

## The case for in-person court attendances

By **Gary S. Joseph**

Law360 Canada (April 17, 2026, 12:56 PM EDT) -- My friend Steve Benmor made some excellent arguments recently in favour of Zoom attendances on motions (*The Zoom paradox: When a judge's words and his court's actions collide*). He backs it up by quoting the extremely persuasive comments of Justice Fred Myers of the Ontario Superior Court of Justice. I recognize and respect their arguments but let me address a couple of matters not addressed in their submissions on this issue.

First let me declare my bias: while I certainly enjoy the practical and cost-saving aspects of Zoom appearances, I also enjoy the in-person attendance. Of course, it is not about what I enjoy, but consider these factors:



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1. In family law, of which I can only speak, interim motions are not mere procedural stops along the way. There are essential, often determinative attendances that can shape the outcome in a matter, lead to settlement or cause a matter to head to trial to address what one party perceives as an unjust temporary result. All of this is especially so in our current age of long delays to get to trial. The concept of a holding order to get you to trial has been run over in my view by delay.
2. Now the harder argument: yes, Zoom offers costs savings to the client — for sure! Yes, the Zoom attendance offers the lawyer a more efficient opportunity to work while awaiting being called to argue, but what about the long-term costs? What do I mean? As I have argued many times before, I was blessed with the opportunity as a young lawyer to watch and learn from the masters of legal argument who preceded me at the bar. I learned so much about advocacy watching Tom Bastedo, Philip Epstein, Alan Poole, Malcolm Kronby and others argue motions. Today, the lawyer awaiting her or his turn to present usually turns the sound and/or screen off and misses the opportunity to watch and learn. Hence, a generation of young lawyers who, through no fault of their own, often fumble in presentation of argument. A generation who at times do not know the basics of advocacy as they had no role models to learn from. Less skilled advocates cost and delay the system.
3. Consider also the loss of meaningful opportunity to connect with your client in person.
4. Consider also the loss of opportunity to connect with your colleagues at the bar.

I am not dismissing Steve's argument, and I certainly respect Justice Myers and his opinion. I recognize the need for true access to justice for all. I simply present for argument a few other factors to consider.

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