



# AAA-ICDR® Virtual Hearing Guide for Arbitrators and Parties

## Optimizing the Virtual Hearing Experience<sup>1</sup>

1. Use a PC, laptop, or large tablet 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. Disable any pop-up notifications within applications such as email and instant messaging platforms to prevent these from appearing onscreen while presenting. It is recommended when sharing your screen to share the application vs. the actual screen if the virtual platform allows.
4. Video Considerations
  - a. Use a good quality webcam if possible.
  - b. Check lighting conditions.
  - c. Backlighting is generally not desirable.
  - d. Be considerate as to what is visible in your video.
  - e. Turn off your camera when appropriate.
5. 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 whenever you are not speaking.
    - Take notes quietly if not muted, if necessary on paper as opposed to using a keyboard.
    - Avoid multi-tasking such as checking email.

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<sup>1</sup> 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.



## 6. Connectivity

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

- a. If connecting from your home, and there are multiple internet users, make sure you have enough bandwidth to handle all users being connected at the same time.
- b. Recognize that much of the technology infrastructure involved is not in the host's control and there may be conditions under which a virtual hearing is not feasible.
- c. Consider arranging for a "lower technology" backup alternative, such as an audio-only conferencing.

## Virtual Hearing Security Considerations

1. The platform utilized should have a unique, automatically generated meeting ID for each virtual hearing, not personal meeting IDs that are utilized more than once.
2. As an additional layer of security, the hearing should be password-protected with a unique password.
3. Participants should use secure internet connections and not attend from public locations or in circumstances where non-invitees could hear or see the proceedings.
4. If the AAA is not hosting the hearings, the host will provide the virtual hearing information to the AAA. The AAA will issue invitations to party representatives and the arbitrator. The parties shall be responsible for forwarding the invitation to any clients, witnesses, or other approved hearing participants, unless the virtual hearing order requires otherwise, and for instructing those participants to not forward or share the hearing invitation.
5. Use security features available through the platform to prevent ex parte communication with the arbitrators prior to the start of the event. If the arbitrator is hosting, for example, all parties should be admitted to the hearing from the waiting room simultaneously.
6. Give the virtual sessions meaningful description such as *"AAA Case 01-20-0001-0003 with Arbitrator Jane Doe."*
  - a. Do not include information that would disclose the identity of the parties to the case.
  - b. You may also want to consider including contact information for the virtual hearing host in the description.
7. Disable any "private" chat features. Determine whether public chat will be permitted.
8. Participants must decide if platform recording features will be utilized. If not, disable all recording. In any event, emphasize that no independent recording or taking of screenshots is permitted unless otherwise agreed to by the parties and the arbitrator.

## Preparing for the Virtual Hearing

1. At least one week before the hearing, 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 – every session should have a co-host if possible.
    - Inviting a non-participant
    - Waiting rooms/breakout rooms
  - 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 (there should always be a co-host if possible).
  - 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. If the AAA is serving as host, the AAA will issue the invitation to the arbitrators and the parties or their counsel. Counsel shall be responsible for providing notice to the clients and any witnesses or other hearing participants, unless the virtual hearing order requires the AAA to provide such notice, in which case the AAA will issue the notice in accordance with the terms of the order.
    - b. If the arbitrator or one of the parties or some third-party provider is serving as host, that person should provide the AAA with a copy of the invitation for inclusion in the Notice of Hearing sent to the parties and/or their counsel.
3. Document and communicate any ground rules in advance; see the *AAA-ICDR® Model Order and Procedures for a Virtual Hearing via Videoconference* 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. At the start of each session, the hearing host should
  - a. Verify participants and their connectivity.
  - b. Confirm the participants have a phone number to reach the host.
  - c. Clean up/combine virtual participant entries (names, duplicate phone/video sessions).
  - d. Create break out rooms if available in platform and make assignments as needed.
    - i. Be aware of any special considerations for phone-only participants.
  - e. Assign co-hosts, if possible.
  - f. Restate any ground rules.
  - g. Start the recording, if applicable.
3. During the hearing, the hearing host and/or co-hosts should:
  - a. Keep the participant list open and monitor waiting room activity if available in platform.
  - b. If applicable, pause recording during breaks or at any other time required by the arbitrator or the parties.
4. If during the hearing an arbitrator needs to make a supplemental disclosure (for example, recognizes a witness), and a AAA representative is attending the hearing, the AAA representative will address the issue. If a AAA representative is not available, the arbitrator should stop the hearing and contact the AAA Case Manager to address the issue.



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AAA268