

# OTR NEWSLETTER

*The Court Reporter's Journal*



## WE PROVIDE CONFERENCE ROOM RENTALS, COURT REPORTING SERVICES, AND MUCH MORE.

Located in Whitby in the Durham Region and Barrie in the Simcoe County region, On The Record Court Reporting ("OTR") provides dispute resolution conference room rentals and court reporting services in a relaxed atmosphere with a welcoming ambience.

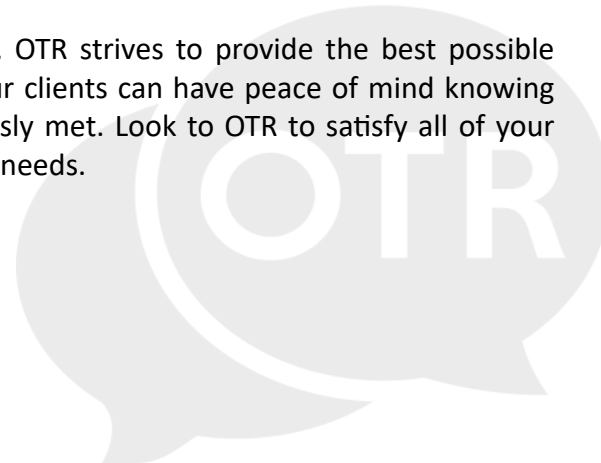
Our modern and top-of-the-line boardrooms are tastefully decorated and are enhanced with superb technology and complimentary beverage service. Our staff are knowledgeable, friendly and efficient, not to mention OTR follows strict government-mandated health guidelines to protect our staff and clients from Covid-19. The boardrooms are routinely cleaned and sanitized, PPE is provided to all clients and social distancing is practiced.

With a particular focus on client satisfaction, OTR strives to provide the best possible venue and experience outside of the GTA. Our clients can have peace of mind knowing that their needs will be quickly and courteously met. Look to OTR to satisfy all of your dispute resolution and court reporting service needs.



EXPLORE WHAT'S INSIDE  
THIS ISSUE:

*What We Do?*  
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*Blogs*



# Our Conference Rooms:

**Video Conferencing:** During these pandemic times, we are thinking about your safety in addition to the well being of our employees and court reporters. Following the Public Health guidelines, we are offering a professional and cost effective video conferencing services where participants can connect with our court reporters and clients from the comfort of their home, office or anywhere around the world. Our boardrooms are fully equipped with TV screens, cameras, audio systems and tech support to help clients conduct their meetings with minimal stress.

**In-Person Meetings:** We are happy to say that at the moment (and until further notice from the Government of Canada) we are accepting “in person” meetings for any of our boardrooms and locations. Following all of the Public Health guidelines, all of our boardrooms/kitchens/bathrooms are sanitized regularly, social distancing requirements are adhered to, and masks/face shields are required for all participants. We are committed to conducting our business in a safe environment.

**Boardroom Rentals:** We offer boardroom rentals independent of our court reporting business. If you are a business owner and require a boardroom rental, please feel free to contact us at [info@otr.report](mailto:info@otr.report). We offer full amenities such as different sized boardrooms depending on your needs, complimentary refreshments (depending on rules issued by Government of Canada), high-speed internet, tech support, reception and copy services as well as very modern facilities to meet all of your needs and to make your experience a positive one.



## Features

- Complimentary beverage service
- Fully individualized catering available upon request
- Teleconferencing
- Holds up to 6 people

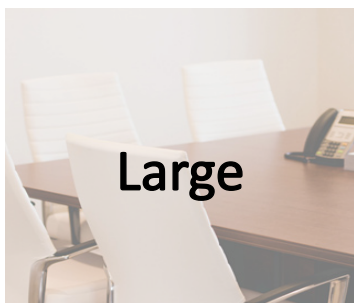
[Book This Room](#)



## Features

- Complimentary beverage service
- Fully individualized catering available upon request
- Teleconferencing
- Holds up to 8 people

[Book This Room](#)



## Features

- Complimentary beverage service
- Fully individualized catering available upon request
- Teleconferencing
- Holds up to 10 people
- Video conferencing
- Presentation tools including PC Scanner

[Book This Room](#)

# Blogs

## How Lawyers Can Prepare For an Examination for Discovery

An examination for discovery is a pre-trial process where the plaintiff and the opponent and their respective lawyers meet, often in conference rooms at a law firm or a neutral location set up particularly for this purpose. Both lawyers get the opportunity to examine the party or parties adverse in interest. The process is recorded by a Court Reporter; however, no judge or jury is present at this stage. This pre-trial process allows the lawyers to review the strength and weaknesses of their case. It provides the lawyers with an opportunity to see how the parties will react to the questions and how they will appear in front of a judge and jury during trial. A well-prepared lawyer will benefit from this exercise in a myriad of ways. For example, examinations help lawyers to understand which areas need focus, and how to refine their presentation. Furthermore, since the examination is recorded, the party is committed to their story from the examination onwards. If they change their story during the trial, the lawyer has an opportunity to challenge the credibility of the party.

### Use of language

Court officials are usually familiar with legal terminology. The same cannot be said about most parties to a lawsuit. Lawyers are therefore well-advised to avoid technical terminology and to put their questions to the party in plain language. This is particularly important if the examination for discovery is taking place entirely in writing, which is an option the examining lawyers can choose. In this situation, the lawyer cannot clarify any ambiguities of their questions but must draft them with additional care.

### Framework of questions

It is helpful to prepare the questions in a manner where one precedes the other. Following a simple pattern of questioning can help with the ongoing discovery. The key component is to develop a strategy that will determine what to ask next. It is also helpful for the examined party to be guided through a comprehensive narrative by the questions. It is advisable to ask questions in chronology.

It is recommended to be concise and clear with your questions when questioning a party. Accurate questioning is more likely to induce succinct and informative responses.

The lawyer must also keep in mind that only relevant questions are permitted at the discovery. Relevant means that the question must relate to any matter in issue in the proceeding as raised by the pleadings and particulars. Consequently, the lawyer must be familiar with all pleadings in the action in order to avoid disruptive but legitimate objections from the opposing lawyer.

When one's own client or witness is examined by the opposing lawyer, communication with the client or witness is prohibited by the rule 5.4-2 of the Rules of Professional Conduct. It is therefore imperative to prepare one's own client and witnesses in advance of the examination for discovery.

### Provoking with facts

To be factually correct when presenting a case is important. There is a difference between investigating facts associated with the testimony versus coercing a witness into giving an answer. Nevertheless, leading questions are explicitly permitted when examining the opposing party. Yet, questioning should be ceased when all of the information required for the case has been attained.

By applying these simple techniques, lawyers can make the most of an examination. If the examination does not go as planned, it is an opportunity to make note of all the challenges and work on them before the actual trial.

# Tips on Video-Conferencing with Court Reporting Services during COVID-19

Are you trying to resolve disputes during COVID-19? On The Record (OTR) court reporting can help.

Ontario courts are operating online via zoom and other digital platforms except for urgent matters, which leaves lawyers, mediators and arbitrators needing to quickly adapt to a new era of online conferencing and meetings.

We remain committed to our clients and will continue to provide the same quality service online. We can schedule your examinations, discoveries, hearings and mediations as we offer:

1. Zoom meetings
2. Microsoft Team Meetings
3. Our team members are here to schedule your proceedings
4. All proceedings are held in the comfort of your home or office
5. Our court reporters and IT teams are available to assist you with the technical aspects of using the video-conference software

## Here are some tips on conducting these meetings and hearings online:

1. Work with our IT team to ensure that each participant has a strong internet connection, the necessary audio/video capabilities and knows how to use the video conferencing program prior to the meeting:
  - This can include setting up a hard-wired connection with an Ethernet cable to ensure the most stable internet or testing your Wi-Fi internet speed
  - Consider investing in an external mic and headphones to ensure the best sound quality and to cancel out background noise
  - Conduct a test run. For example, Zoom offers a test page to check your internet speed: <https://zoom.us/test>
2. Indicate at the beginning of the hearing or meeting where everyone is located as participants may be in different cities or even countries. Ensure that participants in different time zones are on the same page about the meeting time.
3. Pick a spot in your home or office free from distractions. Ensure the background is clear from clutter and appears professional. Make sure you are not in front of a window as the glare from the sun can become very distracting to viewers.
4. Ensure your laptop or camera is just above eye level so that the view of your face is not overly angled. Look at the camera rather than at the screen when speaking to simulate eye-contact as much as possible.
5. During the meeting, try your best not to talk over anyone. This makes it more difficult for the court reporter to hear what is being said. Enunciate and speak slightly slower than usual to make sure all the participants can hear you.
6. Use the "Share your screen" function so that you can show exhibits or other documents with participants. It will be helpful to send these ahead of time to the court reporting service so that the reporter can easily follow along.
7. Avoid multitasking during the call. Especially if you wear glasses, everyone will be able to see that you are scrolling from the glare of your lenses.
8. Finally, have a Plan B set up with all the participants and our team. In the event that the connection cuts out, everyone will know which number to call in order to continue by teleconference.

Our counterparts in the U.S. have successfully used web-conferencing even prior to COVID-19 as it saves significant time and cost for flights, hotels and physical boardroom space. With the right preparation and patience as we adjust to using this new medium, we can continue to access justice while also doing our part to social distance appropriately and flatten the curve.