

XBUNDLE

Electronic Bundles and Remote Hearings

A short guide to help you work your way through the new world of remote hearings.

Please contact XBundle as soon as you start thinking about hearing and bundle preparation, so we can assist as much as possible.

The mantra is, more so now than before: Preparation, Preparation, Preparation.

Alternatively the 5 Ps – “Proper Preparation Prevents Poor Presentation”.

You should prepare for a remote hearing in exactly the same way as an in-person hearing, if not more.

The main stages are:

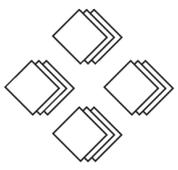
- A. Collate case papers into a digital court bundle
- B. Pre-hearing preparation
- C. During hearing
- D. After hearing

The XBundle Bundles Compendium provides a definitive and detailed guide containing everything you need to know about building a bundle.

The XBundle team are here to help and the team have considerable experience with electronic bundles and electronic presentation.

A. Collate case papers into a digital court bundle

- These will already be in electronic format somewhere.
- Gather them into a folder within “Documents”.
- You will need to combine them into a single PDF or multiple PDFs, depending on the number of paper bundles you would have had – the “electronic bundle”.
- There are a number of software tools available to you and XBundle to create the electronic bundle – Nuance, Adobe Acrobat Pro, XBundle::Assemble; plus other utilities and scripting tools. There are pros and cons to each; please speak to XBundle at an early stage about which tool will be the most appropriate for your bundle. We can save you time by ensuring that you use the right bundling tool in the right way.
- These tools can automate pagination and custom pagination, indexes, table of contents and automatically work out page ranges.
- Late updates and inserts are also handled with automatic updating of page ranging and pagination.
- Bookmarks can be created and (with custom naming) without the need laboriously to rename each individual source file.

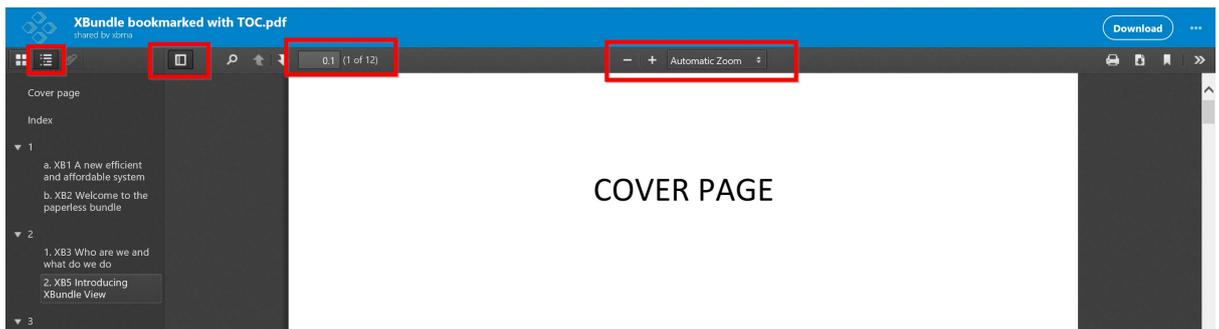


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- Page cross references can also be added, but the technology is not yet sophisticated enough in PDFs for those page cross references to be automated into a PDF (for example, a cross reference to an exhibit in a witness statement automatically taking you to the exhibited document), though these can be manually added if desirable.
- Documents often need a clean-up to scrub annotations or remove previous pagination. XBUNDLE has tools to do these types of tasks.

Points to bear in mind:

1. If you add a cover page or index to the electronic bundle, then the PDF page numbering will not match the index (because the PDF page numbering will count the cover page as page 1, whereas you will want to treat the page numbering to start with the first substantive document). You will need manually to change the numbering format for the cover / index so the PDF page number matches the index. [This example](#) shows how the adjusted version should look.
2. The 'view' settings for the PDF should be set so the bookmark panel is displayed to the left (the bookmarks themselves can be expanded or collapsed). The default size should also be set for all pages. We can help with automating this as it is not a straightforward process in any tool.



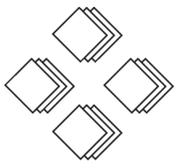
3. Electronic bundles must be text searchable, which means OCR-ing non-searchable pages. This is a resource intensive process which for large bundle sets will likely crash your laptop repeatedly. XBUNDLE has access to high resource machines than can quickly OCR large bundle sets.
4. Certain native documents – for example, video, audio, CAD (Computer Aided Design – often used by architects and engineers), MPP (Microsoft Project – a project management tool) and Excels cannot be displayed properly if they are converted into a PDF, so need to be included in the bundle in their native format

We can, using XBUNDLE software, embed these as a page in the electronic bundle so you can open and view these from within the bundle without having to supply these as separate files.

5. Distributing the bundles – the [Remote Hearings Protocol](#) issued by the Judiciary says that it is preferred that the electronic bundle is sent by way of a link to an online data store rather than using CE-file, email or any other method.

XBUNDLE can provide a secure, encrypted, UK-hosted virtual data store where the single latest version of the electronic bundle can be hosted and viewed online without the need to download it.

Distinct user groups can be created, with separate permissions such as view only with no download rights (meaning you can securely share the bundle with opponents and restrict their access as necessary).



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Having the bundle in a single location ensures that everyone has the latest version and saves time in not having to email or provide separate downloads to multiple parties.

6. Video hearings - where there is a need for maintaining open justice and public access, S.85A has been introduced into the Courts Act 2003, by the Coronavirus Act, so that now there can be video broadcasting of all court hearings. At the time of writing (6 April 2020) Skype seems to be the courts' preferred platform, with the Judge's clerk initiating calls, but this may be subject to change.

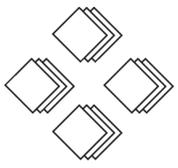
Skype may not be as reliable as other options but the judges have received training on Skype so are likely to feel more comfortable with using it.

We can, with a remote hearing solution, create and broadcast a live or delayed stream of the proceedings to YouTube, if you have a direction from a Judge that a broadcast should be arranged. The courts are though looking at introducing soon the court's own "Cloud Video Platform" for full video hearings. We will update you when more is known on this.

B. Pre-hearing preparation

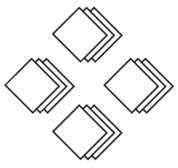
Prepare for a remote hearing as you would an in-person hearing. But there are more things to get together and to get right.

- Have you got the necessary software & internet connection? You will need as a minimum an internet connection, web browser (Chrome typically works best), Skype for Business or Skype app installed and a PDF viewer.
- Work out how you are going to "view" the call while also looking at the bundle. If you have a second screen then put Skype on one and the PDF viewer on the other. If you have only a single screen then use the screen snap feature in Windows 10 (click and drag the title bar to the left or right until the mouse pointer hits the edge of the screen and flashes, release the mouse pointer. Using the Snap feature two windows can be aligned to use both sides of the screen equally.)
- XBUNDLE is actively investigating alternative options for the 'electronic presentation of evidence' during a remote hearing. For those of you who have used an electronic trial bundle in a normal court hearing you will be used to everyone having their own dedicated screen for the bundle, and an EPO (Electronic Presentation Operator, usually from the electronic bundle company), sitting in court and turning up the relevant bundle page when directed by counsel or the judge. This will then display on everybody's screens, meaning it's not necessary for everyone individually to scuddle to find the right page. One option would be for one of the call participants (probably either a trainee or someone from XBUNDLE) to act as the EPO by:
 - o Having the bundle open on their computer, but ensuring everything else other than Skype (or Zoom if that's what is being used for the hearing) is closed
 - o Dialling into the video call, and muting themselves
 - o Within the video call, sharing their screen (so in lieu of a video feed of the individual, other participants will see the bundle displayed).



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- During the hearing, listening very carefully for any direction that participants should view a particular page in the bundle, and then turning up that reference for everyone. If you need an instruction repeating then you would need to unmute yourself to ask.
- Has the Court Skype invite arrived? Check that your version of Skype will connect to the Court invite. There is a difference between Skype products and you will need to log-in to the correct version.
- Are you connected to the internet, and can you connect to Skype?
- Test and test again.
- Video participants (usually only Counsel), should set their webcam so it is at eye level (a laptop may need resting on a pile of books) and the participant should try to look into the camera, not at the screen. Counsel should also be advised to test their microphone and speakers and ideally use a headset. When using a headset, they should turn off their device speakers otherwise there will be feedback.
- Think of your surroundings. Cut out as far as possible any background views or background noise. Don't sit in front of a window or a backlight as you won't be seen. Arrange the light so it is in front or there is uplighting. Cut out any chance of interruptions.
- If you aren't a video participant, make sure you know how to turn off video and mute the microphone and that these are done before entering the meeting.
- Turn off or divert your phones (in particular, if you are not using Skype for the hearing ensure that you set your Skype status to "Do not disturb"). Keep your mobile away from your device because this can cause interference.
- Use the Skype audio and video tests to make sure you are all set up.
- Be wary if you have previously set special effects with backgrounds and video on Skype or Zoom as these could have drastic unintended consequences. No-one wants inadvertently to display, e.g., a holiday snap as a background.
- On a related note, if you are using Zoom in particular and children other family members have been using your Zoom account to keep in touch with friends and relatives, double check the settings, e.g. that no background has been applied and that the display name is your name.
- Ensure either that there are no smart speakers (Alexa, Cortana, Siri, Google Home/Nest) in the room where you'll be dialling in, or if there are that they are unplugged. Otherwise there is a risk that they will 'listen' to the hearing and analyse the content.
- Check that you have the latest version of the bundle and that you can access it. Make sure it is open before the call starts.
- There is always the risk of technical issues with any video conferencing platform. If the court has scheduled a Skype call, it may be sensible to schedule your own Zoom call as back-up. You can then have the details of the Zoom conference ready to circulate at short notice if for whatever reason the Skype call isn't working. Collate a list of email addresses of the solicitor and counsel participants on both sides, plus the judge's clerk on a 'just in case' basis.
- Even if you are not going to be a video participant and will just be listening in, beware that it's not unheard of for people accidentally to display their video feed! Therefore it is sensible to dress for the occasion and to bear in mind what can be seen of your location (it's probably best not to take the call sitting in bed if this can be avoided). The same applies with sharing your desktop – see below re. minimising (or ideally closing) other open software applications on your computer.



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C. During Hearing

- Log-in early. You'll probably be put in a waiting room until the clerk joins you to the call.
- Make sure any other applications on your desktop are closed and you only have open what you need for the hearing. Unnecessary open applications and windows hog resources and will diminish your experience.
- Try to restrict other users of your internet during your call. The kids streaming YouTube videos or flatmates taking part in HD multiplayer games with their friends will make your call impossible to follow or take part in.
- If an active participant, turn your video on but microphone off until the hearing starts.
- If a non-active participant, turn your video and microphone off.
- Don't record the call unless you have express court permission otherwise you will be in contempt of court.

D. After the Hearing

- When the hearing has finished, log-off and disconnect. Check and check again that you have indeed disconnected from the call!
- If you are having a debrief after the hearing, start a new call. Don't continue on the court call. You may be recorded and others may still be listening.
- Report back to XBundle and your department and firm more generally as to what worked, what didn't work and what would be nice to have to make the call better.

The XBundle team have a great deal of experience and expertise and, with Dr Nick Sharples, they have a highly proficient computer software programmer and systems specialist who can script and automate most routine tasks.

Let us help you with the "heavy lifting" and logistics of preparing for hearings.