

Appendix C – Organisational Checklists for Virtual Hearings

I. Considerations for parties when choosing a third-party service provider as host

- ❑ Experience and reputation
- ❑ Cost and billing arrangements (including amount and timing of deposits)
- ❑ Geographic location/time zone
 - > Can the vendor accommodate early or late hours in its time zone if required? Are there any limitations on this, such as potential cost consequences?
 - > If case participants are located in different regions than the vendor and will require equipment, how will that be handled (e.g. does the vendor have additional locations or partners that can be used to reduce shipping costs)?
- ❑ Data privacy, security, and confidentiality
 - > Enterprise-grade platform license
 - > Compliance with applicable data protection regulations
 - > Willingness to sign confidentiality agreement
 - > Back-up protocols
- ❑ Pre-hearing technical support and equipment
 - > Basic platform orientation and audio/video troubleshooting
 - > Technical support for devices and other software, if needed
 - > One (or more) technical rehearsals with counsel and tribunal
 - > Additional technical rehearsals with individual witnesses and other participants as necessary
 - > What equipment can be provided to case participants, if needed (e.g. cameras, screens, laptops, tablets, microphones, headsets)?
- ❑ Hearing support services
 - > Virtual hearing manager
 - Trained in platform
 - Experience with arbitration
 - > Additional technical support on call
 - Ability to provide local, in-person technical support/equipment when telephone support is inadequate.
 - > Exhibit management
 - What platform will be used to host exhibits? Does it have any special features (e.g. integrated transcript and/or private team chat function)?
 - > Ability to provide other support services (e.g. stenographer, language interpreters).

II. Pre-hearing checklist for parties and tribunals coordinating hearing preparations with virtual hearing host

- ❑ Proposed platform settings
 - > Who will be designated as host and co-host?
 - > Preferences regarding key features (chat, raise hand, recording, closed captioning/live transcripts, data centre regions, global dial-in countries).
- ❑ Technical rehearsal(s)
 - > Use proposed settings and identify any issues,
 - > Test audio/video connections using same location and equipment that will be used for the hearing,
 - > Platform software updated,
 - > Orientation to key functionality (rename, display settings, mute, break-out rooms, waiting room, screensharing, annotation/remote control),
 - > Language interpretation,
 - > Ensure any live transcript can be accessed (e.g. consider whether a special application must be downloaded).
- ❑ Hearing invitation
 - > Consolidated list of names, e-mail addresses, and roles of authorised attendees (tribunal, counsel, witnesses, institutional case managers, corporate representatives, stenographers, interpreters; other support personnel),
 - > Telephone contact details for host and any technical support for the Parties,
 - > Security measures (e.g. password provided separately, avoid party names, no forwarding),
 - > Send invitations for the hearing that start at least 30 minutes earlier than the beginning and end at least two hours later than what is scheduled.
- ❑ Exhibits, witness statements, demonstratives
 - > How will exhibits be organised and called out (e.g. marked as C1, R1, etc., consolidated PDF bundles with bookmarks for individual exhibits and continuous page numbers, exhibit list with individually-linked PDFs)? When and how documents will be provided to host?
 - > Identification of any documents in file formats other than PDF (e.g. video clips).
 - > Features to be used with documents (screenshare, remote control, annotation).
- ❑ Procedures upon joining/departing hearing
 - > Merging phone and video connections where a participant joins audio separately,
 - > Re-naming participants to show full names and roles (e.g. John Doe, Arbitrator, and not jdoe),
 - > Order of witnesses,
 - > Procedures for witnesses waiting to testify/sequestration issues.
- ❑ Means of communicating with host during hearing
- ❑ Organisation of participants into break-out rooms
- ❑ Back-up protocols/contingency plans
- ❑ Review procedural order

III. Counsel's pre-hearing checklist for preparing individual witnesses

Install or update software	Instruct the witness to install the videoconference application on a desktop or laptop computer that will be used for the hearing or, if downloaded, that the latest version is being used. If necessary, the witness can use a mobile device and possibly connect through a web browser, but functionality may be limited.
Witness technical training – same location and equipment	Organise a technical training session with the witness prior to the hearing using the same remote location and equipment that will be used when the witness testifies.
Audio/video quality and related equipment	Check that the witness has a good quality computing device (desktop or laptop), camera (preferably, high-resolution external webcam; if required by the tribunal, a pan-tilt-zoom, 360-degree camera, second camera, or mirrors) and audio (headset with built-in microphone, or microphone and loudspeaker of good quality) from which to connect to the hearing. If necessary, consider providing equipment to the witness.
Optional second screen and document display tools	Test screensharing and any other tools, such as remote control (for scrolling through documents) and/or annotation, that may be used when displaying documents. Check whether the witness has (or consider providing) a second screen that can be used for viewing documents.
Sound settings	If using two cameras with integrated microphones and no separate microphone, verify that the sound is captured by the camera facing the witness. Disable the microphone in the second camera and, if necessary, the computer's own microphone. A separate microphone placed in front of the witness may be preferable.
Conference room settings	If joining from a conference room where other participants will be present, test for audio feedback from other devices.
Camera placement and lighting	Check that the witness' camera is placed at eye level and not too far away from the witness' face. Light should shine on the witness' face (with any light source located behind the camera), as opposed to coming from behind the witness. Check whether blinds or drapes will need to be closed. If using two cameras, verify that the other camera is behind the witness, offering a view of the entire room and the witness' table.
Eye contact and speaker view	Instruct the witness to answer questions by looking straight into the camera and not at the images of other participants. Alternatively, try moving the image of the examining lawyer directly below the camera and use speaker view. Test preferences, and if preferred, ask the witness to disable viewing his/her own image.
Video background	Instruct the witness not to use a virtual background during his/her examination and that the real background be as plain as possible (e.g. white wall; an office setting). The table or desk in front of the witness should be clean and clear of other materials.
Distraction-free environment and business dress	Choose a location for the witness testimony that is distraction free. Instruct the witness to wear business clothes for the hearing. Turn off other devices and programs. Turn off/silence mobile devices and landline upon connecting to the hearing.
Reliable internet connection	Check that the witness is not using a public internet network (i.e. a network to which anyone can connect) and has access to a good quality internet connection, preferably through Ethernet cable. If necessary, consider providing required room/equipment/internet connection tools to the witness. Turn off background software and programs before connecting to the hearing.

Back-up plans	Remind the witness to plug in equipment and have a back-up device to connect to the hearing such as a mobile phone or tablet with an internet hotspot. Provide contact information of persons they should contact in the event of technical difficulty.
Procedural order	Review any special procedures that may be required by the tribunal or, if applicable, instructions for hard copy bundles sent to the witness in advance.
Hearing day check <i>Double-check the above (software updates should be checked several hours in advance).</i>	

IV. Arbitrator's checklist to prepare for virtual hearing

Install or update software	Install the videoconference application on a desktop or laptop computer that will be used for the hearing. Ensure that the latest version is being used.
Audio/video quality and related equipment	Have a good quality computing device (desktop or laptop), camera (preferably, high-resolution external webcam or point, tilt and zoom camera) and audio (headset with built-in microphone, or microphone and loudspeaker of good quality) from which to connect to the hearing. Obtain equipment if necessary.
Number of screens	Consider one or more screens: one for the participants / speakers (counsel, witness, expert, fellow arbitrator); one to see any documents that are being shared; and, if applicable, one for the transcript and/or to show any application being used by the tribunal to communicate privately. Alternatively, a large or wide screen may be sufficient. A tablet may also be useful to pull up copies of exhibits and take notes.
Camera placement and lighting	Camera should be placed at eye level and not too far away from your face. Light should shine on your face (with any light source located behind the camera), as opposed to coming from behind you. Check whether blinds or drapes will need to be closed.
Video background	Turn off any virtual background and ensure that the real background is as plain as possible (e.g. white wall) or professional (an office setting; be careful not to display any confidential materials).
Reliable internet connection	Ensure you have a good quality internet connection, preferably through Ethernet cable.
Back-up	Plug in equipment and have a back-up device to connect to the hearing such as a mobile phone or tablet with an internet hotspot.
Intra-tribunal communications	If applicable, coordinate with co-arbitrators regarding how the tribunal will communicate privately during the hearing (i.e. using a different channel such as telephone, e-mail, messaging, separate video conference room).
Local copies of exhibits	If possible, have exhibits accessible locally rather than via the cloud.
Hearing day – 30 min to one hour prior	
Double-check individual set-up	Double-check the above, ensuring that operating system and videoconferencing software are up to date several hours prior to the hearing.
Mobile phone	Either switch off or mute your mobile phone and/or landline prior to the hearing.
Background software and programs	Turn off background software and programs not needed for the hearing.

Co-host designated	Check that the host designated the co-host.
Audio/video connections verified	Before the hearing starts (ideally 15-30 mins prior), through the hearing co-host, check that the hearing participants are properly connected and set up for the hearing.
Verify connection to live transcript	If applicable.
Hearing day – Joining procedures (as may be specified in pre-hearing order)	
Verify authorised attendees only	<p>Ask all attendees to turn on their cameras and verify visually who is in attendance.</p> <p>Review the participants list in the platform.</p> <p>If anyone has connected separately by audio, ensure the audio and video lines are merged by the host.</p> <p>Ensure the host re-names participants as necessary to show full names and roles (e.g. John Doe, Arbitrator and not jdoe).</p>
Break-out rooms	After verifying attendees and their respective roles, ask the host to set-up break-out rooms so that they are ready when needed and confirm that they have been established correctly.
Etiquette reminders	<p>Mute your microphone if you are not speaking.</p> <p>Address any planned early departures or late joining by individual participants to avoid disruption.</p> <p>Only one person may speak at a time.</p> <p>If chat or raise hand features are enabled, remind participants of agreed protocol.</p> <p>No unauthorised recording or screenshots.</p>
Recording	Recording is on, if applicable.
Hearing day – Witness reminders	
Eye contact	The witness should be instructed to answer questions by looking straight into the camera.
Camera placement and lighting	Check that the witness' camera is placed at eye level and not too far away from the witness' face. Light should shine on the witness' face (with any light source located behind the camera), as opposed to coming from behind the witness. Check whether blinds or drapes will need to be closed. If using two cameras, verify that the other camera is behind the witness, offering a view of the entire room and the witness' table.
Language interpretation	Instruct the witness to take regular breaks while speaking, and to wait for the interpretation to be completed before answering a question or finishing his/her answer.
Breaks in testimony	If the witness' testimony is not completed before a break, take steps to ensure that the witness has no unwarranted contacts with other persons. If the testimony of the witness is not completed before the end of the hearing day, instruct the witness in the usual way not to communicate with counsel and the party until his/her testimony is complete.

V. Counsel's checklist to prepare for virtual hearing

Install or update software	Install the videoconference application on a desktop or laptop computer that will be used for the hearing. Ensure that the latest version is being used.
Audio/video quality and related equipment	Have a good quality computing device (desktop or laptop), camera (preferably, high-resolution external webcam or point, tilt and zoom camera) and audio (headset with built-in microphone, or microphone and loudspeaker of good quality) from which to connect to the hearing. Obtain equipment if necessary.
Number of screens	Consider one or more screens: one for the participants/speakers (counsel, witness, expert, arbitrators); one to see any documents that are being shared; and, if applicable, one for the transcript and/or to show any application being used by your team to communicate privately. Alternatively, a large or wide screen may be sufficient. A tablet may also be useful to pull up copies of exhibits and take notes.
Camera placement and lighting	Camera should be placed at eye level and not too far away from your face. Light should shine on your face (with any light source located behind the camera), as opposed to coming from behind you. Check whether blinds or drapes will need to be closed.
Video background	Turn off any virtual background and ensure that the real background is as plain as possible (e.g. white wall) or professional (an office setting, be careful not to display any confidential materials).
Reliable internet connection	Ensure you have a good quality internet connection, preferably through Ethernet cable.
Back-up	Plug in equipment and have a back-up device to connect to the hearing such as a mobile phone or tablet with an internet hotspot.
Team and client communications	Establish a means for secure private messaging during the hearing (i.e. using a different channel such as telephone, e-mail, messaging, separate video conference room).
Local copies of exhibits	If possible, have exhibits accessible locally rather than via the cloud.
Hearing day – 30 min to one hour prior	
Double-check individual set-up	Double-check the above, ensuring that operating system and videoconferencing software are up to date several hours prior to the hearing.
Mobile phone	Either switch off or mute your mobile phone and/or landline prior to the hearing.
Background software and programs	Turn off background software and programs not needed for the hearing.
Verify connection to live transcript	If applicable.
Verify intra-team communication channel	Use separate devices for intra-team communications to avoid accidentally sharing your internal communications with the other participants to the hearing.
Hearing day – Joining procedures (as may be specified in pre-hearing order)	

Etiquette reminders	<p>Re-name yourself as necessary to show full name and role (e.g. John Doe, Claimant's Counsel).</p> <p>Mute your microphone if you are not speaking.</p> <p>Give notice of any planned early departures or late joining.</p> <p>Only one person may speak at a time.</p> <p>No unauthorised recording or screenshots.</p>
Verify break-out rooms	If break-out rooms are set in advance to starting the hearing, verify that participants have been accurately assigned.
Recording	Recording is on, if applicable.
Hearing day – Before examining witness	
Change display when examining witnesses	When cross-examining a witness or speaking, consider disabling viewing your own image, as it can be distracting.
Witness verifications	If using two cameras for witness testimony, check the images on the second camera as appropriate and/or consider assigning a team member to watch the additional camera.