

# Document Handling for Video Hearings

National Academy of Arbitrators

Videoconferencing Task Force

July 20, 2020

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NATIONAL ACADEMY  
OF ARBITRATORS

PRESENTED BY:

JEANNE CHARLES,VTF CHAIR  
HOMER LA RUE,VTF CO-CHAIR  
KATHRYN VAN DAGENS,VTF MEMBER

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JEANNE CHARLES

■ Jeanne Charles resides in Florida with a multi-state ADR practice in the Fort Lauderdale and Chicago areas involving workplace disputes. She earned her Juris Doctorate (J.D.) degree from DePaul University College of Law in Chicago. She serves as a labor arbitrator on various panels including the City of Chicago, Chicago Teachers Union, Chicago Transit Authority, IAFF, Internal Revenue Service, the National Treasury Employees Union, AFSCME, Miami-Dade County and Major League Baseball (MLB). In addition to serving as Chair of the VTF, Jeanne serves on the Board of Governors for the NAA and is on its Executive Committee. Jeanne is also adjunct faculty with the Pennsylvania State University's School of Labor and Employment Relations. Prior to becoming an arbitrator, Jeanne practiced as staff counsel for a federal sector labor union in Chicago and in private practice. More information is available at [www.JCharlesADR.com](http://www.JCharlesADR.com).



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HOMER LA RUE

■ *Homer La Rue is an arbitrator, a mediator and a professor of law at the Howard University School of Law. He is a Vice-President and a member of the Board of Governors of the National Academy of Arbitrators. Homer also is a Co-Chair of the Academy's Videoconference Task Force. Homer is the recipient of the American Bar Association Dispute Resolution Section 2020 D'Alemberte-Raven Award. The Award is given each year by the Section and is the Section's highest tribute for outstanding service in dispute resolution.*



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KATHRYN A. VANDAGENS

■ Kathryn A. VanDagens, an attorney and a full-time neutral, has practiced exclusively in labor and employment law for thirty years with offices in Lansing, Michigan and Chicago, Illinois. She is a member of the National Academy of Arbitrators and recently served on the NAA's Board of Governors. Ms. VanDagens is on the labor arbitrator panels of the Federal Mediation and Conciliation Service, the American Arbitration Association, the Michigan Employment Relations Commission, and the National Mediation Board. She is also on the American Arbitration Association's National Roster of (Employment) Neutrals, and on AAA's Labor and Employment Mediator Rosters. She holds permanent umpire appointments for several unions and employers. Previously, Ms. VanDagens taught employment and labor law at Michigan State University-College of Law and at Oakland University. She is a frequent lecturer and trainer in labor and employment law. She received her J.D. from the University of Michigan Law School and a B.A., with honor, in Journalism from Michigan State University. Before beginning her career as a labor and employment neutral, Ms. VanDagens was in private practice and was formerly a senior shareholder at a labor and employment law firm in Michigan.

■ Access more information at [www.vandagensadr.com](http://www.vandagensadr.com).



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BEFORE THE HEARING DAY

SAMPLE CASE SCHEDULING ORDER

Homer La Rue

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## AGENDA: CONSIDERATIONS FOR THE ORDER

- Purpose of the Case Scheduling Order
- Provisions to Consider
- Segway to Document Handling—Drop Box

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## PURPOSE OF THE CASE SCHEDULING ORDER

- Early notice to the parties of what to expect
- Instill confidence in the parties that the arbitrator has a *plan for that*
- Allows the parties to begin thinking early about what they will need to do to prepare for the upcoming hearing
- Invites the parties to be a part of the planning for the hearing—  
What works for them? What works for the arbitrator?
- Keep the Order clear and be flexible

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## PROVISIONS TO CONSIDER INCLUDING IN THE ORDER

- Date offers for the videoconference hearing
- Arbitrator's cancellation/postponement policy

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## PROVISIONS TO CONSIDER INCLUDING IN THE ORDER

- Videoconference hearing options
  - **Option #1**—permit the parties to agree on a platform of their choice with the caveat: *the Arbitrator must be in control of the direction of all functions of the videoconference platform (e.g., ability to mute and unmute, ability to move hearing participants in and out of breakout rooms, control recording, control screen-sharing, etc.)*
  - **Option #2**—videoconference hearing will be conducted via Zoom's web-based software that will be provided by the Arbitrator

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## PROVISIONS TO CONSIDER INCLUDING IN THE ORDER

- Videoconference hearing options, cont'd
  - **Option #2**—videoconference hearing will be conducted via Zoom's web-based software that will be provided by the Arbitrator.
    - Notice that all will need computer, laptop, and camera
    - All counsel and witnesses may be in same or separate locations
    - Link to the Zoom hearing room provided to counsel only, and counsel responsible for providing the link to clients and witnesses

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## PROVISIONS TO CONSIDER INCLUDING IN THE ORDER

### **Access to the Virtual Hearing Space**

- Access upon approval by the arbitrator
- Appearance list with email address for each on the list provided by counsel to the arbitrator 48 hours prior to the hearing

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## PROVISIONS TO CONSIDER INCLUDING IN THE ORDER

### DOCUMENTS

- Indicate how documents are to be marked
- Documents to be digitally copied (pdf format) and Bates numbered
- Documents must be deposited prior to the hearing in the Drop Boxes provided by the arbitrator—Folders in Drop Box marked as Jt. Exs., Er. Exs., and Un. Exs.
- Impact of depositing documents in the Drop Box
  - Not necessarily in the record as evidence because they are in the Drop Box
  - Encourage pre-hearing stipulation of the authenticity of documents
  - Additional documents may be entered at the hearing

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## PROVISIONS TO CONSIDER INCLUDING IN THE ORDER

### WITNESSES

- These provisions can be read in the sample case scheduling order that will be sent to participants during the next part of the program.

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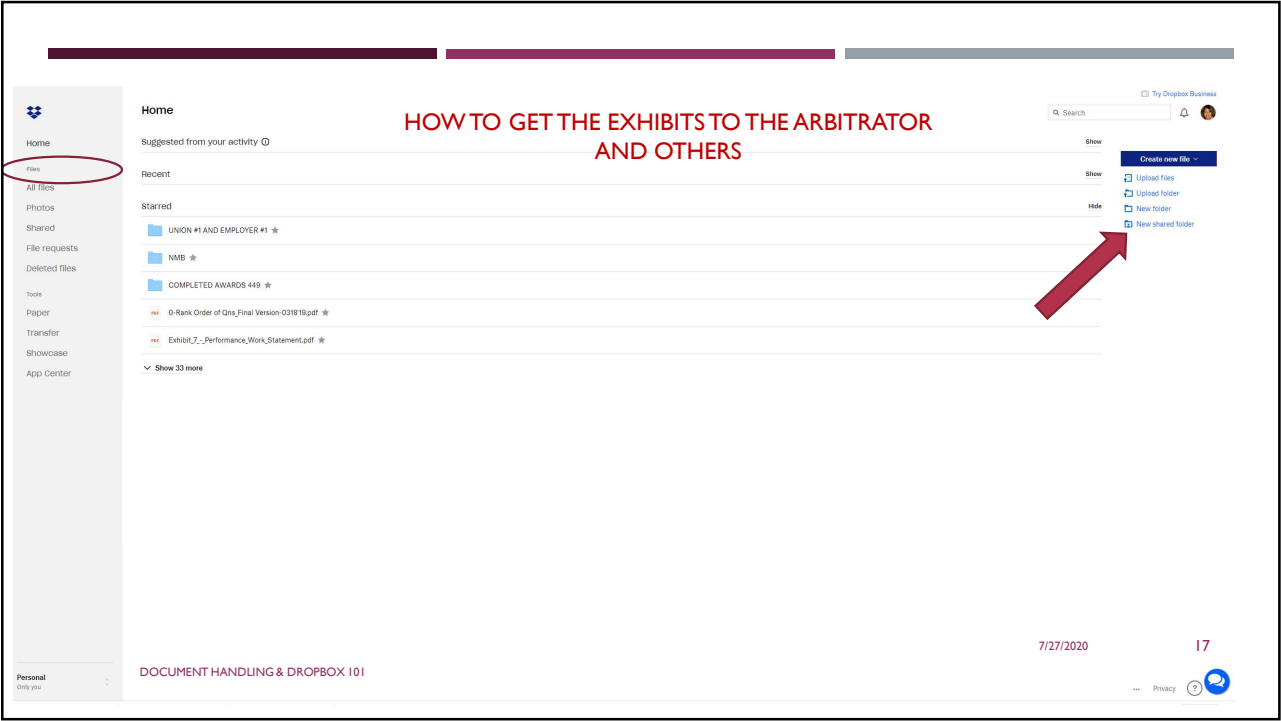
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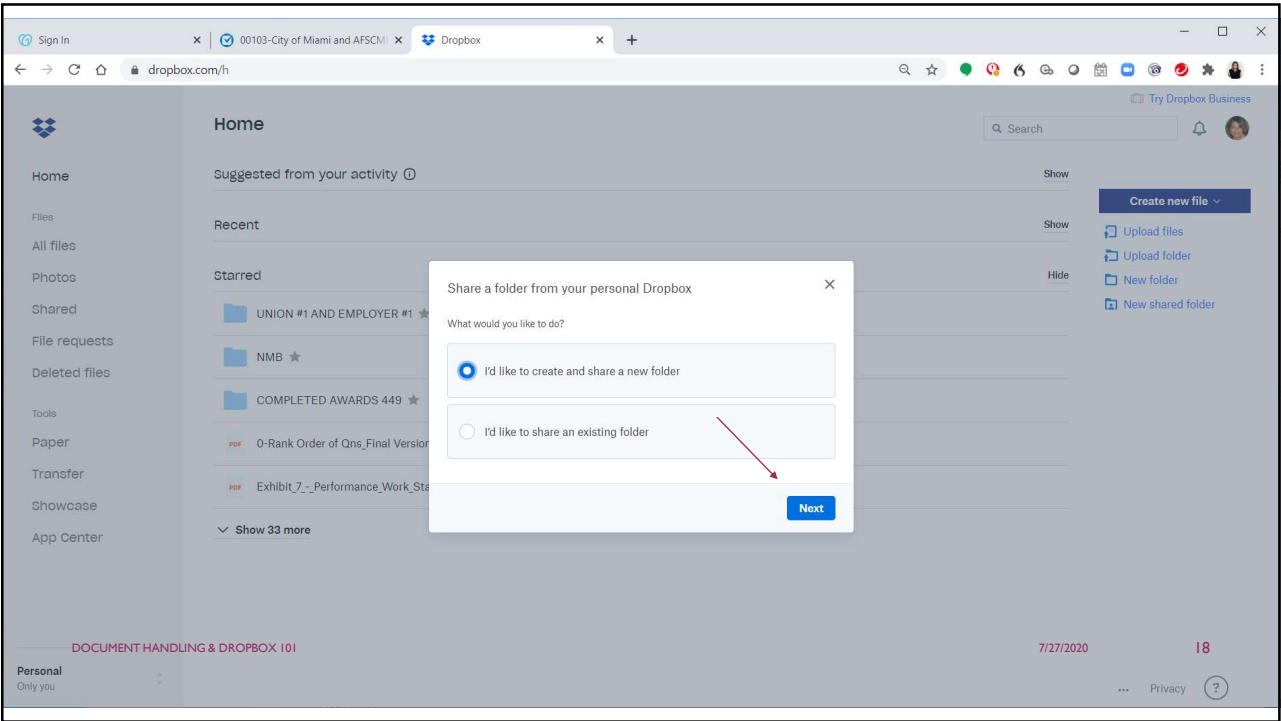
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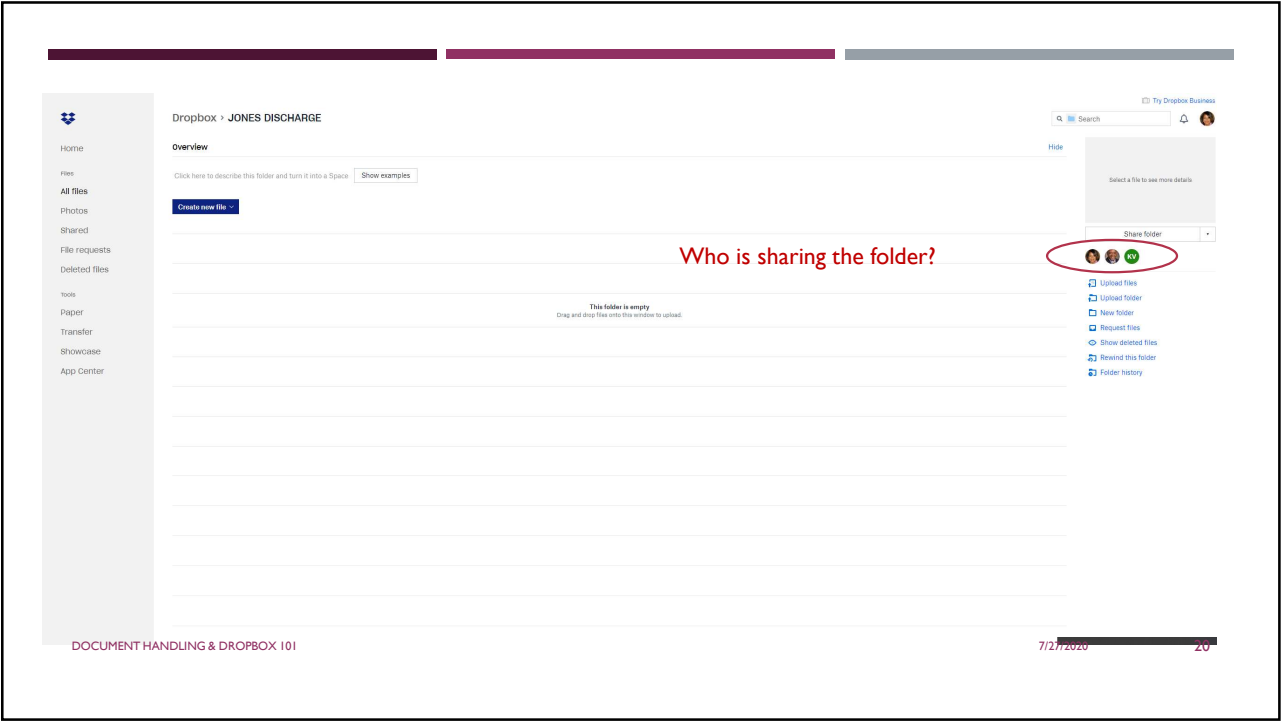
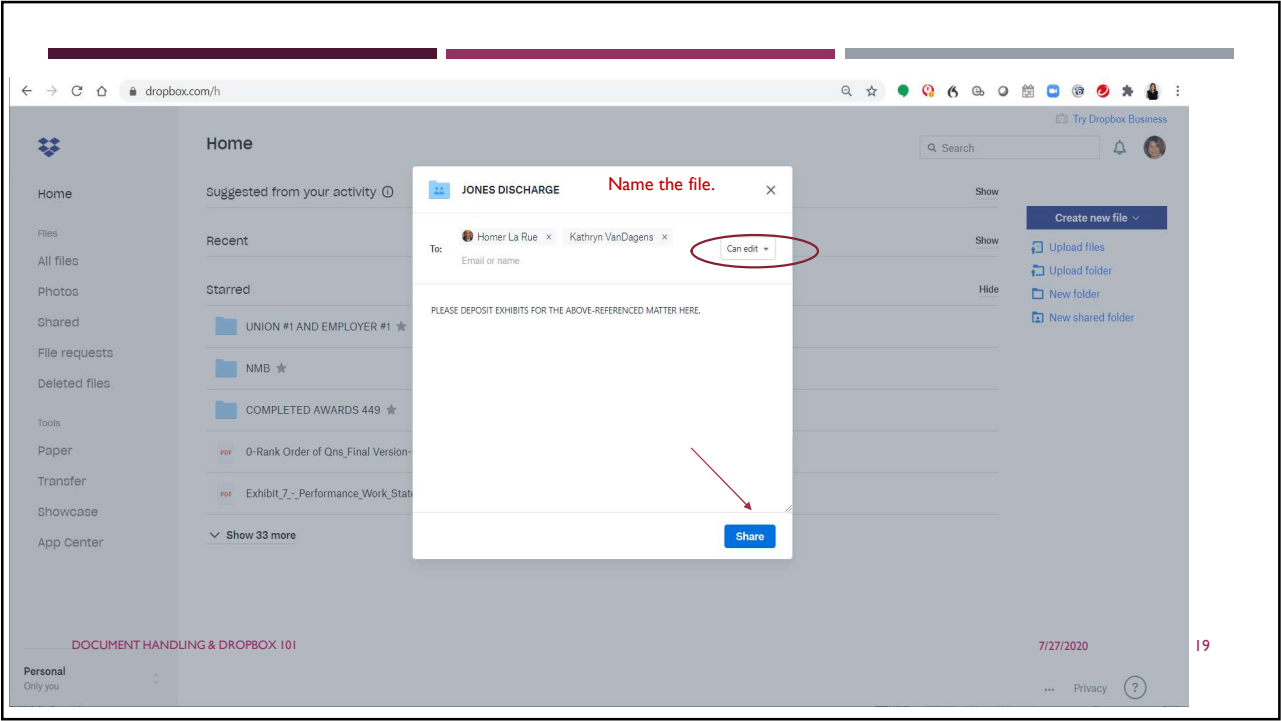


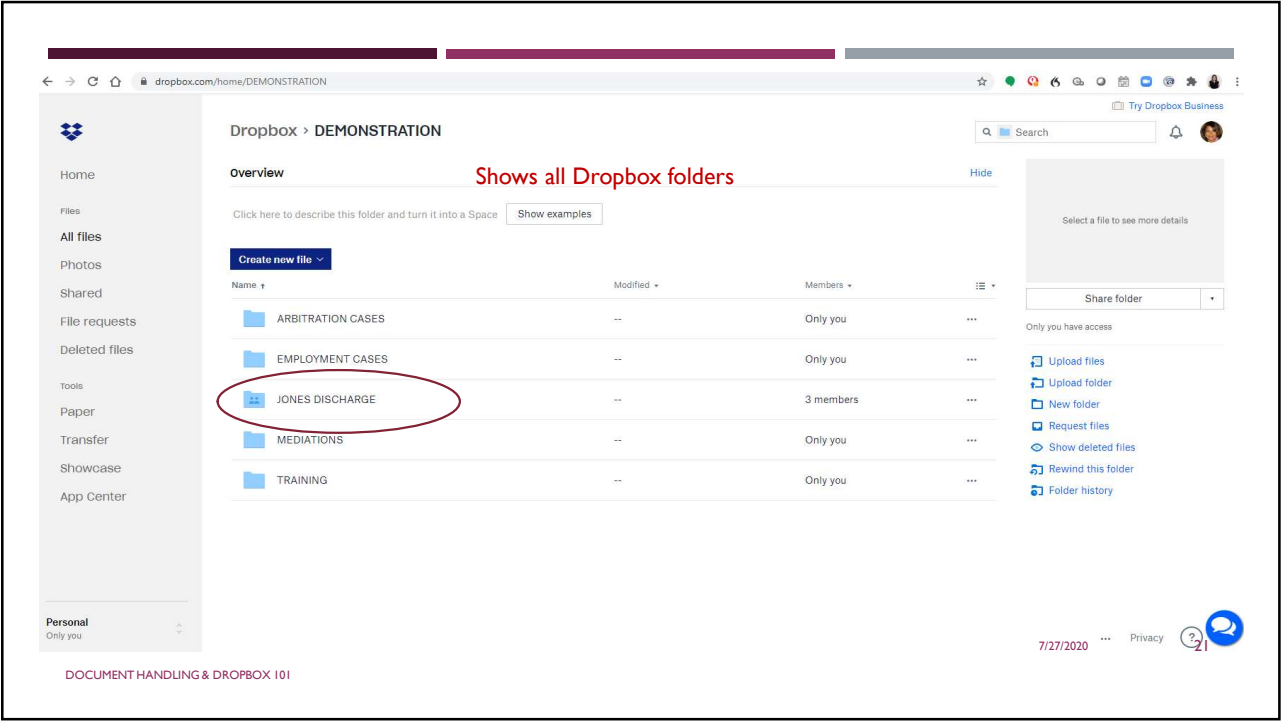


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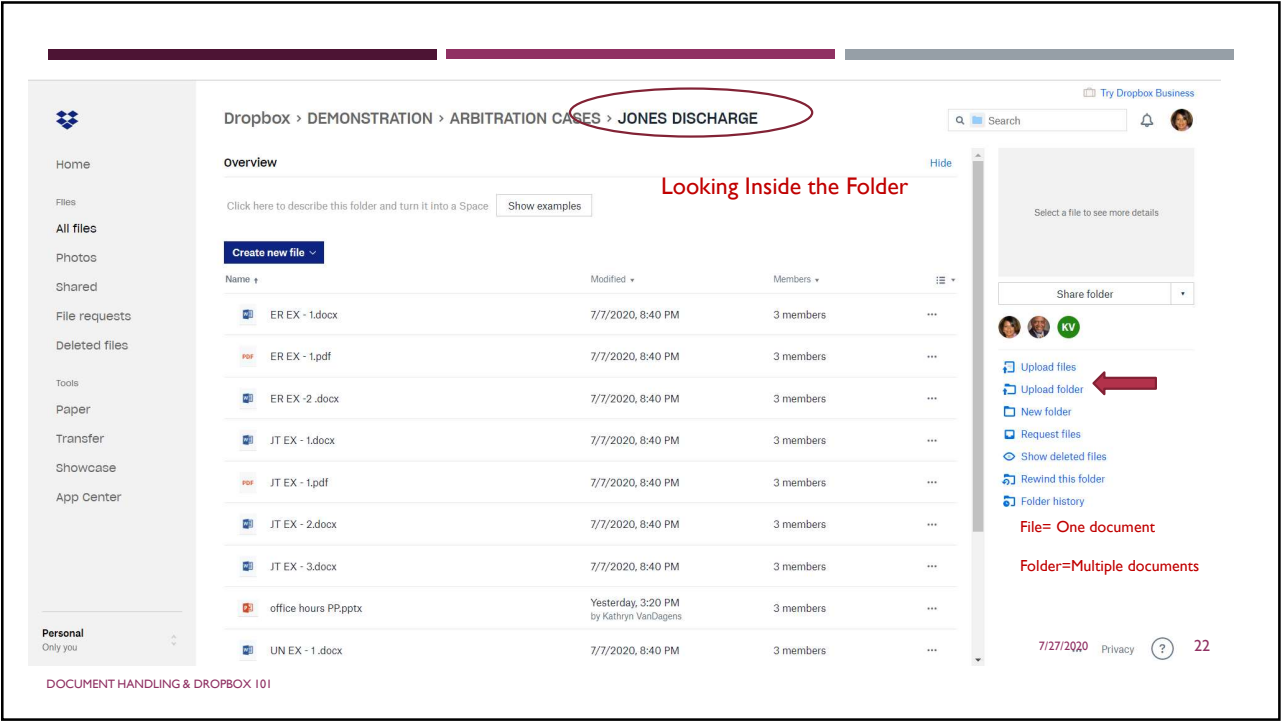


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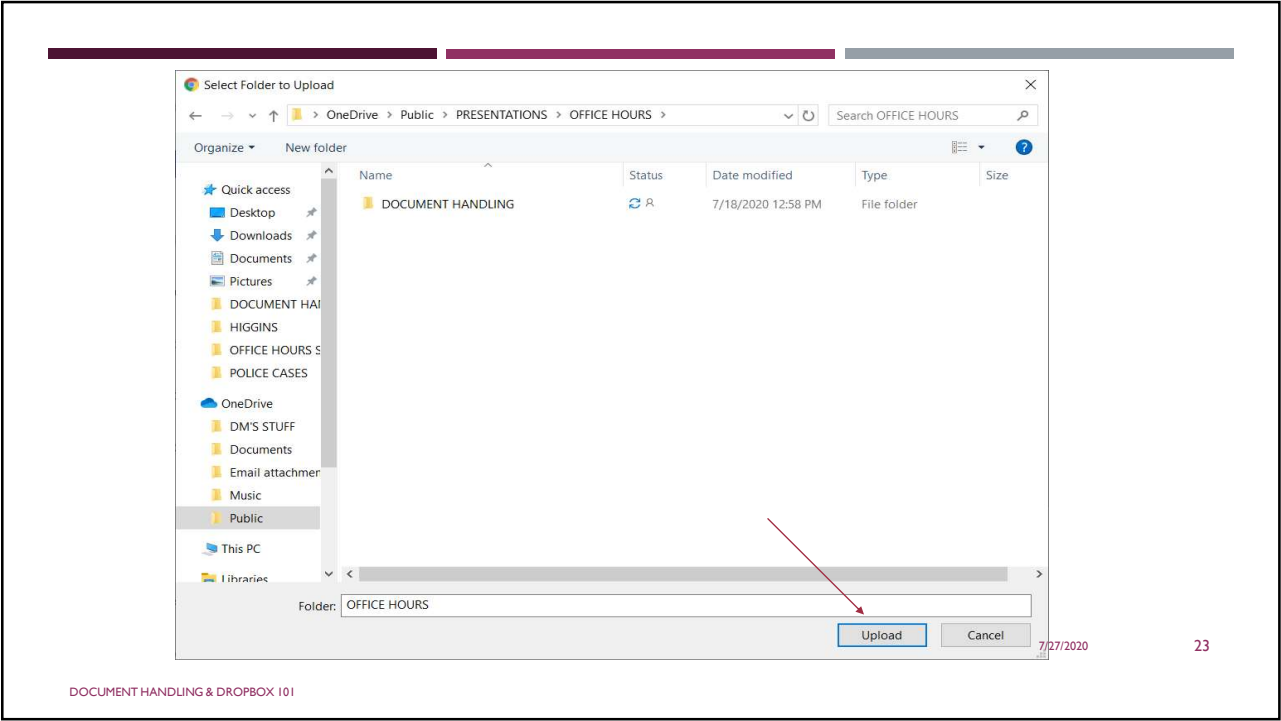




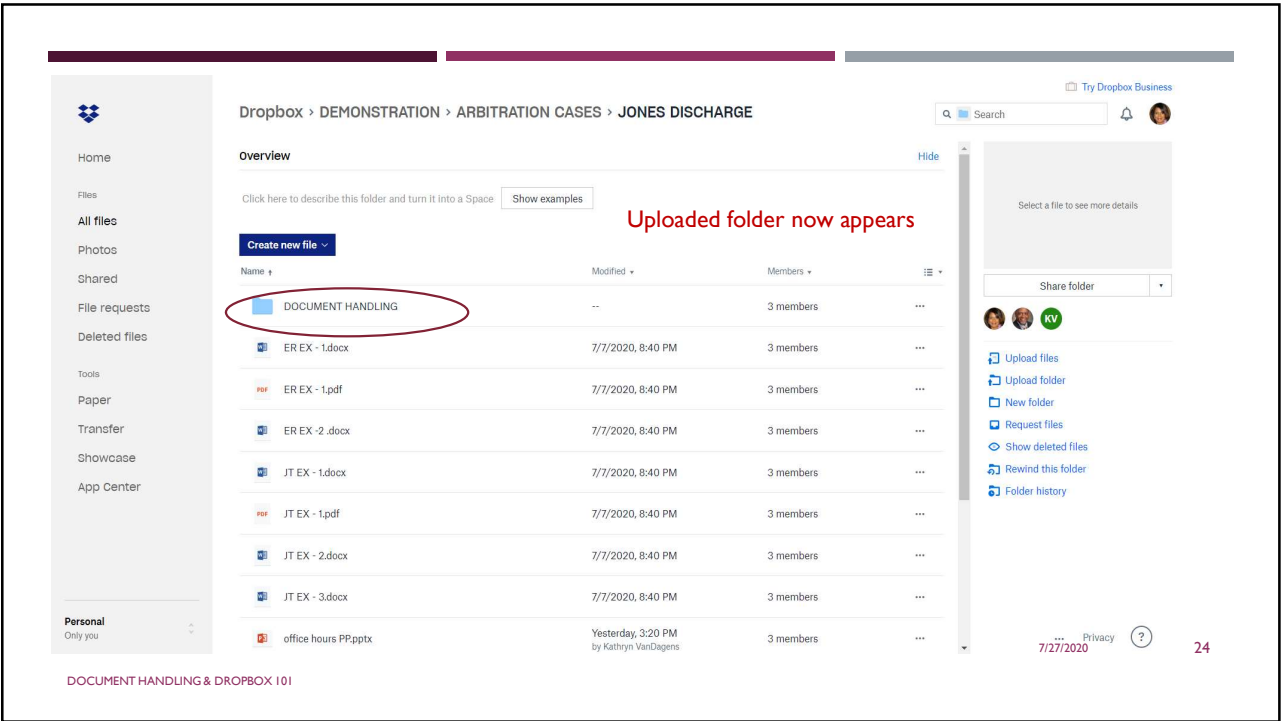
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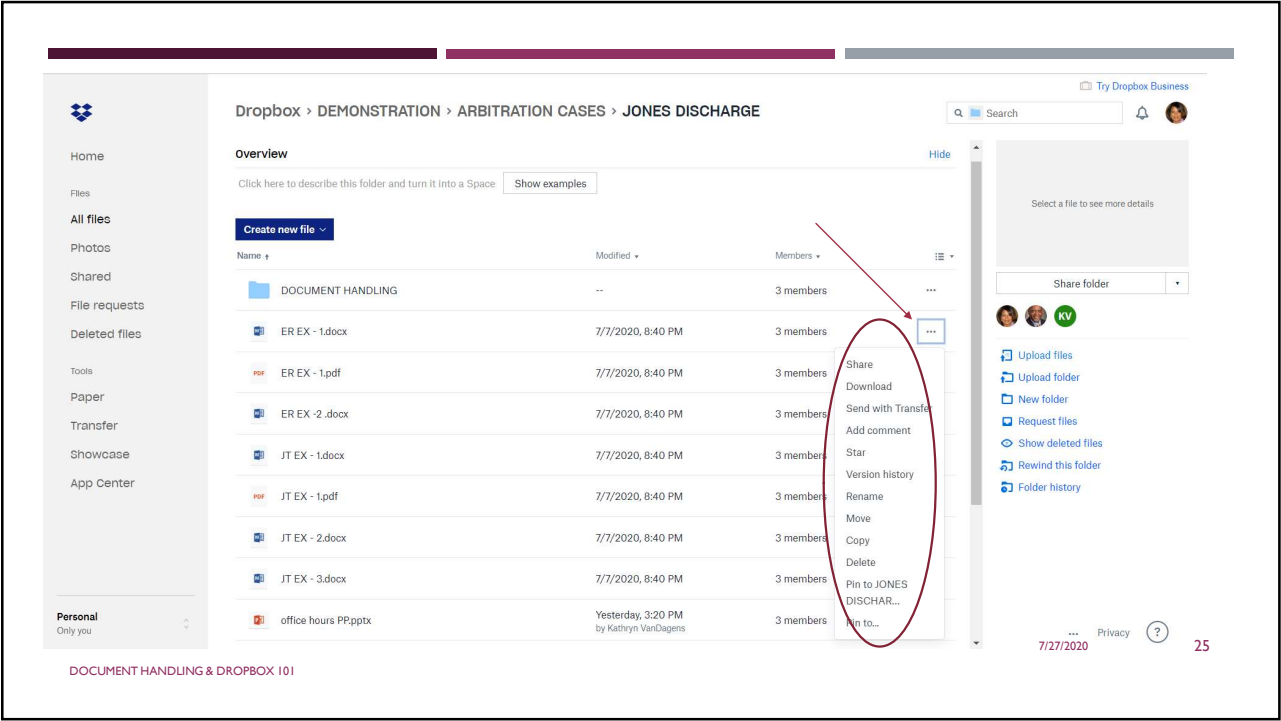
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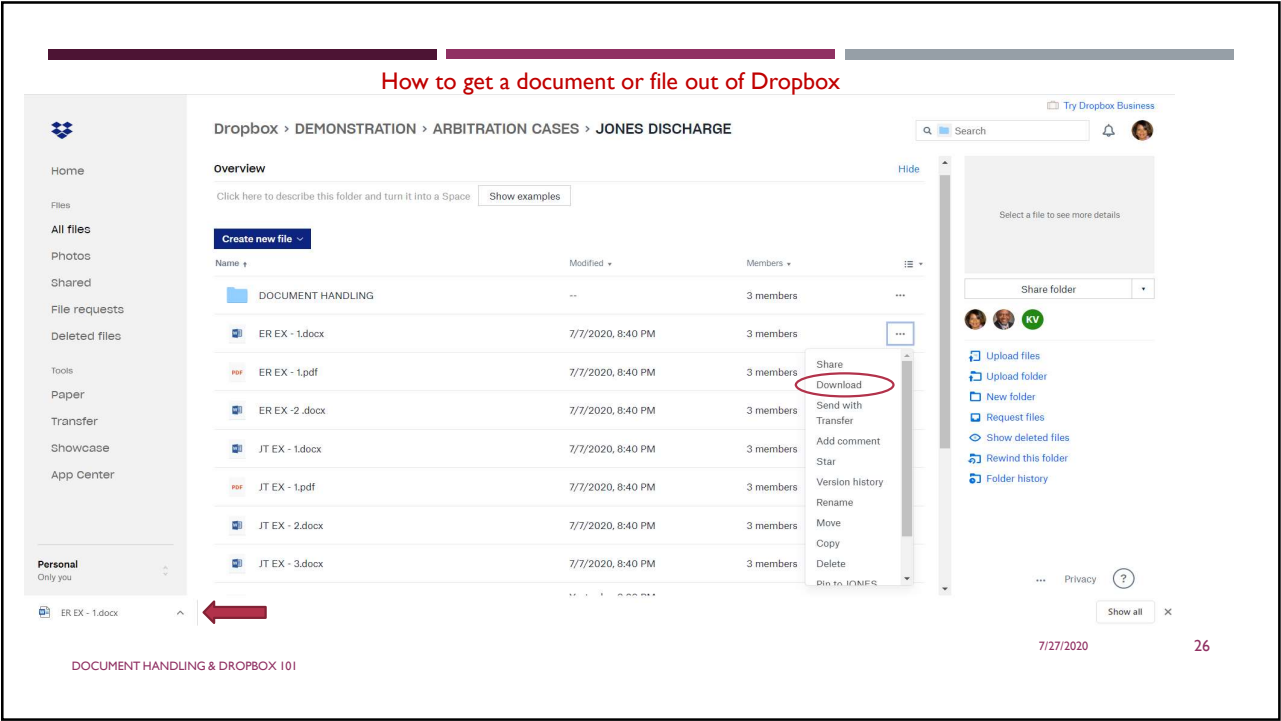
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INVESTIGATION REPORT

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GOOGLE DOCS IS ANOTHER OPTION

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# USING SHARE SCREEN

KATHRYN VAN DAGENS

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## SHARING YOUR SCREEN

Select a window or an application that you want to share

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Kathryn VanDag...

Screen 1

2

Screen 2

Whiteboard

iPhone/iPad

office hours PP - PowerPoint

QUESTIONS FROM OFFICE HOUR...

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