



ROYAL COURTS OF JUSTICE STRAND  
LONDON WC2A 2LL

27<sup>th</sup> March 2020

Dear Advocates

**Open Letter to advocates: remote hearings in Crown Courts in London and the South East**

We are very grateful to all advocates for their willingness to work with our Crown Court judges to conduct virtual hearings. There have been many early successes with hearings taking place with advocates and defendants remote from Court. This way of working will continue during this emergency. It is only in this way that the criminal justice system, and the work of advocates, can be maintained in these challenging times.

As many will know, HMCTS is working on a cloud video solution. We hope that will be with us shortly (days or weeks, we are told). Hopefully, that will simplify virtual hearings by giving access to all participants by means of bespoke software, designed specifically for remote hearings. Until then, we need to manage as best we can.

We have a number of technologically able judges working on finding a temporary solution. Their first and important issue has been to identify which platform or platforms the Crown Courts should be using for virtual hearings. With their assistance, we have come to the view that Crown Court judges should be using **Skype for Business (“SfB”)** for virtual hearings, for the moment.

We know that many advocates would prefer us to use a different platform or combination of platforms. We understand why many feel that way. But put simply, there are insurmountable obstacles to judges and HMCTS using anything except SfB at the moment in the Crown Court. This is not the place for a lengthy analysis of the obstacles, many of which have been canvassed in useful papers prepared by the Circuits, judges and others in the last few days and weeks. In short, judges and HMCTS court staff have SfB or have access to SfB on their laptops or desktops. That is not true of any other platform. Specifically, HMCTS staff cannot currently access Facetime or Zoom or Microsoft Teams (if external participants are involved, which will invariably be the case with any court hearing) or other market options. That imposes significant limits on the Crown Courts’ ability to be flexible about which platform is used.

The early experience of our judges in using SfB for virtual hearings in the Crown Court is that advocates have, by and large, managed to join SfB hearings. Sometimes it takes patience and a bit of time, but in most cases it has in the end been possible. We are working with the Bar and solicitors to resolve problems encountered in accessing SfB hearings.

As we work together on this, it is clear that there will be particular difficulties in advocates having the opportunity to take private instructions from clients in custody, or in clients on bail participating in virtual hearings. A number of innovative and inventive ways have been used and we are keen to identify ways of working that, within the law, will allow us to get the job done.

**From: The Hon Mr Justice Edis and The Hon Mrs Justice Whipple  
Presiding Judges of the South Eastern Circuit**



**ROYAL COURTS OF JUSTICE STRAND  
LONDON WC2A 2LL**

We hope you will continue to work with us and focus your immediate efforts on achieving these same goals. We are grateful for all the efforts which have been made so far.

Please circulate this letter as widely as you consider appropriate.

Yours faithfully

A handwritten signature in black ink that reads "Andrew Edis".

**Andrew Edis**

A handwritten signature in black ink that reads "Philippa Whipple".

**Philippa Whipple**