

DSBA Guide to Virtual Hearings in the Circuit Family Court in Dublin

Dear Member

Introduction

The Dublin Circuit Family Courts began a trial of virtual hearings to rule judicial separation and divorce applications on consent as and from 8th May 2020. In this brief guide Keith Walsh solicitor who has completed a number of successful virtual hearings, outlines the process for DSBA members with the assistance of the most recent Dublin Circuit Family Court information.

Some applications in person are still being dealt with by the Dublin Circuit Court office and pension adjustment orders are being granted without the necessity for attending court by sending the necessary paperwork in hard copy to the Dublin Circuit Court office. Different rules are in place for each court jurisdiction and guidance can be found on the Courts Service website.

The designated email for all email correspondence with Dublin Circuit Family Court office is dublincircuitfamilylaw@courts.ie. The Circuit Family Court office is accepting court documents by email, hard copy by post or by placing in the drop box outside the Court office. For virtual hearings, email is preferable.

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1. STEPS FOR VMR (Virtual hearing) SCHEDULING **a. FOR NEW MOTIONS for J.S. & DIVORCE ON CONSENT**

The VMR App is Pexip. This can be downloaded for PC's, tablets or mobiles and requires a wi-fi. [DSBA note: It can also be accessed through a browser as an alternative to being downloaded]

1. Solicitor for the Applicant should file the Notice of Motion as standard in triplicate. It should include a cover letter with the following information:
 - The case reference [record no.] and both parties e-mail address'.
 - A requesting that the matter be heard via VMR
 - An email or letter from the other side confirming they are happy to proceed via VMR.
 - Confirmation from both parties of who will be joining the remote meeting.
 - Scanned copies of photo ID for both parties.

2. Both parties will be emailed with a date and time for the VMR and a document containing the guidelines and the access link/code to the hearing.
3. On the date approved parties are advised to log into the VMR approximately 10 mins before their stated time.
4. It is envisaged that individuals will be asked to affirm when giving their evidence.

STEPS FOR VMR (Virtual hearing) SCHEDULING

b. FOR ADJOURNED MATTERS OR DATES IN THE FUTURE

for J.S. & DIVORCE ON CONSENT

The VMR App is Pexip. This can be downloaded for PC's, tablets or mobiles and requires a wi-fi
[DSBA note: It can also be accessed through a browser as an alternative to being downloaded]

1. One of Legal representatives involved in the case should E-mail dublincircuitfamilylaw@courts.ie and include 'VMR REQUEST' in the subject box and confirm:
 - The case reference [record no.] and the date which it was due before the Court.
 - That both parties are consenting to the matter proceeding via VMR
 - There is no change in the consent terms and they are ready to rule.
 - Scanned photo ID for both parties.
 - Confirm who will be attending the remote hearing for 'both parties'.

****The email must cc the other party or provide their e-mail address in the correspondence****

2. Both parties will be emailed with a date and time for the VMR (usually within a couple of days) and a document containing the guidelines and the access link/code to the hearing.
3. On the date approved parties are advised to log into the VMR approximately 10 mins before their stated time.
4. It is envisaged that individuals will be asked to affirm when giving their evidence.

PRACTICAL TIPS FOR Solicitors [and their clients] attending remote hearings by Keith Walsh

1. Plan to log into Pexip at least 10 mins in advance and if it is your first time using Pexip have a practice run with your client/counsel/solicitor. Share the following with your client [and follow it yourself]: If possible have a back-up device in case of difficulty. Test run your devices if this is the first time using Pexip. Make sure that your device has a working camera and audio.
2. It may be useful to arrange a separate channel of communication with other members of your legal team and your client (e.g. whats app, zoom or regular phone call) whereby comments and instructions can be shared on this medium while the remote court hearing is taking place.
3. Ensure that you have the solicitor on the other side's mobile number in case of difficulty. Ensure they have your mobile number.
4. If your client is giving evidence remotely and they do not wish to affirm make sure they have a bible or appropriate religious volume to swear on.
5. Email a booklet of pleadings and any other documents to be used to the Court office, ensure they are all agreed with other side in advance.
6. Send a courtesy copy of all emails/correspondence and attachments to the Court Office to the other side.
7. Remember this is still a Court of law. Behave as you would in Court and remind client what is expected.
8. Formal dress and courtesy required at all times by solicitors, counsel and client.
9. If possible send all emails to the Court office securely to protect identity of the parties.
10. Send a copy of all documents that have been submitted to Court to client.
11. Be collegial.
12. Make sure to log out at the end.
13. If your client is nervous and if possible they could attend your office but log in separately.
14. Make sure to debrief afterwards with client and counsel by zoom/telephone.
15. Plan ahead, allow enough time, explain to client. If nervous talk to a colleague.

Regards

Tony O'Sullivan

DSBA President 2020