (i.e. wigs, gowns and tabs) will not be required for virtual hearings, however, all participants are expected to appear before the court properly attired. This means business attire, namely, smart office wear.
- iii) Participants are to remain seated when addressing the court.
- iv) The Court may elect to dispense with any of the usual formalities, and the parties are expected to act accordingly.
- v) Participants are to join a virtual hearing from a quiet, well-lit and secure location. You are requested to check your background before joining the remote hearing.
- vi) Participants are expected to ensure that there is sufficient internet coverage in their location and all devices are fully charged. Lawyers are expected to use ethernet cable connections whilst other participants should note that this is preferable to wifi if possible.
- vii) All participants are to keep their microphones muted when they are not speaking, however, their cameras must remain turned on at all times unless directed otherwise by the Court.

- viii) Microphones can pick up rustling and handling of papers so all papers should be kept as still as possible. If not using headsets, microphones must be kept completely clear of papers and books and they must not be covered in any way. Mobile and cordless telephones must be switched off or kept on silent and at a reasonable distance from microphones to avoid interference noise.
- ix) Lawyers and witnesses should not move out of the range of the camera or microphone.

c) Witnesses

- i) Some witness cases will be suitable for virtual hearings. The same expectations for participants apply to witnesses in a virtual hearing.
- ii) The Court will administer the oath or affirmation of each witness, the wording for which is set out in Annex B for ease of reference. The party calling the witness should ensure that the relevant religious text is available to that witness in advance of the virtual hearing, and may want to also provide them with a copy of Annex B.
- iii) Witnesses must not communicate with any other person, whether face-to-face or electronically. This means that there can be no one else in the room with them whilst they give evidence.
- iv) Witnesses must be provided in advance with all documents to which they may be referred to. They must not have any other notes or documents with them, unless directed otherwise by the Court.

4) Document Management

- a) When the Court directs that electronic bundles are to be provided, these must be in pdf format and filed by sending by email to the Listing Officer. The pdf bundle must be in one pdf file, indexed, hyperlinked, paginated and of a sufficient quality to allow for it to be readable but not so large that it is slow to transmit or unwieldy to use. The bundle should contain only documents and authorities that are essential to the virtual hearing.
- b) Although strongly discouraged, the Court may allow parties to hand up documents during the hearing by utilising the ‘sharing screen’ functionality within Teams (parties should liaise with the Court as to whether this function may be used in their hearing). Any

document handed up in this manner must then be emailed to the Listing Officer following the session quoting the action number and the name of the Judge hearing the case.

5) Open Justice

- a) Non-participants will not be allowed to join the hearing remotely nor will the proceedings be live streamed. Court buildings remain open to the general public and all proceedings which are not private will be broadcast in an open court room to which the public will have access in the usual manner.
- b) All participants must, however, appear remotely.
- c) The Chief Justice may, if the interests of open justice so require, direct that a member of the public join a virtual hearing remotely.
 - i) Such a person must undertake to:
 - (1) mute their microphone and keep their camera turned off; and
 - (2) not record the proceedings.
 - ii) Such a person will be required to provide an email address for the purpose of providing them with a link to the Remote Hearing.

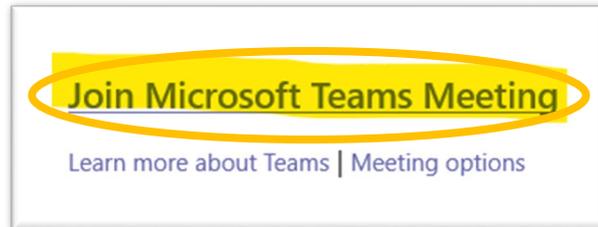
6) Assistance

- a) Please direct all questions to the Supreme Court Listing Officer in the first instance.
- b) The Listing Officer is also to be contacted if parties wish to perform a test in advance of their hearing. The test will be used to check connection settings and not for the configuration of microphone settings - this should be completed independently prior to testing. Parties should undertake the testing from the room that will be used for the hearing.
- c) The Microsoft Teams website and 'Help' section of the Teams application provides additional tips and advice about how to use the program.

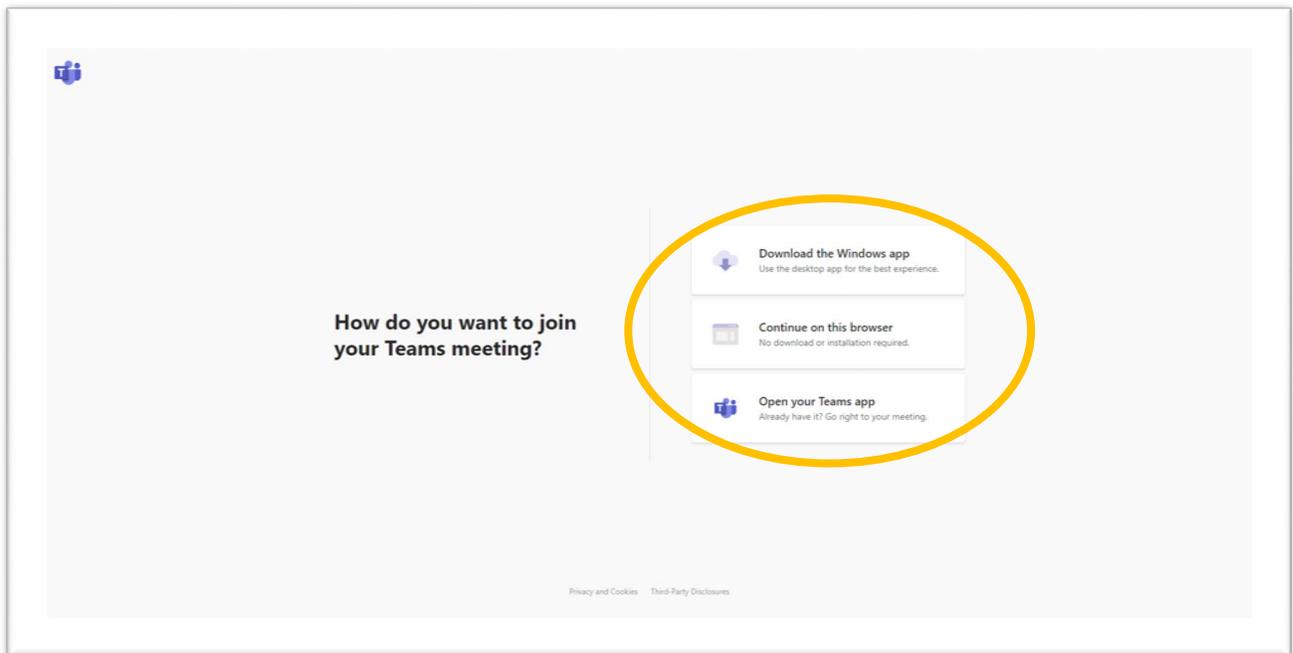
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Annex A: Simple Instructions on using Teams

- To join a virtual hearing, click on the Join Microsoft Teams Meeting link in your email invitation at least 15 minutes prior to the virtual hearing commencing.



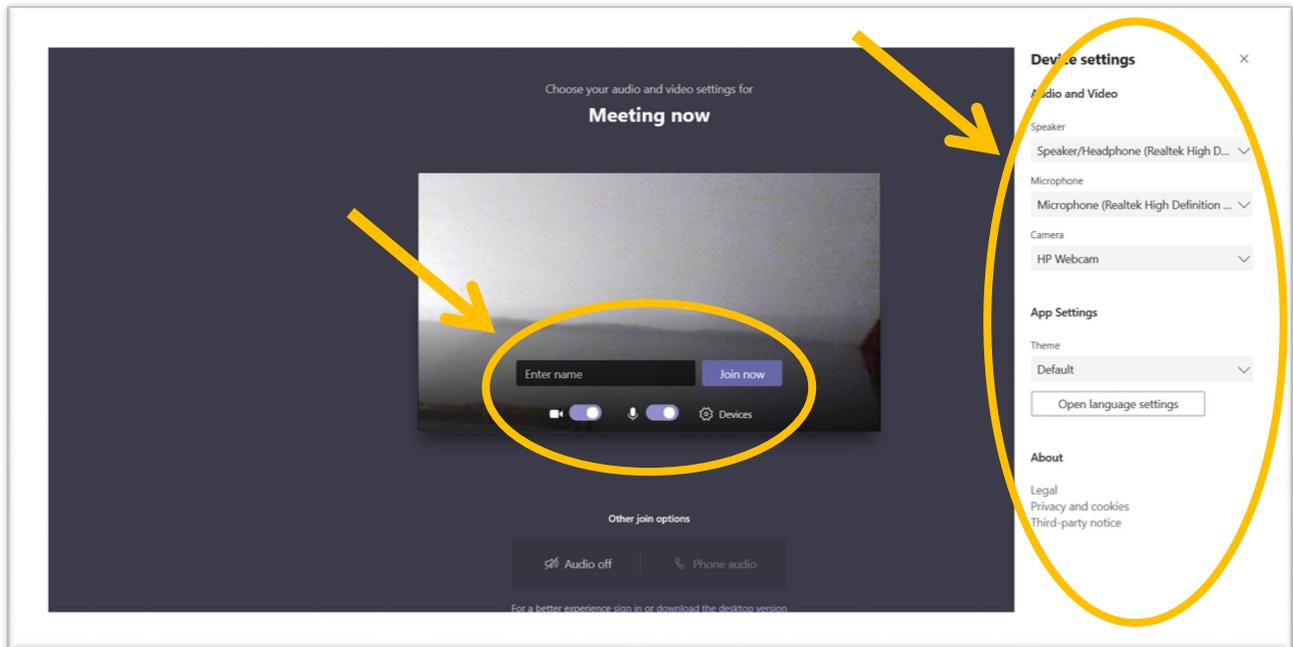
- For participants who already have Teams installed on their device, the above link should automatically redirect to the Teams App.
- However, the participant may be redirected to this screen in a web browser.



- If so, the participant may elect to Download the Application – which is free of charge.

- Alternatively, by selecting ‘Continue on this browser’, the participant will be redirected to another webpage. The participant may be asked to give permission for Microsoft Teams to access their device’s microphone and camera – select Allow.

- On the next screen, enter your First Name and Surname in the relevant field.
- Manage your microphone and camera settings, if required, through the Device Settings Panel which is reached by selecting ‘Devices’.
- Select ‘Join Now’.



- Patiently wait in the virtual lobby until you have been admitted to the virtual hearing.
- To mute and unmute your microphone, select the microphone icon on the Teams menu ribbon.
- To turn your camera on and off, select the camera icon on the Teams menu ribbon.



- The ‘sharing screen’ functionality may be used during a virtual hearing to display and navigate through documents, but only if directed to by the Court,

- To do this, select the ‘Share’ button on the Teams menu ribbon.



- Then, choose to present either Desktop (i.e. your entire screen) or Window (i.e. a particular program). The latter option is recommended.

Annex B: Oaths and Affirmations

Witnesses

Oath

I swear by Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

Affirmation

I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

Interpreters

Oath

I swear by Almighty God that I know the English and [.....] languages and that I will well and truly interpret and explain and make to the court all such matters and things as shall be required of me to the best of my skill and understanding.

Affirmation

I do solemnly and sincerely affirm that I know the English and [.....] languages and that I will well and truly interpret and explain and make to the court all such matters and things as shall be required of me to the best of my skill and understanding.