



NATIONAL ACADEMY OF ARBITRATORS
VIDEOCONFERENCING TASK FORCE

**SAMPLE ARBITRATOR'S OPENING INSTRUCTIONS
(BASED ON USE OF ZOOM PLATFORM)**

Good morning. During a lengthy prehearing conference, the parties have agreed to ground rules for the presentation of this case by videoconference and that these ground rules will provide a fair hearing to all parties.

Just as at an in-person hearing, distractions and disruptions can occur. All participants are asked to exercise patience, with the understanding that the Arbitrator and the advocates share a commitment to ensuring a fair hearing.

By agreement of the parties, I am recording this hearing to augment my note-taking. My recording will be kept confidential and not shared with anyone. I will be deleting the recording upon issuance of my ultimate Award. There is to be no other recording made of the hearing, in whole or in part.

Hearing Decorum/Interruptions

With the understanding that interruptions are inevitable and, in the case of objections by counsel, expected and proper, I ask that everyone try their best to minimize distractions and disruptions. This includes ensuring you have done your best to quiet your own environment and avoid talking over each other.

One of the ground rules is that participants other than the advocates and arbitrator will be muted except when testifying. Each advocate has committed to making advance arrangements for their team to caucus as necessary, including measures to contact each other during the hearing if and as necessary. I ask each of you to follow those instructions.

As the host, I reserve the right to mute any participant. If anyone's activities are making it hard to hear, I will mute their microphone and let them know to unmute themselves once the disruption passes. On the other hand, please unmute yourself when asked to do so.

All participants are reminded of their agreement not to coach or assist witnesses by any means while they are testifying.

Waiting Room

If counsel has requested sequestration, or if any participant is creating a distraction, I may move participants in and out of the waiting room, or put them on hold. If counsel needs to discuss objections privately with the Arbitrator, I may move all other participants into a waiting room. When in the waiting room, you will not be able to see or speak with other participants. If you need to reach your advocate, use whatever arrangements have been made.

If you lose your connection to the hearing, please know that counsel and I have shared contact information. Contact your advocate and you will be readmitted promptly.

Breakout Rooms

I have set up breakout rooms for each party and their respective participants. Upon request, the hearing will be paused and I will place the parties in their respective caucus rooms. Caucuses are private within that room, i.e. “What’s said in that room, stays in that room.”

Counsel can communicate with me from the caucus room by pressing the “Ask for Help” button.

Parties will be able to re-enter the hearing room when ready to return, subject to any direction I give. Please remember not to hit “Leave Meeting” when trying to return to the main session or you will be disconnected.

If a caucus runs long, I reserve the right to check in. If I do so, I will announce myself so that you can pause any confidential discussion.

Video/Audio Freezing

We may experience slowdowns or loss of connectivity during the hearing. Please be patient while we work through these glitches. Indicate if you can't hear someone.

If we lose connectivity, try re-connecting using the same link that you used to get here.

Meal & Comfort Breaks

Just as in an in-person hearing, I will call for a comfort break every hour or so to let people stand up, stretch, and take care of personal needs. If either party would like a break, for lunch or otherwise, please let me know.

If anyone needs a break, for whatever reason, please let me know.

During a break, I suggest you maintain your connection to the hearing and simply turn off your audio/video.

During a break, as with an in-person hearing, witnesses are instructed not to discuss their testimony.

Privacy and Confidentiality

I take the confidentiality of arbitration hearings seriously. Steps to keep the hearing private include issuing individual invitations, requiring a password (which was embedded in the invitation you received), and placing people in waiting rooms. If someone manages to enter our hearing uninvited, I will evict them.