

## COURT OF SESSION

### PRACTICE NOTE

No 1 of 2020

#### Substantive Hearings by Video Conference

1. This Practice Note has effect from 12 June 2020.
2. This Practice Note applies to all substantive court hearings which are due to take place by means of video conference.
3. Where a hearing is to proceed by video conference, parties must lodge electronic copies of any productions with the Court.
4. An electronic copy of a production will be considered to be the principal copy unless good reason is provided otherwise.
5. When lodging electronic copy productions, a party should:
  - lodge with the Court an inventory of the productions in electronic form, with hyperlinks to each of the electronic copies; and
  - send a copy of those electronic productions to every other party.
6. Parties are to co-operate, agree and lodge a joint list of those productions which require to be referred to at the hearing. The list should comprise only those productions which are relevant to the legal and factual issues to be raised at the hearing and which are likely to be referred to at it. The productions identified on that list will comprise the core bundle.
7. Each party must intimate in writing to the Court the names and email addresses of each person whom the party intends to call as a witness.
8. Parties are responsible for displaying productions from the core bundle at the substantive hearing<sup>1</sup>.
9. RCS 36.9 continues to apply. Parties are responsible for ensuring that their witnesses are ready and available to join the video conference at the appropriate time. Each party must provide to the clerk of court a numbered list of its witnesses together with a timetable setting out the order in which, and day on which, it is proposed to call them. The other obligations in RCS 36.9 are

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<sup>1</sup> SCTS will provide guidance and support on this until such time as video conference hearings are fully established.

to be complied with, subject to appropriate modification for the context of a court hearing conducted by video conference.

10. As with any court hearing conducted by video conference, each party must ensure its electronic equipment and internet connection to the Court - and that of its witnesses - is of appropriate quality and robustness for the anticipated duration of the proceedings. Each party must ensure that the hearing is conducted with the same decorum and respect as a hearing conducted in the courtroom.
11. Where the Court requests that a test be undertaken of the video conference facilities in advance of a hearing, parties and witnesses are expected to participate in the test so far as practicable.

*CJM SUTHERLAND*

Lord President

Edinburgh

11 June 2020