

**PRACTICE DIRECTION NO 2 OF 2024**  
**CONDUCT OF ONLINE HEARINGS**  
**(Re-Issue)**

This Practice Direction is made in support of the Court's powers of case management under Rules 8(2)(f) and (q) and 8.1(o) and (aa) of the Caribbean Court of Justice (Appellate Jurisdiction) Rules and the Caribbean Court of Justice (Original Jurisdiction) Rules, respectively, and it concerns:

- I. the circumstances in which the Court will conduct online hearings; and
- II. requirements of parties participating in online hearings.

For the purpose of this Practice Direction,

A hearing includes:

1. hearing of an appeal or application;
2. a case management conference;
3. delivery of a judgment.

Parties include:

1. attorneys-at law;
2. litigants;
3. witnesses; and
4. other persons required or specifically allowed to attend a hearing.

**I. PROVISIONS FOR ONLINE HEARINGS**

1. The decision to conduct a hearing online or at the Seat of the Court is for the discretion of the Court. An application for an online hearing should usually be made by a party at the first case management conference or in the completed case management checklist. Parties are encouraged before attendance at the case management conference or completion of the checklist to -
  - (a) indicate to the other party or parties the mode of hearing they will request; and
  - (b) seek to agree on the mode of hearing.
2. Where the Court decides to hold an online hearing –

- (a) the Registrar shall notify the parties and ensure that the necessary arrangements are made for the parties to be able to participate in the hearing;
- (b) the Court may also decide to hold a hybrid hearing and therefore permit one or more of the other parties to physically attend the hearing at the Seat of the Court and the Registrar shall advise all parties of that decision; and
- (c) in that case the Registrar shall ensure that the necessary arrangements are made.

## **II. REQUIREMENTS OF PARTIES**

Where the Court holds an online hearing, there are several protocols that parties are required to observe. Each party should:

- 5. Choose an appropriate location, that –
  - (a) is well-lit and without any disturbing lighting effects so that the person speaking can clearly be seen; and
  - (b) has a work-appropriate background (preferably plain), that should not be untidy or distracting.
- 6. Test the camera and microphone prior to the hearing. Each party is encouraged to conduct their own self-test, but where possible the Court will arrange a test for the parties, in which case parties are required to attend.
- 7. Frame the camera so that the face of the person speaking is fully captured in the video.
- 8. Wear appropriate clothing, suitable for court appearances. It is not advisable for a person to only wear a suitable top, as they may have cause to stand suddenly.
- 9. Be present. If a party is unable to attend, that party shall give advance notice to the Court and shall make arrangements for alternative representation, where appropriate.
- 10. Be punctual. Parties are required to log in at least fifteen (15) minutes before the time at which the hearing is scheduled to begin, which will also allow for any connectivity or other issues to be addressed in a timely fashion.
- 11. Reduce or eliminate background noises, including turning off music or videos, silencing cellphone sounds and otherwise ensuring as quiet an environment as possible so that their contributions can be clear.
- 12. Mute their microphone when not speaking, to avoid interrupting other speakers.
- 13. Remember that their camera is on, to avoid distractions and embarrassment.
- 14. Identify themselves by name when speaking, at least initially.

15. Avoid cross-talking or interruption of other speakers, to allow for proper and effective communication.

This Practice Direction shall take effect from the date on which it is issued.

Issued by the President of the Caribbean Court of Justice pursuant to Part 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 on 24 May 2024.

Adrian Saunders

President