



**Serbia**  
**Djuro Djuric**  
reports that due to the state of emergency, the High Court Council issued a special Conclusion on 18 March with Instructions for hearings and sessions in urgent matters.

Regarding civil and insolvency matters, this Conclusion allows the insolvency procedure to take place only if a decision on interim measures has to be ordered, the delay extended or terminated. In all other cases main hearings are suspended as from 19 March 2020 until the state of emergency is lifted (6 May).

During the state of emergency, commercial courts dealing in insolvency matters communicated privately with each other and with their superiors via internet. Communication and delivering decisions in e-form are still not official in Serbia (although the National Parliament of the Republic of Serbia adopted the Act on Electronic Document,

Electronic Identification and Trust Services in Electronic Business on 17 October 2017, which came into force on 27 October 2017, and E-Governance has been working in Serbia for almost 2 years).



**Turkey**  
**Burak Baydar**  
from Moroglu

Arseven explains that there is a recent legislative proposal awaiting, aiming to amend the conditions for lawyers to participate in civil court hearings through video calls.

The current regulation allows the participation of lawyers, expert witnesses and witnesses to hearings through video calls if both parties consent on it, which makes it almost inapplicable in practice. The amendment bill though suggests that the court can decide the participation of a party or an expert witness or a witness through video call upon a party's request, thus aiming to enhance these hearings.

## Conclusion

It is clear that most European courts still need to adapt to the new technologies in order to allow justice to be delivered from anywhere and despite anything, like the current pandemic. The technology adopted will need to comply with the necessary legal requirements, equality in treatment, confidentiality and guarantees (i.e. a right to a public procedure through streaming solutions, data protection, due identification of participants, cyber threats, etc.).

Thus, IT and data protection experts will be crucial when designing new solutions and protocols. ■

### Footnotes:

- 1 [www.legifrance.gouv.fr/affich/Texte.do?cidTexte=JORFTEXT000041755577&dateTexte=20200406](http://www.legifrance.gouv.fr/affich/Texte.do?cidTexte=JORFTEXT000041755577&dateTexte=20200406)
- 2 [www.legifrance.gouv.fr/affich/Texte.do?cidTexte=JORFTEXT000041762344&categorieLien=id](http://www.legifrance.gouv.fr/affich/Texte.do?cidTexte=JORFTEXT000041762344&categorieLien=id)



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## The seven commandments for virtual hearings

**In the United States there are a number of major platforms that were already being used for remote calling to court hearings.**

With COVID-19, the use of these platforms has been extended to trials and arguments. But as the technology already existed, American attorneys have easily got used to it.

**Evan Zucker**, Of Counsel from Blank Rome in New York, shares some very useful tips for INSOL Europe members to successfully appear (virtually) before European commercial courts,

### 1 Test the Technology:

Ensure that your internet /Wi-Fi is secured and stable. Determine in advance what device you will use to participate in the hearing. Make sure your device's camera and speakers are working properly. If possible, log in to the platform beforehand to test the technology and to practice.

### 2 Set Up Your Virtual Office:

Have a clean office and a wall in the back with no objects which could attract interlocutors from what you have to tell. Consider where you set up your camera and

what is behind you. To the extent possible use a solid background. Pay attention to lighting. For example, depending on the time of day, if you are sitting in front of the window, the glare of the sun can interfere with the video.

### 3 Minimise noises and distraction:

When you are not speaking, mute your microphone. Avoid using the mouse for opening or closing the microphone and learn the relevant shortcuts.

### 4 Speaking:

Look at the camera when you are speaking. Position the camera at about eye level if possible (you can use books and other objects to raise your laptop temporarily). Speak slowly and clearly. There may be an audio lag, so pause occasionally.

### 5 Flexibility:

Do not be hard on yourself – technical glitches will happen, embrace them, everyone understands and is going through similar issues.

### 6 Virtual Documents:

If your materials are all digital, consider combining all of them into a single PDF document with bookmarks and hyperlinks to make jumping to the relevant document seamless during oral arguments. A second monitor can also make a big difference to having the courtroom on one screen and your documents on the other.

### 7 Trial Team:

To the extent permitted by the local court, if you have multiple colleagues participating in the hearing, establish a protocol for communicating during the hearing (e.g., through WhatsApp or another messenger). Use different channel to discuss with different participants (For example: WhatsApp between lawyers and with the court and Signal app for discussing with your client) to avoid mistakes.