


Remote trials – here to stay?

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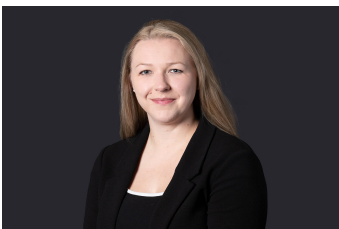
Trial bundles are prepared electronically rather than on paper, everyone involved joins a virtual platform and the trial begins. However there is no standing when the Judge enters, “you’re on mute” will be declared dozens of times, the body language of witnesses is lost and even the strongest of internet connections will drop at some point.

If the trial consists of solely legal submissions from Counsel then it works well; everyone hears the submissions and other than the grandeur of the courtroom, little is lost. However if witnesses or experts are involved, directing them to the correct page of one of multiple large pdf bundles using their home broadband can be difficult, body language is lost and the art of cross-examination becomes clunky.

Now that the Courts know remote trials can work, they could be used in appropriate cases post-Covid to help keep the Courts’ workloads under control. It is just to be hoped that convenience and time-saving do not overrule the importance of witnesses and/or experts giving evidence in person.

If you have a trial coming up or have any questions about a remote trial or hearing, please do get in touch.

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