



TOP TIPS FOR DIGITAL HEARINGS IN THE FAMILY COURT

1. Be fully prepared – make more notes than you would ordinarily need, whether it's for submissions or examination in chief or cross examination.
2. Take time to have a conference/s with the lay client and explain the circumstances in which the hearing will take place so that they understand exactly what will happen and how. Having remote hearings takes away one of the most fundamentally important aspects of representing lay parties in family proceedings – building a face to face trusting relationship. A remote hearing is no substitute for being able to see the lay client's facial expressions, body language, and hearing words said and noting things unsaid. So that means there is a need to take far greater time to have short video meetings prior to the hearings to build that relationship piece by small piece, to go over what has been said and check their understanding and instructions. This will enable the practical issues to be resolved i.e, how they will connect to the hearing, that there should be no-one else present during the hearing, that it must not be recorded, working out how long the hearing can go on before a break is needed and so on. Working remotely we have all found is surprisingly exhausting.
3. At the end of the hearing whatever the decision take time again to have a conference with the lay client so that you can fully explain the decision and next steps. There may need to be breaks during the conference to allow time for upset, distress, anger and simply to vent emotions.
4. Do a detailed written document making the points you wish to make easily accessible to the judge.
5. Get your setting right if you are doing a video platform hearing – no backdrop of family photos, messy office, anything which would distract. Make sure children, dogs and husbands are aware you cannot be disturbed.
6. Ensure the platform you are using works before the hearing starts and you have good internet, video and audio. Nothing worse than things breaking down or not starting up just as the hearing is about to start – bad for the mind and concentration and gives the wrong impression to the court and parties.
7. This is a court hearing so dress as though you are in court. It is respectful to the court, subject matter and lay parties. Dressing properly also helps to focus the mind.
8. Practice 'document sharing' by having a second screen from which you can easily and impressively take the court and parties to a document.



9. Although it will be good to see and hear colleagues across the airwaves, don't behave in anything other than a professional and courteous manner – no 'Hi X how are you good to see you' or 'Good morning Judge'. It's a court hearing.
10. Take care of yourself. It is very hard to conduct remote hearings, because of the loss of direct contact with the lay clients who are most affected by the court process. Imagine a parent who has had their child removed from them 'remotely'. These hearings can be extremely draining mentally and emotionally and there is often a need to de-compress at the end. Speak to a colleague who understands the work and discuss how you feel. Know that you are not alone and accept that you do need to talk to someone who will understand.

FRANCES HEATON QC

April 2020