

BC Policy 15-602 - Electronic hearings

Introduction

This policy describes procedures for holding Commission hearings with evidence and submissions provided to the Commission in electronic form. The procedures are guidelines that are intended to apply to hearings in most cases, but the Commission has the discretion to adopt different procedures, when appropriate.

Part 1 - Application

This policy applies to enforcement hearings and hearings and reviews under the *Securities Act*, RSBC 1996, c 418.

Part 2 – What is an electronic hearing

The Commission holds hearings using records in electronic form. This e-hearings system enables a party to introduce evidence and file submissions (applications, arguments and authorities) in electronic form through the hearing officer. All other hearing procedures remain the same as for hearings with evidence and submissions in paper form.

Part 3 - What happens before the hearing

Parties submit their evidence and submissions to the secretary to the Commission before the hearing, or before they intend to use them in the hearing. Generally, we expect parties to provide these records in electronic form, by email or disk. The secretary formats and adds them to the e-hearings system. Once the records are in the e-hearings system, the hearing officer sends them to the panel's computers only at the party's direction.

At the hearing, a party can direct the hearing officer to send the evidence to the panel's computers. To make the hearings more efficient, *the commissioners expect the parties to agree* before the hearing, or before they intend to present a particular piece of evidence, on what can be presented to the panel as exhibits. They should then direct the hearing officer to send all of the evidence to the panel's computers

- marked as exhibits if not in dispute and
- marked for identification if in dispute.

Once the evidence is sent, the panel members can view and manage the evidence on their monitors.

Part 4 - What happens at the hearing

On request to the secretary to the Commission, *the Commission provides parties with monitors and computers* in the hearing room, so they can use electronic records and manage their cases electronically. Otherwise, parties may use their own computers. The Commission uses Searchlight software. The TIFF images generated by Searchlight are compatible with other case management products, such as Summation.

If parties use Commission computers, they bring their evidence and submissions in electronic form on a CD-ROM or USB memory stick.

Whether parties use Commission computers or their own computers at the hearing, or choose not to use computers at all, *parties should arrive early* to organize their cases.

Parties manage their cases using records in electronic form or in paper form. They choose. If they manage their cases using records in paper form, they must still provide their evidence and submissions to the panel and the other parties in electronic form.

If a party wishes to introduce evidence that is in electronic form, the party directs the hearing officer to display the record. The panel, the hearing officer, the parties and the witness have monitors called slave screens. The hearing officer displays the record on all the slave screens simultaneously. The hearing officer controls the record on the slave screens following the directions of the party and the panel.

The Commission has also equipped each hearing room with a wall screen and projector. When a party puts a record on the slave screens to a witness, the hearing officer projects the record onto the wall screen. Everyone can see the record on the wall screen. The party can direct a witness' attention to the wall screen while questioning the witness about the record.

*If a party introduces a record that is not already marked by consent as an exhibit or for identification (see **What happens before the hearing**), the hearing officer marks the record for identification and sends it to the panel's computers. If a record marked for identification is accepted as evidence, then the hearing officer changes the record's status to an exhibit.*

The panel directs the hearing officer to delete a record. This happens if a record marked for identification is not made an exhibit, or an exhibit is withdrawn. When the hearing officer deletes the record, it disappears from the panel's computers.

The parties file their submissions by directing the hearing officer to send them to the panel.

On request to the secretary to the Commission, the Commission provides parties with monitors that display *a real-time rough transcript* of the oral evidence (Livenote).

Part 5 - The e-hearings system is secure

The Commission's systems are secure. Everyone's computer files are their own and no one else can access them. The e-hearings system has built in protections. The panel and Commission staff are on the Commission's network. A person's network files can only be accessed with their user ID and password.

Part 6 - Public access to the hearing record

The public can view a hearing record at the Commission's office. The Commission will provide copies of the record for a charge of 50 cents per page. If a member of the public wants a copy of a transcript, the Commission will refer the person to the reporting service. These procedures are unchanged from those followed for the Commission's paper hearings.

Part 7 - The Commission offers a demonstration of the e-hearings system

Before the hearing, the Commission offers a demonstration of the e-hearings system. If a party is interested, please email the secretary to the Commission to arrange this.

Part 8 - A party may apply for exemption

If a party thinks that anything in this policy is unfair, the party may apply for exemption by writing to the secretary to the Commission. Please explain the unfairness, say what you want to do and why and copy the other parties.

Part 9 - You may contact the secretary to the Commission

At this e-mail: commsec@bcsc.bc.ca

At this fax: 604-899-6506

At this address:

Secretary to the Commission
British Columbia Securities Commission
PO Box 10142, Pacific Centre
701 West Georgia Street
Vancouver, BC
V7Y 1L2

At this phone: 604-899-6534

Part 10 - The effective date for this policy

This policy applies to hearings set down after August 1, 2005.

July 25, 2005

Douglas M. Hyndman
Chair