

IN THE TERRITORIAL COURT OF YUKON

PRACTICE DIRECTION
TECH-3

*Video/Audio Appearances or Special
Equipment for Court Proceedings*

When counsel, a party or a witness wish to appear by videoconference or audioconference a court order and/or notice to the Court Technologist may be required. If counsel require special equipment for a court proceeding notice to the Court Technologist is required, as detailed within this Practice Direction.

Where a court order is required, parties shall confirm with the Court Technologist that the request can be accommodated prior to seeking a court order, including desk orders. Draft desk orders must include a clause confirming that the Court Technologist can facilitate the request. Once a court order is obtained it shall be provided by the requesting party to the Court Technologist in compliance with the timelines set out in this Practice Direction.

Notice to the Court Technologist can be provided at court-technologies@yukoncourts.ca, unless otherwise specified.

The Court Technologist will not accommodate requests that do not comply with this practice direction without direction to do so from the presiding Judge or the Chief Judge. Late requests will only be considered where the Court Technologist has confirmed the request can be accommodated. The Court Technologist will make all reasonable efforts to comply with directions from the court regarding late requests.

Notice Requirements

****All notice requirements are subject to the discretion of the presiding judge****

For all matters in Small Claims Court pursuant to s. 55 of the *Small Claims Court Regulations* the request must be made not less than 14 days before the hearing. The Affidavit that is filed in support pursuant to s. 37 of the *Small Claims Court Regulations* shall include a statement that the Court Technologist has confirmed that the request can be accommodated.

AUDIO APPEARANCES	NOTICE REQUIRED
Phone appearance in Whitehorse	No notice required
Phone appearance on circuit	<p>5 business days prior to the court date; must advise if long-distance access is required.</p> <p>Notice should be provided to the Supervisor, Court Clerks at clerkssupervisor@yukon.ca</p>

VIDEO APPEARANCES	NOTICE REQUIRED
Video remand from WCC	1 business day (See Practice Direction TECH-6 (<i>Video Remand Appearances</i>))
Video remand outside of Yukon	10 clear business days prior to the court date
Victim attendance as observer by video	<p>A court order is required</p> <p>5 clear business days prior to the court date (See Practice Direction TECH-4 (<i>Attendance as Observer by Video or Audio</i>))</p>
Video appearance in Canada	<p>A court order is required</p> <p>15 business days prior to the court date</p>
Video appearance, multiple parties, in Canada	<p>A court order is required</p> <p>15 business days prior to the court date</p>
Video appearance outside of Canada	<p>A court order is required</p> <p>20 business days prior to the court date</p>
Video appearance, multiple parties, outside of Canada	<p>A court order is required</p> <p>25 business days prior to the court date</p>

WITNESS SCREENS AND CLOSED CIRCUIT TESTIMONY	NOTICE REQUIRED
Witness screen in Whitehorse	A court order is required 1 business day prior to the court date Notice should be provided to the Supervisor, Court Clerks at clerksupervisor@yukon.ca
Witness screen on circuit	A court order is required 5 business days prior to the court date Notice should be provided to the Supervisor, Court Clerks at clerksupervisor@yukon.ca
Closed circuit testimony in Whitehorse	A court order is required 5 business days prior to the court date
Closed circuit testimony on circuit	A court order is required 20 business days prior to the court date (Subject to venue restrictions)
DOCUMENTS	NOTICE REQUIRED
DVD or electronic documents in Whitehorse	4 business days prior to the court date
DVD or electronic documents on circuit	5 business days prior to the court date
Audio CD/file	2 business days prior to the court date
Document projector	2 business days prior to the court date

For requests requiring the use of a laptop computer, such as the playing of a DVD, the requesting party may provide a laptop computer or may use a laptop provided by the Court Technologist (if available).

Where the requesting party wishes to use their own laptop, the computer must be equipped with an HDMI port and any software required to play the DVD or video/audio file. It is advisable for the requesting party to contact the Court Technologist to arrange for advance testing of the equipment to ensure compatibility of the video or audio file and to ensure everything is in proper working order. If a party is utilizing their own

equipment, the Court Technologist is only able to provide verbal direction for any issues that arise with the equipment, they will not provide hands on assistance.

Where a matter is adjourned, and videoconference or audioconference appearances or special equipment will be required at the next court appearance a new court order is not required. However, a new request must be made by the requesting party to the Court Technologist, with any previous court orders attached. The new request must be made in compliance with the notice timelines to ensure the availability of the special equipment at the next court appearance.

For all requests, the requesting party shall provide the Court Technologist with the name of the matter, file number, the next court date, the nature of the request, and any additional information the Court Technologist requires to facilitate the request. This information can be provided at court-technologies@yukoncourts.ca.

It is the responsibility of the requesting party to work with the Court Technologist to test the connection in advance of the hearing date.

Please note that for requests requiring the use of equipment provided by a third party, the quality of audio/video may be negatively affected by factors outside the control of the Court Technologist.

All requests will be addressed on a first-come, first-served basis, except as otherwise directed by the Chief Judge.

Where the requesting party is unable to reach the Court Technologist and there are concerns with meeting the timelines set out in this practice directive, the requesting party can contact the Director of Court Services or the Manager of Court Services at JUS-LRS-CS-MGR@Yukon.ca. Please CC court-technologies@yukoncourts.ca as well.

Chief Judge M. Cozens
January 3, 2024