



Action Committee on Court Operations in Response to COVID-19

VIRTUAL HEARING PLATFORMS – FUNCTIONALITIES AND SUGGESTED SETTINGS FOR PARTICIPANTS AND OBSERVERS

A Statement from the Action Committee

Our Committee exists to support Canada's courts as they work to protect the health and safety of all court users in the COVID-19 context while upholding the fundamental values of our justice system. These mutually sustaining commitments guide all of our efforts.

As part of its mandate, the Committee facilitates information sharing amongst Canada's courts – which includes highlighting useful practices emanating from individual courts, as appropriate – in recognition that such efforts can serve to promote coordination and collaboration in key areas to help restore court operations across the country.

1. OVERVIEW

MS Teams, Zoom and WebEx are the platforms most commonly used by Canadian courts when conducting virtual hearings. This document includes a list of cross-platform considerations when granting virtual access to a hearing for different types of participants and observers.

This document also includes a chart of key administrator controls available on each platform to help monitor access and permissions and distinguish participants from observers in order to minimize security risks and disruptions, and promote consistent practices on open access. Areas of focus include:

- Screening, admitting, and removing participants
- Assigning or customizing participant roles and permissions
- Enabling or disabling interactive features

Finally, this document provides a list of resources on virtual platforms and virtual hearings.

The Action Committee provides this guidance for information only and does not officially endorse any private platform for use by courts. The choice of a virtual platform belongs to individual jurisdictions, who should conduct a platform security and functionality assessment in consultation with information technology (IT) and information privacy and security experts, taking into account the types of matters and hearings for which the platform will be used and their associated privacy, security and confidentiality considerations. Additionally, while each platform has different functionalities depending on how an institution adopts the platform (i.e. whether, and at what level, it pays a subscription fee and may request customized features), the following presents general functionalities without specifying the subscription level at which they are available. For additional details and practice tips on providing virtual access to hearings, see the Action Committee's tip sheets on [Privacy, Security and Confidentiality Considerations](#), [Options and Implementation Scenarios](#), and [Challenges and Solutions in Trial Courts](#).

Please also see the [list of additional resources](#) at the end of this document.



Action Committee on Court Operations in Response to COVID-19

2. COMMON PLATFORM CONSIDERATIONS

Regardless of the platform used by the court, there are some steps that virtual hearing organizers can take to reduce disruptions and promote efficient hearings. Accordingly, the Committee provides the following suggested approaches, organized by type of user, to spur thoughtful consideration ahead of a virtual hearing. These considerations will be particularly relevant in the context of substantive hearings that involve evidence and potential privacy, security of confidentiality considerations, or a need to prevent unauthorized disruptions to the hearing, or misuse of hearing footage or information.

When establishing settings for a hearing, court personnel should prioritize the specific context of the hearing itself and defer to the recommended virtual hearing practices of the court and its IT privacy and security experts, generally, or the judicial official presiding over the hearing, specifically, as necessary.

2.1 Justice professionals, including

- **Judges and court staff**
- **Lawyers and paralegals**
- **Other professionals (e.g. detention, police, or probation officers)**

Courts may consider measures to provide proactive access to hearings to justice professionals, for example, by communicating shared or personalized links as a matter of course in advance of hearings.

While a hearing organizer might restrict when and how justice professionals may enter the virtual hearing (for the purposes of organization and attendance), the organizer may otherwise allow these users to retain full control over their microphones, cameras, chat function, and screen-sharing capabilities. The organizer should remind justice professionals to mute their microphones when not speaking.

If there are many justice professional users in a given virtual hearing, the organizer might ask them to turn off their cameras when they are not actively participating to allow a more efficient viewing experience.

2.2 Lay participants, including litigants and witnesses

Courts may consider measures to facilitate access to hearings for lay participants, for example, through personalized links or via counsel, if applicable, and to ensure they are identified as essential participants. In cases involving identity protection measures, the protocol for logging in and identifying the concerned participant should be established and communicated to the person beforehand, and to their counsel if applicable.

The hearing organizer may restrict when and how lay participants enter the virtual hearing. For example, the organizer might place these users in a “waiting room” until the judicial officer is ready to open the proceeding or to hear a specific witness. Witness exclusion orders in particular may require the use and monitoring of virtual waiting rooms.



Action Committee on Court Operations in Response to COVID-19

The hearing organizer may presumptively disable lay participants' microphones and cameras and restrict them from using the chat and screen-share features. If the judicial officer requires a lay participant to speak, the organizer can reactivate the user's microphone and camera, as necessary.

2.3 Media observers

Courts may consider measures to provide proactive access to hearings to accredited/recognized media contacts, for example, by communicating shared or personalized links as a matter of course in advance of hearings.

As with lay participants, the hearing organizer may restrict when and how media observers enter the virtual hearing and presumptively disable their microphones and cameras prior to the hearing's commencement.

The hearing organizer may inform media observers that in the unlikely event they need to address the court (for example, to speak to a publication ban) they can use the "raise hand" function to catch the organizer's attention who, in turn, can unmute the media observer's microphone.

2.4 Public observers

Courts may consider measures to facilitate access to hearings for public observers, while minimizing risks relating to privacy, security or other violations of the rules of access to hearings. Higher risk hearings that include specific protection measures (e.g. publication bans, non-disclosure orders) may require additional safeguards, such as pre-registration with identity verification, personalized links or permission-based access, undertakings to comply with the rules of virtual access, or audio only access, for example, to protect the safety and privacy of vulnerable witnesses.

Hearing organizers may restrict public observers from entering the virtual hearing until proper screening has occurred, disable their microphones and cameras, and restrict their use of the chat and screen-share features.

2.5 General

Once the organizer has admitted all necessary and expected attendees, they may consider locking the virtual hearing to prevent any outside disruptions and bandwidth issues. This practice should be communicated to participants and observers beforehand, for example, at the time of registration or through court policy, and a short grace period may be advisable to account for any technical difficulties. The organizer may provide all hearing attendees with a telephone number or e-mail address to contact in case anyone is experiencing difficulties in joining the hearing or is removed from the hearing accidentally and cannot re-enter.



Action Committee on Court Operations in Response to COVID-19

3. COMPARATIVE CHART OF VIRTUAL PLATFORMS

	MS TEAMS	ZOOM	WEBEX
Participant Roles	Organizer Presenter Attendee	Host Co-Host Alternative Host Participant	Host Co-Host Presenter Attendee
Permission types	<p>Organizer Once the Organizer sends a Meeting invitation, they can assign one of two roles to Meeting participants: Presenters or Attendees.</p> <p>The Organizer can also change a participant's role during a Meeting.</p> <p>Presenter Presenters have all the permissions necessary to manage a Meeting (admit participants, mute microphones, remove participants etc.) but unlike Organizers they cannot 1) manage breakout rooms or 2) change meeting options.</p>	<p>Host The Host schedules the Zoom Meeting and retains full permission to manage it. There can only be one Meeting Host.</p> <p>Alternative Host Prior to the start of a Meeting, the Host may designate an Alternative Host who then has access to most of the Host's permissions, including starting the Meeting on the Host's behalf.</p> <p>Co-Host Once a Host starts a Meeting, they can assign a Co-Host who will be able to perform many of the administrative tasks of the Host.</p>	<p>Host The Host schedules, starts, and ends the session or records a session. The Host can also assign roles to other participants in the session.</p> <p>Co-host The Co-Host has privileges similar to the Host. The Co-Host can start and manage the Meeting.</p> <p>Presenter A Presenter can share and annotate presentations, whiteboards, documents, and applications in a Meeting.</p> <p>Attendee An Attendee is any person who is not already identified as a Host,</p>



Action Committee on Court Operations in Response to COVID-19

	MS TEAMS	ZOOM	WEBEX
	<p>Attendee An Attendee typically has the permissions necessary to participate in a Meeting (speak and share video, use the chat) but has no ability to control the meeting or override meeting options.</p>	<p>Participant A Participant typically has the permissions necessary to participate in a Meeting (speak and share video, use the chat) but has no ability to control the Meeting or override meeting options.</p>	<p>Co-host, or Presenter, and is typically the person to whom the information is presented.</p>
<p>Event types (While there are three possible types of “event” in MS Teams, the remainder of the guidance relates to “Meetings” – the presumptive format for Court proceedings.)</p>	<p>All events include at least one Organizer and one Attendee. Some events may also include a Presenter.</p> <p>A Teams Meeting is a collaborative and interactive experience with the option to add structure for larger meetings.</p> <p>A Teams Webinar is a structured interactive event.</p> <p>A Teams Live Event is a broadcast scenario with a production team behind the scenes and a viewing audience.</p>	<p>All events include at least one Host and one Participant. Some events may also include a Co-Host/Alternative Host.</p> <p>A Zoom Meeting allows attendees¹ to screen share, turn on their video and audio, and see who else is in attendance</p> <p>A Zoom Webinar is designed so that the Host and any designated panelists can present information to Participants.</p>	<p>All events include at least one Host and one Attendee. Some events may also include a Co-Host and Presenter.</p> <p>A Webex Meeting is designed to allow participants to screen share, turn on their video and audio, and see who else is in attendance</p> <p>A Webex Webinar is designed for a Host to present information to Attendees, with limited collaboration.</p>

¹ For the sake of clarity, “attendees” means “Meeting participants” in the generic sense. The capitalized “Participant” or “Participants” means the specific Role described above.



Action Committee on Court Operations in Response to COVID-19

	MS TEAMS	ZOOM	WEBEX
Devices supported	Personal Computer Mobile Device Telephone	Personal Computer Mobile Device Telephone	Personal Computer Mobile Device Telephone
Accessibility	<p>Complies with the Web Content Accessibility Guidelines 2.1.</p> <p>The Organizer can “pin” a sign language interpreter so that they are always in view of all participants.</p> <p>Compatible with the following assistive technologies:</p> <ul style="list-style-type: none"> ➤ Screen readers Software that uses a Text-To-Speech (TTS) engine to translate on-screen information into speech, which the user can hear through headphones or speakers. This enables people with severe visual impairments to use a computer. 	<p>Complies with the Web Content Accessibility Guidelines 2.1.</p> <p>The Host can spotlight a sign language interpreter so that they are always in view of all attendees.</p> <p>Enables keyboard shortcuts that obviate the need for a mouse.</p> <p>Expressly compatible² with the following assistive technology:</p> <ul style="list-style-type: none"> ➤ Screen readers Software that uses a Text-To-Speech (TTS) engine to translate on-screen information into speech, which the user can hear through headphones or speakers. This enables people 	<p>Complies with the Web Content Accessibility Guidelines 2.1.</p> <p>The Host can customize the view so that a sign language interpreter is always in view of all participants.</p> <p>Enables keyboard shortcuts that obviate the need for a mouse.</p> <p>Expressly compatible³ with the following assistive technologies:</p> <ul style="list-style-type: none"> ➤ Screen readers Software that uses a Text-To-Speech (TTS) engine to translate on-screen information into speech, which the user can hear through headphones or speakers. This enables people

² Zoom may be compatible with other assistive technologies. At the time of publication, this was the only assistive technology listed in the platform’s materials.

³ WebEX may be compatible with other assistive technologies. At the time of publication, these were the only assistive technologies listed in the platform’s materials.



Action Committee on Court Operations in Response to COVID-19

	MS TEAMS	ZOOM	WEBEX
	<ul style="list-style-type: none">➤ Screen magnifiers Software that interfaces with a computer's graphical output to present enlarged screen content. This enables people with less severe visual impairments to better see words and images.➤ Dictation software Software that allows a user to speak instead of type. It uses text-to-speech recognition to convert spoken words to text.➤ Eye control (on Windows 10) Software that allows users to operate an onscreen mouse, keyboard, and text-to-speech experience using only their eyes.➤ Voice control (on iOS and Android) Software that uses speech recognition algorithms to allow users to convert spoken language into text.	<p>with severe visual impairments to use a computer.</p>	<p>with severe visual impairments to use a computer.</p> <ul style="list-style-type: none">➤ Dictation software Software that allows a user to speak instead of type. It uses text-to-speech recognition to convert spoken words to text.➤ Voice control Software that uses speech recognition algorithms to allow users to convert spoken language into text by using speech recognition algorithms.



Action Committee on Court Operations in Response to COVID-19

	MS TEAMS	ZOOM	WEBEX
	<p>➤ Switch Access (on iOS and Android) A physical device that replaces the need to use a computer keyboard or a mouse.</p>		
Link types	Generates shared links that the Organizer can post publicly or send to designated Meeting invitees.	Generates shared links that the Host can post publicly or send to designated Meeting invitees.	Offers shared links that a Host can post publicly or send to designated Meeting invitees.
Invitations via email	Compatible with Office 365 and Outlook.	Compatible with Office 365 and Outlook.	Compatible with Office 365 and Outlook.
Controlling Admittance	<p>The Organizer can decide which participants may enter the Meeting automatically upon clicking the Meeting link and which participants must wait for someone (the Organizer or another participant the Organizer allows) to admit them.</p> <p>Once a Meeting is underway, the Organizer can lock the meeting and prevent Attendees from entering. The Organizer retains the ability to unlock the Meeting.</p>	<p>The Host can enable a Waiting Room that all Participants will enter upon login.</p> <p>The Host can then admit Participants from the Waiting Room into the Meeting, either individually or all together.</p> <p>Once a Meeting is underway, the Host can lock the meeting to prevent anyone else from joining. The Host retains the ability to unlock the Meeting.</p>	<p>The Host can set advance controls on admission – i.e. which participants have automatic access and which participants must wait in the lobby until admitted by the Host.</p> <p>The Host can lock a meeting once all participants have joined, and retains the ability to unlock the Meeting.</p>



Action Committee on Court Operations in Response to COVID-19

	MS TEAMS	ZOOM	WEBEX
Identifying participants	<p>Participants with an MS Teams account will be identified according to their account details.</p> <p>Participants without an MS Teams account may have the option to enter their name to join the Meeting as a guest. In the Meeting, that participant will bear an additional label that reads “Meeting Guest”.</p> <p>If calling in by telephone, the participant will be identified by phone number.</p>	<p>The Host can schedule a Meeting that requires registration, which prompts attendees to register with their e-mail and name.</p> <p>If the Host does not require registration, Meeting attendees can identify themselves on-screen as they choose.</p> <p>Otherwise, the Host may select “Identifying guest participants in the meeting/webinar”, which would identify as a “Guest” any attendee who is not signed into a Zoom account or is signed in with an e-mail address that is not on the same network as the Host.</p>	<p>When participants join a meeting, WebEX asks them to identify themselves. The name they provide appears on screen once they join. If joining by telephone, their display name is their telephone number.</p>
Removing Participants	<p>The Organizer or Presenter can remove a participant from a Meeting.</p>	<p>The Host or Co/Alternative Host can remove an attendee from the meeting at any time.</p>	<p>The Host can remove a participant from the meeting at any time.</p>
Limiting Microphones, Cameras, and Screen-Sharing	<p>Microphones and Cameras</p> <p>Before a Meeting, the Organizer can disable the microphones and cameras so that Attendees cannot use them during the Meeting.</p>	<p>Microphones</p> <p>Before or during a Meeting, the Host can mute all or some of the attendees’ microphones and prevent unmuting.</p>	<p>Microphones</p> <p>Before or during a Meeting, the Host can mute all or some of the participants’ microphones (excluding the Host/Co-</p>



Action Committee on Court Operations in Response to COVID-19

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	<p>Once a Meeting is underway, the Organizer and any Presenter can disable the microphones and cameras of all Attendees, or of any individual Attendee, at any time during the Meeting.</p> <p>The Organizer and any Presenter can also mute Attendees and prevent Attendees from un-muting themselves.</p> <p>Screen-Sharing Before or during a Meeting, the Organizer can select “Who can present?” with options ranging from “Everyone” to “Me”.</p>	<p>During a Meeting, a Co-Host may also mute all or some of the attendees’ microphones and prevent unmuting.</p> <p>Cameras Before or during a Meeting, the Host can disable all or some of the attendees’ cameras and prevent them from turning them back on.</p> <p>Screen-Sharing Before or During a Meeting, the Host/Co-Host can limit which attendees can share their screen.</p>	<p>Host/Presenter) and prevent unmuting.</p> <p>Cameras Before or during a Meeting, the Host can disable all or some of the participants’ cameras and prevent them from turning them back on.</p> <p>Screen-Sharing Before or during a Meeting, a Host/Co-Host can limit which participants can share their screen.</p>
Breakout rooms⁴	<p>(Desktop Only) The Organizer (or a Presenter that the Organizer has assigned to manage a Meeting) can</p> <ul style="list-style-type: none">➤ Create up to 50 breakout rooms	<p>The Host, or Co-/Alternative Host, can create, and either automatically or manually assign Participants to, Breakout Rooms, either before or during the event.</p> <p>The Host or Co-/Alternative Host, can create up to 50 breakout rooms.</p>	<p>The Host/Co-host can create, and automatically or manually assign participants to (up to 100) breakout sessions, either before or during a Meeting.</p>

⁴ If a confidential breakout room is required, please consult your court’s IT security experts to discuss feasibility.



Action Committee on Court Operations in Response to COVID-19

	MS TEAMS	ZOOM	WEBEX
	<p>➤ Either before or during the event, assign participants to breakout rooms wither automatically or manually</p>		
Recording	<p>Allows for cloud recording or recording on a local host drive.</p> <p>The Organizer, or any participant from the same organization, may start or stop a recording during a Meeting.</p> <p>If someone starts recording a Meeting, MS Teams alerts all participants. Recordings capture audio, video, and screen sharing activity.</p> <p>Meeting Recordings are saved to OneDrive.</p> <p>The user who started the recording, or any additional user named by that person, can delete a recording.</p> <p>Otherwise, recording retention is set at the IT administrator level.</p>	<p>The Host or Co-Host has the ability to record the Meeting to a cloud service or their computer (local recording) or grant the latter ability to an attendee. However, attendees do not have the ability to record to the cloud.</p> <p>The Host or Co-Host can disable an attendee's ability to record to their device. If someone starts recording a Meeting, Zoom alerts all attendees.</p> <p>The attendee who started the cloud or local recording is able to delete that recording once it is finished processing.</p> <p>The attendee who started the cloud or local recording can delete the recording once it is finished processing. Depending on the organization's license, the Host</p>	<p>The Host/Co-Host can record a Meeting to a cloud service, while either a Host/Co-Host or Presenter can record a Meeting to their computer (local recording).</p> <p>Attendees cannot record a Meeting, though the Host/Co-Host can either designate an Attendee as a Presenter who can then record, or share the meeting recording with Attendees after the fact.</p>



Action Committee on Court Operations in Response to COVID-19

	MS TEAMS	ZOOM	WEBEX
		can also schedule the automatic deletion of cloud recordings. Otherwise, the retention of recordings can be managed by individuals with administrator permission.	
Captioning	<p>Any participant may turn on live captioning during a Meeting. MS Teams will notify all Meeting participants.</p> <p>MS Teams does not save captions. The Meeting Organizer can create a Communication access real-time translation (CART) link and provide it to a CART captioner, who, in turn, uses either a special phonetic keyboard or stenography methods to produce an accurate translation that is then broadcast to the recipients on a screen, laptop, or other device.</p>	<p>Zoom Meetings provide live captioning automatically.</p> <p>The Host can assign a Participant to type closed captions.</p> <p>The Host can provide a third-party closed captioning service with the caption URL. The caption URL allows the service to stream text from their closed captioning software to the Meeting.</p>	<p>The Host can enable automated closed captions, or can assign another participant to transcribe the conversation.</p> <p>Users can turn closed-captioning on/off.</p>
Transcription	Depending on the organization's IT settings, live transcription may be available on the desktop version of MS Teams.	Audio transcription automatically transcribes the audio of a Meeting or Webinar that is recorded to the cloud.	The Meeting must be recorded in order to be transcribed.



Action Committee on Court Operations in Response to COVID-19

	MS TEAMS	ZOOM	WEBEX
	<p>If available, any participant may start a transcription during a Meeting. MS Teams will notify all Meeting participants.</p> <p>Once started, the Organizer and any Presenter may stop and restart transcription during the Meeting.</p> <p>When the Meeting is over, the transcript is immediately available in the meeting event on the calendar.</p> <p>The Organizer can delete the transcript. Otherwise, transcript retention is set at the IT administrator level.</p>	<p>After the meeting ends, the Host will receive an email indicating that the cloud recording is available, and a subsequent email indicating that the audio transcript for the recording is available. These emails include links to view the recording and transcript.</p>	<p>Automatic transcription of the audio for all recorded events is turned on by default.</p> <p>Transcription is available in English only.</p>
Other interactive features	<p>The Organizer can disable chat and meeting reactions (emoji), except the “raise hand” function.</p> <p>There are three video layouts when no participant is screen sharing:</p> <ul style="list-style-type: none">➤ Gallery (default)	<p>In-meeting chat is available.</p> <p>There are three video layouts when no participant is screen sharing:</p> <ul style="list-style-type: none">➤ Active speaker➤ Gallery (49 videos per gallery)➤ Floating thumbnail	<p>In-conference chat is available.</p> <p>16 video screens can be viewed simultaneously. The Host can customize the stage view, moving any participant into the focal point if necessary.</p>



Action Committee on Court Operations in Response to COVID-19

	MS TEAMS	ZOOM	WEBEX
	<ul style="list-style-type: none">➤ Large Gallery (displays up to 49 participants)➤ Together Mode (artificial intelligence (AI) places participants in a shared background) <p>In either Gallery layout, participants can “pin” as many videos as will fit on their screen.</p> <p>The Organizer can use Spotlight Mode to put the focus on a specific participant for all participants, regardless of what layout they are using.</p>		



4. ADDITIONAL RESOURCES

4.1 General Platform Help

Each platform has its own help page that provides much more information than is possible to cover in this document:

- MS Teams – [Help & Learning](#)
- Zoom – [Support](#)
- WebEX – [Help Center](#)

4.2 Action Committee Repository

The Action Committee previously compiled a number of court- and justice sector-based publications in its document [Virtual Hearings and Services: Tools and Resources for Court Users and Personnel](#), including

User Guides for Virtual Platforms

Zoom

- Federal Court – [Virtual hearings – User Guide for Participants](#)
- Ontario Court of Justice – [Zoom User Guide for Remote Hearings](#)
- Ontario – Law Society Tribunal – [Zoom Hearing Guidelines](#)
- Canadian Bar Association (British Columbia Branch) – [Best Practices in a Zoom Courtroom](#)

Microsoft Teams

- Provincial Court of British Columbia – [Virtual Proceedings](#)
- [How to attend Court in Manitoba using Microsoft Teams](#)
- Quebec Court of Appeal – [Technical Conditions/ Conditions techniques](#)
- Justice Québec – [Hearings Conducted through Technological Means \(Teams\)/ Audiences par moyens technologiques \(Teams\)](#)
- Canadian Bar Association (British Columbia Branch) – [Using MS Teams in Court Proceedings](#)
- Canadian Bar Association (British Columbia Branch) – [Using MS Teams in Court Proceedings via Telephone](#)

WebEx

- Alberta Court of Appeal – [Connecting and Attending an Electronic Hearing Guide – For Counsel and Self-Represented Litigants](#)
- Alberta Court of Queen’s Bench – [Remote Hearing Protocol & Troubleshooting – Instructions and Etiquette Guide](#)
- [Webex Help Center](#)



Action Committee on Court Operations in Response to COVID-19

Virtual Hearing Guides

National

- Federal Court – [General Policy Statement re: Virtual Hearings](#)
- Federal Court – [Virtual hearings – User Guide for Participants](#)

Alberta

- Court of Appeal – [Connecting and Attending an Electronic Hearing Guide](#)
- Court of Queen’s Bench – [Remote Hearing Protocol](#)
- Provincial Court – [Conduct Guide for Remote Appearances](#)

British Columbia

- Court of Appeal – [Videoconference Proceedings](#)
- Supreme Court – [Remote Video Conference Hearings](#)
- Provincial Court – [Virtual Proceedings](#)

Manitoba

- Court of Queen’s Bench and Provincial Court – [Virtual Courts](#)

Nova Scotia

- All Levels of Court – [Virtual Court](#)

Ontario

- Court of Appeal – [Practice Direction Regarding Proceedings During the COVID-19 Pandemic](#)
- Superior Court of Justice – [Guide to Virtual Hearings](#)
- Ontario Court of Justice – [Remote Hearings Guides](#)

Quebec

- Court of Appeal – [Virtual Courtrooms](#)
- Justice Québec – [Courtroom hearings held in virtual rooms](#)

Other

- The Advocates’ Society – [Best Practices for Remote Hearings, Second Edition](#) and [Sample Virtual Hearing Protocol](#)