

# Best Practices for Remote Examinations for Discovery

## A. Introduction

1. These Best Practices apply to Remote Examinations for Discovery. They describe considerations prior to, and conduct during, remote examinations to ensure the integrity of the evidence provided.
2. Before proceeding with a Remote Examination for Discovery, Counsel should carefully consider the circumstances of each case. This includes ensuring the requisite technology is available and the witness is comfortable with the technology. Remote examinations may also be too taxing on some witnesses, particularly those with disabilities. Remote Examinations for Discovery may not be appropriate in all cases.
3. Counsel shall however consent to a remote examination unless to do so would result in significant unfairness, injustice, or prejudice to a party.<sup>1</sup> Counsel has an obligation to move matters forward. Per the Superior Court of Justice *Consolidated Practice Direction* dated May 13, 2020, all counsel and parties are expected to cooperate and engage in every effort to resolve matters.<sup>2</sup> This includes conducting Examinations for Discovery remotely.
4. Counsel, not their client, has sole discretion to determine the accommodations to be granted to opposing counsel and litigants in all matters that do not affect the merits of the case or prejudice the client's rights. Counsel should not accede to a client's demands that counsel act in an unreasonable or uncooperative manner.

## B. Platform to be Used

5. Counsel should consult with the Official Examiner's Office to determine what platform(s) they use to host remote Examinations for Discovery. Counsel must satisfy themselves that the suggested platform is appropriate considering accessibility and security.
6. The platform used should be readily accessible through various operating systems (Windows, IOS, Android etc.) and easy to use.
7. The platform should also be secure. Counsel should familiarize themselves with the security features of each platform. While Counsel should consult research prepared by legal associations regarding appropriate platforms, Counsel is ultimately responsible to ensure they have reviewed the most up to date security information and that the examination proceeds on a secure platform.
8. All examination participants should, if possible, use a hard-wired internet connection or a private or password protected Wi-Fi connection. Participants should avoid using public Wi-Fi because connection speeds are slow, and security is unknown.

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<sup>1</sup> See *Arconti v. Smith*, [2020 ONSC 2782 \(CanLII\)](#) at paras. 19, 44.

<sup>2</sup> <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/consolidated-notice/>

9. Counsel should consider the hardware and software required for the examination and ensure all participants have the necessary hardware and software to connect to the examination. A useful resource is the Best Practices for Remote Hearings, Appendix B – Recommended Hardware and Software.
10. Counsel should cooperate with each other and should not withhold consent to a particular platform unless there is a good and valid reason to do so.

### **C. Collaboration with Parties and Counsel Prior to the Examination for Discovery**

12. Counsel should collaborate prior to the remote Examination for Discovery and reach an agreement regarding how the remote examination will proceed. These discussions should include whether or not the examination will be recorded, the location of the witness to be examined, and other matters discussed herein.

#### **(a) Video Recording**

13. An agreement should be reached regarding whether or not the examination will be recorded, the use that will be made of the recording and who, if anyone, will have access to the recording option on the platform.
14. The Examination for Discovery should not be recorded by any means without the explicit written consent of all parties.
15. Counsel should clarify with the Official Examiner's Office whether it intends to video record the examination as a second means to create the transcript. If the Official Examiner's Office so intends and the parties are agreeable, the Official Examiner's Office should be instructed in writing to delete the video recording once the transcript is completed. Following the examination, Counsel should require written confirmation from the Official Examiner's Office that the video recording has been deleted.
16. All participants should confirm in writing that they are not recording the Examination for Discovery through the platform's recording feature or by any other means. All participants should also confirm and agree in writing that any recording cannot and will not be used in the lawsuit or at trial. In the absence of written confirmation of this agreement, disputes may arise regarding the future use of such recordings.

#### **(b) Location of Witness**

17. The client/witness to be examined should be situated in the least disruptive location possible for the Examination for Discovery. The key requirement is that the integrity of the witness's evidence be maintained. Counsel should consider the following options in consultation with the Official Examiner's Office where required:
  - a) The witness remains at home. The camera can be set up in a way to show most of the room and verify the witness is alone.

- b) The witness attends at an Official Examiner's Office and is placed alone in a sanitized conference room with the necessary video/audio equipment.
  - c) The witness attends at Counsel's office. Counsel should remain at a safe distance and ensure that the room being provided is sanitized. Counsel shall ensure that the room is set up with the necessary video/audio equipment.
18. During the Covid-19 pandemic, examinations taking place outside the home require a commitment to provide bio-security, including sanitizing before and after contact with surfaces, hand washing, and ensuring the witness has no symptoms.

**(c) Other Matters to Discuss**

19. Counsel should also discuss and reach an agreement with respect to the following prior to the examination:
- i. **Viewing Documents:** Counsel should consider how documents will be put to the witness and whether screen sharing will be used. If screen sharing is to be used, counsel should ensure any privileged or confidential material is removed from their screen.
  - ii. **Refusals given Video/Audio Delays:** Counsel should undertake to allow for time for refusals to questions. Delays in video or audio transmissions can occur, making refusals and other counsel interjections more difficult.
  - iii. **Connectivity Issues:** The examination should not begin, resume or continue unless and until all participants are connected. Should a participant become disconnected, the examination should immediately cease until the participant is reconnected. The participants should exchange phone numbers in the event any participant is unable to connect or re-connect. If reconnection by video is not possible, consideration should be given to continuing the examination by telephone. If that is untenable, the examination shall be rescheduled.
  - iv. **Marking Exhibits:** Counsel should reach an agreement regarding exhibits and whether they will be provided electronically to the reporter. Counsel should agree to accept digital exhibit stamps and digital signatures where available. Counsel may wish to pre-mark exhibits and agree upon the documents that will form exhibits prior to the examination. Counsel should consider creating an electronic brief of documents for use while questioning the witness and sharing same with opposing counsel prior to the examination. If Counsel wishes to have the witness mark or modify a document during the examination (i.e., to indicate a precise location), the witness may do so by way of Undertaking.
  - v. **Breaks:** Counsel should be courteous to all participants and allow for occasional disruptions given the location of participants during the

examination. Counsel should discuss how to deal with disruptions and plan for necessary breaks.

- vi. **Securing the Integrity of the Evidence:** All Counsel should instruct their witness that the examination is confidential. Counsel should take every precaution to ensure the witness understands and maintains confidentiality of the examination. This includes, but is not limited to, ensuring the witness is isolated in a private room and does not communicate with anyone else by phone, tablet, computer or other means during the examination.

20. The agreement between Counsel should be reduced to writing and included in the Discovery Plan. See **Appendix A** for a Draft Discovery Plan for Remote Examinations for Discovery.

#### **D. Client Preparation**

21. Counsel should prepare their client for the Examination for Discovery using the same platform that will be used at the Examination for Discovery. This will allow:
  - a) The client to become comfortable with the platform and providing evidence by video;
  - b) Counsel to ensure the client has appropriate technology and internet capacity to conduct the examination; and
  - c) Counsel to ensure the client will be situated in a private room with minimal distractions.
22. If the platform to be used is not available for the Client preparation meeting, Counsel should use an alternate available and approved video platform to at least provide the client with the opportunity to become comfortable with speaking over a video medium.
23. Counsel are bound by the Rules of Professional Conduct, and should consult same regarding recording of any client communications. Counsel cannot record solicitor-client communications without the explicit consent of their client and in compliance with the Rules of Professional Conduct.
24. Counsel should remind their clients of the importance of solicitor-client privilege and clients should be discouraged from recording any meetings with their Counsel.
25. Counsel should advise their clients in person and in writing that they are not permitted to record the Examination for Discovery by any means.
26. During the preparation meeting, Counsel should ensure their clients have the appropriate tools for the Examination for Discovery. This includes verifying that:
  - a) the client's device (phone, IPAD, laptop, or computer) is working properly;
  - b) the client has a working video camera and microphone; and
  - c) the client has a home internet connection capable of handling video conferencing software.

27. Counsel should discuss and prepare the client for the location in which the client will be situated during the Examination for Discovery. This includes discussing the room that will be used if the client is to remain at home and advising the client to keep all pets, children and other people out of the room as much as possible during the examination.
28. Counsel should instruct their clients that the examination is a confidential proceeding and that other people cannot be present in the room with them during their examination. If childcare is an issue for the client, the examination should take place at the most convenient time for the client to allow for child care. If this is not possible, Counsel should consider whether the examination can proceed by video conference.
29. Counsel should discuss an appropriate dress code with their clients and review video conferencing etiquette.
30. Clients should be seated at a desk or table within their home to encourage alertness. Counsel should remind their clients to sit in a comfortable chair at their desk or table.
31. Counsel should advise clients that Counsel may need to object to or refuse a question. Video and audio delays may make objections difficult and as such, clients should be advised to pause before answering questions to allow for counsel to interject if necessary. Clients should be reminded to immediately stop speaking if Counsel interjects.
32. Counsel should advise their clients that the examination will not begin until all participants are connected. Should any participant become inadvertently disconnected, the examination will immediately cease until such time as all participants are reconnected. Counsel should confirm the client's contact information and have same available on the day of the examination in the event the client is unable to connect to the examination.
33. Counsel should advise their clients that breaks will be afforded as needed and determine if the client has any specific requirements for breaks. Counsel should also advise their clients of any pre-planned breaks. Clients should be advised to disconnect their audio and video during any and all breaks to maintain privacy.
34. Counsel should remind clients that the camera and audio will be during the entire video conference examination. Clients should be mindful of their activities, movements and facial expressions during the examination. Clients should also be mindful of, and minimize, any noises they, or others around them, make.
35. Counsel should consider whether they need to use the preparation meeting to commission an Affidavit of Documents.
36. A Checklist for Client Preparation for Remote Examinations for Discovery is attached at **Appendix B**.

#### **E. Connectivity**

37. Counsel should work together to ensure connectivity for all participants and that the platform is working properly.

38. Counsel should consider using a direct internet connection vs. a Wi-Fi connection. Counsel should also consider joining audio through the phone for a better audio connection. This also provides redundancy should Counsel briefly lose internet connection or video.
39. If possible, the participants should use private internet connections or a password protected Wi-Fi connections. Wherever possible, Parties should avoid using public Wi-Fi connections and unsecured Wi-Fi hotspots because connection speeds are slow and security is unknown.
40. The Official Examiner's Office should host the remote meeting if possible.
41. In smaller centres or where the Official Examiner's Office or counsel have not previously conducted a remote Examination for Discovery, all parties should consider doing a 15 minute trial run in advance of the examination to ensure all equipment and connections work as intended. If this is done a few days or a week prior to the examination, connectivity concerns can be addressed.
42. All participants should join the remote meeting 10 minutes prior to the start of the Examination for Discovery to test connectivity and equipment.

#### **F. The Examination for Discovery**

##### **(a) At the Commencement of the Examination**

43. Counsel should ensure that all participants can hear and see everyone present before they go on the record. All participants should be instructed to immediately advise if their equipment stops working or if sound is interrupted.
44. Counsel should have an alternative method of communication arranged with their clients in the event of connection difficulties. Counsel should have the client's phone number or email and clients should be instructed to expect their counsel to contact them if they cannot connect or reconnect to the examination. Counsel should be mindful of their obligation to refrain from discussing the evidence or their client's testimony with the client after the examination begins and prior to its conclusion.
45. Prior to examining a witness, Counsel should confirm the following on the record:
  - a) The witness is alone in a private room. If necessary the witness may be asked to move the camera around the room to verify their location and that they are alone. Counsel may also wish to consider a second camera in the witness room to allow for the entire room to be within view.
  - b) The witness understands the examination is confidential and that he or she cannot communicate by any means with anyone else during the examination. Counsel should again, confirm at the end of the examination, that the witness has not communicated with anyone during the examination.

- c) The witness is not equipped with a device for texting/other communication during the Examination for Discovery.
- d) The agreement with respect to video recording. This includes confirming that no participant will record the proceeding unless authorized in writing to do so and that no participant will use any such recording at trial.

**(b) Ensuring a Successful Examination**

46. Counsel should be patient, civil and cooperative when conducting the examination by remote means generally and when specifically dealing with connectivity problems and delays in audio and visual connections.
47. Participants should expect technological problems and mishaps (i.e., disconnections, sound loss, delays in audio and video, etc.) and ensure that all participants agree the examination be continued once the issue is resolved.
48. If technological problems and mishaps persist, Counsel should consider whether it is in their client's best interest to adjourn the process to another day.
49. Counsel should dress professionally for the Examination for Discovery, in the same manner and style as if the examination was being conducted in person.
50. In order for a successful remote Examination for Discovery, Counsel should also:
  - Consider how the witness will be sworn. If the client does not have a bible present to be sworn in, Counsel should consider whether the client is comfortable with an Affirmation.
  - Remind the witness that only one person may speak at a time and to be mindful of delays with audio or video.
  - Encourage participants to speak slowly. This is particularly important during a remote Examination for Discovery, to ensure that the audio is clear and the testimony is preserved. Participants should be encouraged to speak slower if needed. Participants should be asked to spell names for clarity.
  - Remind participants that the camera and microphone will be on throughout the remote Examination for Discovery. Participants should be mindful of facial expressions and noise during the examination. Participants should act professionally at all times.
  - Ensure shared documents can be viewed by all participants. If document sharing will be used by Counsel, Counsel should ensure all participants can view the document prior to commencing any questions regarding the document.

- Minimize background noise where possible. Counsel should use headsets if available. All alerts and reminders should be muted on participant devices. All participants should be reminded to turn off their cellphones.
- Advise witnesses to refrain from eating during the examination. Drinks should be limit to non-alcoholic drinks. Participants should also be mindful that eating and drinking during the examination may interfere with the recording.
- Consider how notes will be taken. Participants who wish to take notes during the examination should attempt to do so in a manner that will not interfere with the audio recording. Typing with the microphone on may disrupt the recording and examination.
- Minimize distractions. As much as possible, participants should use a neutral background for the Examination for Discovery.
- Ensure privileged or confidential information and documents are not within camera view or viewable during screen sharing. Participants should be mindful that the camera will show parts of the room they are in and/or their screen if screen sharing is used. Counsel should ensure any privileged or confidential information is removed from view. Counsel may wish to use appropriate digital backgrounds if needed.
- Provide participants breaks as needed to make them comfortable throughout the process. During breaks, Counsel should ensure their client's microphone and video are turned off and they are not visible by opposing counsel.

51. It is recommended that Counsel also review the Best Practices for Remote Hearings - Appendix C, On-Screen Tips for Counsel, Parties and Witnesses. Counsel should consider forwarding this document to their clients as an aid in preparing for their Examination for Discovery.

**Schedule A**  
**Draft Discovery Plan for Remote Examination for Discovery**

Court File No.

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

B E T W E E N :

X

Plaintiffs

- and -

Y

Defendants

- and -

Z.

Third Party

**PROPOSED DISCOVERY PLAN**

1. The parties to this action, by their lawyers, hereby agree to the following scope of documentary discovery, subject to subsequent agreement in writing or any Order the Civil Court shall make to the following Discovery Plan made pursuant to Rule 29.1 of the *Rules of Civil Procedure*.

**SCOPE OF DOCUMENTARY DISCOVERY**

2. Each party shall disclose in an Affidavit of Documents, as required by Rule 30.03, every document relevant to any matter in issue in the action that is or has been in possession, control or power of the party.
3. The parties have an obligation to take reasonable steps to preserve all potentially relevant documentation.
4. Any document in respect of which privilege is claimed by a party shall only be disclosed as requested by *Rule 30.03*.
5. The Defendants shall disclose any insurance policy under which an insurer may be liable to satisfy, indemnify, or reimburse a party for all or part of Judgment and/or costs in this action, but no information concerning the insurance policy is admissible in evidence unless it is relevant to an issue in the action.

## **AFFIDAVITS OF DOCUMENTS**

6. The parties agree to serve their respective draft Affidavits of Documents and all Schedule “A” productions at least 14 days in advance of the examinations for discovery.

## **PRODUCTION OF DOCUMENTS**

7. Every document relevant to any matter in issue in the action that is in the possession or control of a party to the action shall be produced to all parties unless privilege is claimed in respect of the document.
8. The Defendants undertake to pay the Plaintiffs for the costs incurred in obtaining relevant documentation to be produced.
9. Relevant productions of the parties may include, but is not limited to:

### **Productions of the Plaintiffs**

(a)

### **Productions of the Defendants**

(a)

## **EXAMINATIONS FOR DISCOVERY**

10. The parties named in this action shall be produced for oral examination for discovery as provided by Rule 31. The parties agree that reasonable attempts have been made to accommodate the schedules of counsel and the person to be examined.
11. The parties agree to the following schedule of the remaining oral examinations:

**DATE at ...**

- (1) The Defendants,
12. The parties agree that examinations for discovery of all parties shall be completed on or before \_\_\_\_\_, or as ordered by the Court.
13. The parties agree that the examinations for discovery will proceed remotely by way of videoconference through a recognized legal reporting agency. To that end, the parties agree to the following in relation to the remote examinations:
  - (a) **Platform for Examination:** The parties agree to use the video conferencing platform proposed by the Official Examiner’s Office. The Official Examiner shall host the remote examination. If possible, the parties agree to test the platform in advance to confirm that there are no connectivity difficulties.

- (b) **Connectivity:** The examination shall not commence, resume or continue unless and until all participants are connected. Should a participant become disconnected, the examination shall immediately cease until the participant is reconnected. Counsel will exchange phone numbers and ensure they have contact information for their client/witness readily available in the event any participant is unable to connect or re-connect.
- (c) **Location of Witness:** Counsel will ensure their client/witness is situated in a private location for the examination for discovery and, that all potential disruptions are minimized. The key requirement is that the integrity of the client/witness's evidence be maintained. The location of the client/witness for the duration of the examination will be agreed-upon with that in mind.
- (d) **Marking Exhibits:** Counsel will send any exhibits to the reporter electronically. The parties shall accept digital exhibit stamps and digital signatures where available.
- (e) **Securing the Integrity of the Evidence:** Counsel undertake to instruct their client/witness that the examination is a confidential proceeding. Counsel shall take every precaution to ensure their client/witness understands and complies with same. This includes but is not limited to ensuring the client/witness is isolated in a private room and does not communicate with anyone else by any means, including but not limited to phone, tablet, computer or other device, during the examination.
- (f) **Use of Video Recording:** The parties agree that the examination for discovery will not be recorded by any means by any participant other than the Official Examiner without the explicit written consent of all counsel and parties. The parties further agree that any recording of the proceeding cannot and will not be used in the lawsuit or at trial.
- (g) **Video Recording for Purposes of the Transcript:** In the event the Official Examiner's Office video records the examination as a second means to create the transcript, the parties agree that the Official Examiners Office will be instructed in writing to delete the recording once the transcript is completed. Counsel will require written confirmation from the Official Examiner's Office that the recording will be and has been deleted.

## **ANSWERS TO UNDERTAKINGS, MOTIONS, AND OTHER MATTERS**

- 14. The parties will provide answers to undertakings and, if applicable, questions taken under advisement within 120 days of the hearing of their respective examinations for discovery.
- 15. Motions arising out of discoveries will be scheduled with the court within 90 days of the deadline for providing answers to undertakings.
- 16. Pursuant to Rule 29.1.04 of the Rules of Civil Procedure, the Parties will update this Discovery plan as necessary to reflect any changes. Updates will be in writing.

17. The Discovery Plan is signed by the parties' counsel and shall bind the parties.

This Discovery Plan is agreed upon by the parties hereto.

\_\_\_\_\_  
Date

Per: \_\_\_\_\_

Lawyers for The Plaintiffs

\_\_\_\_\_  
Date

Per: \_\_\_\_\_

Lawyers for the Defendants,

**Schedule B**  
**Checklist for Client Preparation for Remote Examinations for Discovery**

The client should be prepared on the same platform to be used for the examination. If the platform is not available, the client should be prepared on a similar platform.

The following should be reviewed and discussed with the client:

<b>1.</b>	<p><b>Solicitor client privilege and recording of the client preparation session</b></p> <ul style="list-style-type: none"> <li>• Counsel cannot record the session without the explicit consent of the client.</li> <li>• Counsel should discourage the client from recording the session (and any meetings with their Counsel) to maintain privilege.</li> </ul>	
<b>2.</b>	<b>Connectivity</b>	
	<p>a) Does the client have a secure connection (i.e., password protected)? Remind the client that public Wi-Fi connections should not be used if possible.</p>	
	<p>b) Does the client have appropriate technology and internet capacity to conduct the examination, including:</p> <ul style="list-style-type: none"> <li>• Is the client's device working properly?</li> <li>• Does the client have a working video camera?</li> <li>• Does the client have a working microphone with appropriate sound quality?</li> <li>• Does the client have a home internet connection capable of handling video conferencing?</li> </ul>	
	<p>c) Is the client comfortable with the technology to be used?</p>	
	<p>d) Advise the client to join the remote examination at least 10 minutes prior to the start time to test connectivity and equipment.</p>	
<b>4.</b>	<b>The plan to address technology or connectivity issues</b>	
	<p>a) Advise the client that the examination will immediately cease should any participant be disconnected and will not resume unless and until all participants are connected.</p>	
	<p>b) Arrange an alternative method of communication with the client should the client become disconnected. Counsel should confirm the client's phone number or email address and have it accessible during the examination.</p>	

	The client should also have a means to contact Counsel should the client become disconnected and unable to reconnect.	
	c) Advise the client to notify Counsel immediately if their audio or video is interrupted or fails during the examination.	
	d) Forewarn the client that if connectivity issues persist, the examination may need to continue by telephone or be rescheduled.	
<b>4.</b>	<b>The Location the client will be situated during the examination (if the Official Examiners Office or Counsel's office is not being used)</b>	
	a) Is the room private?	
	b) Should the camera be repositioned to allow for proper viewing of the client and/or the room?	
	c) Is the lighting in the room appropriate so that the client can be viewed on camera?	
	d) Is the client's background appropriately neutral such that it will not distract during the examination?	
	e) Should any inappropriate or potentially offensive signage or other items in the client's room be removed?	
	f) Ensure any privileged or confidential material is not visible on camera.	
	g) Ensure the client has a comfortable chair and desk or table to sit at during the examination.	
<b>5.</b>	<b>The importance of confidentiality and privacy &amp; how same will be maintained</b>	
	a) Advise the client that the examination is confidential. Take every precaution to ensure the client understands and maintains the confidentiality of the examination.	
	b) Advise the client to keep all pets, children and other people out of the room during the examination and problem-solve any difficulties the client may have doing so.	
	c) Forewarn the client that opposing counsel may require the client to reposition or move the camera to view the entire room to ensure privacy.	
	d) Advise the client not to communicate with anyone by phone, tablet computer, or any other means during the examination. Ensure the client	

	removes any such devices so they are not accessible during the examination.	
	e) Advise the client that they should not bring, or use, any notes during the examination. All such items should be removed from the room.	
<b>6.</b>	<b>The prohibition on recording the examination</b>	
	a) Advise the client that audio or video recording or photographing the examination is strictly prohibited.	
	b) Advise the client that any accidental recording or photograph must be immediately deleted and cannot under any circumstances be disseminated to others.	
	c) Advise the client that he or she may be required to confirm on the record and/or in writing that no such recording or photograph has been made or disseminated.	
	d) Confirm the prohibition in writing to the client	
<b>7.</b>	<b>Dress code and video conferencing etiquette</b>	
	a) Advise the client to dress appropriately. <ul style="list-style-type: none"> <li>• The client should dress in the same manner as if the examination was being conducted in person, including fully dressing from the waist down.</li> <li>• The client should avoid wearing any distracting or busy clothing.</li> </ul>	
	b) Advise the client only one person should speak at a time and to refrain from interrupting or speaking over any other participant.	
	c) Advise the client to speak slowly at all times.	
	d) Advise the client to spell names for the reporter.	
	e) Advise the client to remove all distractions from their room including: <ul style="list-style-type: none"> <li>• Ensuring that any noises or notifications on their computer or device are silenced;</li> <li>• Turning off their cell phones; and</li> <li>• Ensuring pets and children do not interrupt the examination and if possible, that appropriate arrangements have been made for their care.</li> </ul>	

	f) Advise the client not to eat during the examination and to limit drinks to non-alcoholic beverages in non-distracting containers.	
	g) Advise the client that the camera will be on them during the entire examination and to mindful of their activities, movements, and facial expressions.	
	h) Advise the client that the audio will also be on during the entire examination and to avoid and minimize any unnecessary noises.	
<b>8.</b>	<b>Interruptions and Breaks</b>	
	a) Advise the client to remain patient throughout the examination as there may be video or audio delays that interrupt the proceeding.	
	b) Discuss with the client any breaks that he or she may require to minimize disruptions and plan accordingly.	
	c) Advise the client of any additional planned breaks throughout the examination (i.e., lunch).	
	d) Advise the client to mute their audio and stop their video during any and all breaks to maintain privacy.	
<b>9.</b>	<b>Objections and refusals</b>	
	a) Explain the need for Counsel to interject or refuse questions and the difficulty with same due to video and audio delays.	
	b) Advise the client that they should pause before answering questions to allow for counsel to interject if necessary.	
	c) Advise the client that they should immediately stop talking if counsel injects or speaks.	
<b>10.</b>	<b>How the Oath will be administered</b>	
	<ul style="list-style-type: none"> <li>• Does the client have a bible at home?</li> <li>• Or is the client comfortable giving a solemn affirmation?</li> </ul>	
<b>11.</b>	<b>Review and commission the Affidavit of Documents, if required</b>	