



# A STEP-BY-STEP GUIDE OF HOW TO DEAL WITH COURT OVER ZOOM

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The court is always stressful in a family law matter.

Usually, it involves a lot of waiting in the hallway or in the courtroom itself.

This generally provides parties time to ask their lawyers questions, discuss negotiations and have their concerns addressed before going in front of the judge.

But, among the plot twists of life in 2020 has come the sudden and complete modernization of the court system. In pre-COVID times, the legal system still relied on obsolete technology like faxing.

In the throes of the pandemic however, the landscape has changed dramatically and the courts have been forced to modernize their ways. The internet-based court is becoming more and more effective as the pandemic wears on, and the key is to be as prepared as possible in advance in order to maximize the effectiveness and efficiency of your hearing.

## **HARDWARE, SOFTWARE, AND SETTING THE SCENE**

Most courts in Ontario are being conducted over the Zoom platform.

Zoom is available on any computer or smartphone. Generally, the court will send a link to all of the participants one to two days before a hearing.

On the day of the hearing, simply click that link and you will be directed into the courtroom.

To minimize the risk of a hiccup, you are strongly encouraged to do the following:

1. Be in a place with reliable internet access or cell phone service. Nothing is worse than getting a dropped call in the middle of listening to a judge's decision.
2. Make sure that your phone or computer are appropriately equipped with a properly functioning video camera and

microphone. You can test the zoom link in advance – we recommend testing your system as soon as you receive the link so that you can troubleshoot any issues without running late to your hearing.

3. If you are using your cell phone: make sure it is on a stable surface and is not waving around while the hearing is underway.
4. Tidy the area surrounding you and make sure that there is nothing distracting in your background. Make sure that the video does not catch the pile of laundry next to you, and that any individuals with you are aware that you are in a court proceeding and that they should not make noise within earshot.
5. If you cannot find a location with a neutral, clutter-free background, choose a Zoom background to block out the distractions – use a solid colour background.
6. Let the other participants know in advance if there is a risk of being interrupted, such as by a child entering the room, for example.
7. Take a few minutes to familiarize yourself with Zoom. Learn where the mute button is on your screen, as it's an important tool during court proceedings.



## ZOOM COURTROOM ETIQUETTE

### What to wear

**Lawyers:** check your local practice directions.

They generally specify whether robing is still required or whether a simple blazer will suffice. Ask colleagues who have had hearings with the same judge about whether you will be required to stand when you speak and adjust your clothing and video camera setup accordingly.

**Clients:** dress like you would dress for in-person court.

You need not wear a full suit but a conservative and tasteful shirt or sweater is appropriate. Remember, the judge is making decisions about your life, you want to put your best foot forward.

Everyone: wear appropriate pants! You never know when you will need to stand up to grab a file, or to escort a child who has wandered into the room.

Don't risk embarrassment in court for the sake of short-term comfort.

### WHEN TO SPEAK

The natural flow of conversation is different over Zoom.

During in-person court hearings, knowing whose turn it is to speak is simple: if the judge is speaking, nobody interrupts.

If the lawyer or the person representing themselves steps to the podium, everyone (generally) knows not to interrupt. Over Zoom however, picking up on these cues, can be a bit more challenging.

Put yourself on mute and let the judge lead the discussion.

The judge will make it clear when it is a lawyer's or a client's turn to speak.

Take notes about what you want to say when the judge is speaking so that you remember what you wanted to say when it is your turn: you will almost always have the opportunity to respond to something that is said.

Do not speak over the judge or the opposing counsel or party.

Having yourself on mute is a good way to control this – you are better off pausing between turns to take the moment to un-mute yourself than talking over another party to the matter.

If you are a client and need to speak privately with your lawyer, feel free to say so: the judge can put all of the parties in a waiting room and allow you to have a call with your lawyer, or create a confidential breakout room where the other parties cannot hear you and you can discuss the issue.

Do not be shy and feel free to ask for a moment with your counsel.

To conclude, the pandemic continues to force a change in the way in which court proceedings are handled.

It is likely that if you are expecting to have a court appearance in the foreseeable future, it will likely be over Zoom.

As with any court appearance, it is highly recommended that you familiarize yourself with how the proceedings work and what to expect.

If you have a family law matter, please reach out to our experienced team at Hummingbird Lawyers LLP.

Our family lawyers not only have an impressive track record, but we can help you achieve the best possible outcome by presenting your case in the most effective way possible.

Family court can be an overwhelming experience.

Let us help you be prepared.

## About The Author



# Ruth Kalnitsky Roth

Ruth is an Associate Lawyer with Hummingbird Lawyers Family Law group.

After completing her Juris Doctorate and being called to the bar in California in 2006, she spent over ten years running a small family law practice in San Francisco. Following her move to Toronto, she continued to practice in the area of divorce and family law with the ongoing goal of resolving clients' issues as efficiently as possible with minimal stress to clients and their children. Ruth advocates for her clients in negotiations, alternative dispute resolution and court. She prides herself in approaching each matter methodically and strategically and tailors each matter to the individual client's needs.

Ruth represents clients in all areas of matrimonial law, from amicable negotiations to high conflict litigation. She regularly appears before the Ontario Court of Justice and the Superior Court of Justice.



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