AMERICAN ARBITRATION ASSOCIATION® | INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION®

AAA-ICDR® Virtual Hearing Guide for Arbitrators and Parties

Optimizing the Virtual Hearing Experience*

1. Use a PC or laptop for the video portion of the hearing as monitor size will be important, particularly for hearings with many participants

2. The device/screen you are using to participate in the virtual hearing will not be available for other purposes, such as taking notes or viewing documents; arrange for alternate means of doing so

    a. Use of dual monitors (or even a single monitor with a laptop screen) is recommended, with the virtual hearing running on one screen

3. Use a good quality webcam if possible, and check lighting conditions. Backlighting is generally not desirable

4. Audio considerations

    a. Audio quality can be affected by a variety of factors and may take some experimentation to come up with the best way to connect, whether by phone, through your computer speakers/microphone, and with or without a headset; try to determine your best method prior to the scheduled event.

    b. If there are multiple participants in the same physical location, there may be an echo if their microphones/phones are not muted (this is highly dependent on the equipment being used but is obvious when it occurs)

    c. Find a quiet location

    • Minimize background noise

    • Mute yourself when you are not speaking

    • Avoid multi-tasking such as checking email

5. Consider steps that may be taken to establish a high-speed internet connection (*e.g.,* if possible, a hard-wired internet connection is generally preferable to a wireless internet connection)

Virtual Hearing Security Considerations

1. The platform utilized should have a unique, automatically generated meeting ID for each virtual hearing, not personal meeting ID's that are utilized more than once

    a. As an additional layer of security the hearing should be password-protected with a unique password, but that password should be shared with the participants via a medium other than via the virtual hearing invitation email

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* Please note that video hearings or proceedings are conducted through third party platforms. The use of such platforms for proceedings is subject to the platform's terms and policies. The AAA-ICDR does not endorse any one platform over another nor does the AAA-ICDR guarantee the suitability or availability of any platform.

2. Participants should use secure internet connections and not attend from public locations or in circumstances where non-invitees could hear or see the proceedings

3. The host should be provided with the list of participants (including witnesses) and their email addresses for the purpose of inviting them to the virtual hearing

   a. Participants should be instructed to not forward or share the hearing invitation

   b. Any additional participants should be invited directly by the hearing host

4. Use security features available through the platform to prevent ex parte communication with the arbitrators prior to the start of the event

5. Give the virtual sessions meaningful description such as *"AAA Case 01-20-0001-0003 with Arbitrator Jane Doe"*

6. Do not include information that would disclose the identity of the parties to the case

7. You may also want to consider including contact information for the virtual hearing host in the description

8. Disable any "private" chat features (only allow chat with "everyone")

9. Participants must decide if platform recording features will be utilized. If not, disable all recording and emphasize that no independent recording or taking of screenshots is permitted

Preparing for the Virtual Hearing

1. <u>At least one week before the hearing</u>, have a trial run with the panel, representatives and any technical support people that will participate to verify their connectivity and get them familiar with some basic features of the video conferencing platform

   a. Basic features to cover

      • Overall display

      • Control Panel features

      • Participant list

      • Muting/unmuting

      • Screen sharing

      • Passing control

      • Inviting a non-participant

      • Waiting rooms/breakout rooms

      • Locking the meeting

   b. If there are any technical issues with the panelists' equipment, take steps to get them resolved or decide whether the hearing can proceed virtually

   c. Discuss with the panel hosting/co-hosting responsibilities

   d. Each party is responsible for testing platform connectivity for its witnesses in advance of the hearing

2. Send the hearing invitation to the necessary participants

   a. Meeting set-up in video conferencing platform

- Send the hearing invitation via Outlook (not directly through the platform) so that you can customize meeting subject line and body

- Hearing description in the platform should not contain full party information

- Use the AAA case number and arbitrator name

- Include the following disclaimer in the Notice of Hearing and in the electronic hearing invitation:

  Please note that video hearings or proceedings are conducted through third party platforms. The use of such platforms for proceedings is subject to the platform's terms and policies. The AAA-ICDR arranges proceedings through these third party platforms for the arbitrators' and parties' convenience. The AAA-ICDR does not endorse any one platform over another nor does the AAA-ICDR guarantee the suitability or availability of any platform. Any concerns regarding the use of a third party video conferencing platform should be raised by copying correspondence to all parties to this matter.

   b. Document and communicate any ground rules in advance; see the model *Procedural Order for Virtual Hearings* for an extensive list of considerations, including:

- How will document display be managed?

- Conditions for witness participation

- Camera use

- Entering the hearing with full names

- Whether the hearing will be recorded

- How to manage panel conferences

At the start of the hearing

1. Show up early

2. Verify participants and their connectivity

3. The hearing host should use any available security features during the hearing to manage waiting or breakout rooms, screen sharing, chat, and locking the hearing

4. The hearing moderator/host should monitor the participant list for participants who may drop off or for participants that join to ensure that they are required participants

5. Restate any ground rules

6. At least for the early part of the hearing, participants should state their names before speaking so other participants can easily identify the speaker