

Client Alert

E-Hearing in Legal Proceedings

The coronavirus (COVID-19) pandemic urged every sector to re-evaluate its traditional work models and practices. As various measures against the pandemic were being introduced, we adapted to the changes that we had anticipated to take place over years, within a matter of weeks. As digitalization gained momentum in almost every sector, the judiciary - which we may define as relatively-traditional – also adapted to these changing times.

The judiciary's first response to COVID-19 was the suspension of time periods in substantive law and procedural law, as well as the postponement of hearings. With the restart of the suspended judicial activities on 15 June 2020, the "*new normal*" in legal proceedings has been a matter of discussion.

In this suspension period, during which attorneys, judges and court employees were not able to attend their duties at the courthouse, the need for hearings to be held online without requiring the attorneys' physical attendance was much discussed. This practice has not been preferred until today, due to the lack of required technological infrastructure. As the remote working model and the concept of social distancing have become part of our daily lives, technical preparations for the online hearing system were also expedited. On 17 June 2020, the first test run of an e-hearing was held by the Ministry of Justice and the Turkish Union of Bar Associations.

The e-hearing system - which enables attorneys to attend hearings via video conference - will be in use, once the related law proposal is passed. The scope of lawsuits and requests in which the e-hearing system will be used remains uncertain at this stage. However, the Minister of Justice stated that the e-hearing system will be integrated with the National Judiciary Informatics System (UYAP) and the attorneys' identities will also be verified via UYAP prior to attending the hearings. It was added that experts and expert witnesses will also be able to attend e-hearings via video conference, in the next phases of the process.

The e-hearing system is planned to be conducted at certain courthouses on a pilot basis and then will be expanded to other courthouses. Although the principles regulating the system are uncertain at this stage, the e-hearing is an important step towards aligning the pre-corona practices in legal proceedings with the "*new normal*".

Please contact us in case of any questions regarding this matter.