

# Using an Assistant to Facilitate a Web- Based Hearing

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National Academy of Arbitrators  
Videoconferencing Task Force  
August 26, 2020



NATIONAL ACADEMY  
OF ARBITRATORS

# OFFICE HOURS SESSION:

## ZOOM-BASED ARBITRATION CHALLENGES & SOLUTIONS



WITH SYLVIA SKRATEK, BRIAN CLAUSS,  
AND ELISHEVA PATTERSON

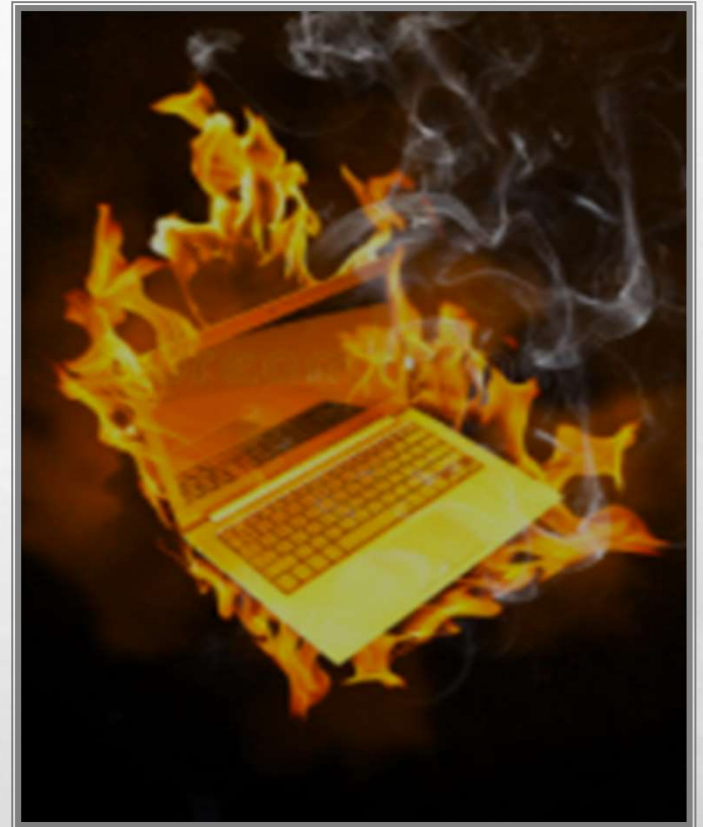


## **TODAY'S SPEAKERS**

- NAA MEMBERS SYLVIA SKRATEK AND BRIAN CLAUSS
- ATTORNEY ELISHEVA PATTERSON, ADC TECH SERVICES, LLC.

# WHAT'S THE HANG-UP FOR DOING ZOOM-HEARINGS? SOME COMMON FEARS

- **TECHNICAL MALFUNCTIONS—WHAT HAPPENS IF MY INTERNET CUTS OUT MID-HEARING?**
- **MANAGING EXPECTATIONS OF CLIENTS**
  - **MORE UP-FRONT COORDINATION BETWEEN PARTIES NEEDED**
- **MANAGING BOTH THE ZOOM PLATFORM AND DOING THE JOB OF ARBITRATOR**
  - **HOW CAN YOU REMAIN ENGAGED IN THE HEARING WHILE ALSO MANAGING DOCUMENTS, BREAKOUT ROOMS, AND TECHNICAL ISSUES?**





## A LITTLE ABOUT ADC TECH SERVICES

- Recently founded to address new issues from our pandemic
- All members are JDs and familiar with legal proceedings, documents, and the need for confidentiality & professionalism
- Experienced with the Zoom platform by virtue of our times
  - Thousands of Zoom hours logged between company members
- Founder has a B.S. and M.S. in geology
  - Hard science background mixed with law results in unique problem-solving skills and ability to keep calm under pressure

**A D C**  
Tech Services LLC

# WHAT IS IT LIKE TO HAVE A ZOOM FACILITATOR?

- **MANAGING THE ZOOM PLATFORM AND ARBITRATING CAN FEEL LIKE FLYING THE PLANE & RUNNING FLIGHT CONTROL**
- **A ZOOM FACILITATOR BECOMES YOUR ON-THE-GROUND SUPPORT**
  - **COORDINATING PRE-HEARING LOGISTICS**
  - **SENDING OUT ZOOM INVITES**
  - **MANAGING DOCUMENTS AND BREAKOUT ROOMS, AND**
  - **ASSISTING WITH TECHNICAL ISSUES**



# **ZOOM HEARING SERVICES**

- **THREE PHASES TO A HEARING**

- **PRE-HEARING COORDINATION**

- **HOSTING THE HEARING**
  - **POST-HEARING WRAP-UP**

- **PRE-HEARING COORDINATION:**

- **INTRODUCTORY ZOOM MEETING WITH ARBITRATOR, ATTORNEYS AND FACILITATOR**
  - **ORGANIZING DOCUMENTS & PARTICIPANTS FROM THE PARTIES**
  - **CREATING ZOOM HEARING OUTLINE**
  - **SENDING OUT ZOOM HEARING INVITE**

# ZOOM HEARING SERVICES

- **THREE PHASES TO A HEARING**

- **PRE-HEARING COORDINATION**

- **HOSTING THE HEARING**

- **POST-HEARING WRAP-UP**

- **HOSTING THE HEARING:**

- **EARLY LOG ON FOR ESSENTIAL PARTIES**
  - **TROUBLE-SHOOTING TECHNICAL ISSUES WITH PARTICIPANTS**
  - **DISPLAYING DOCUMENTS REFERENCED BY PARTIES**
  - **MANAGING BREAKOUT ROOMS**
    - **PARTIES RENAMED IN PARTICIPANT WINDOW TO DENOTE PARTY**
  - **ANSWERING QUESTIONS/POSTING INFORMATION FOR PARTIES IN CHAT**



# **ZOOM HEARING SERVICES**

- **THREE PHASES TO A HEARING**

- **PRE-HEARING COORDINATION**
- **HOSTING THE HEARING**
- **POST-HEARING WRAP-UP**

- **POST-HEARING WRAP-UP:**


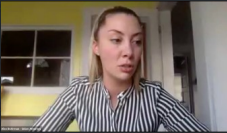




- **COMPARE ADMITTED EXHIBITS LIST WITH ARBITRATOR OR COURT REPORTER**
- **SEND OUT ADMITTED EXHIBITS TO PARTIES**
- **IF A RECORDING MADE, SENDING THIS TO COURT REPORTER IF NEEDED**


# EXAMPLE CLIPS FROM HEARINGS

- We'll view examples of:
  - The chat function
  - Audio echo issues
  - Displaying documents
    - Single documents, side-by-side comparisons & videos
  - Using breakout rooms



Zoom Meeting





Elisheva Patterson

Mute

Stop Video

Security

Participants

Chat

Share Screen

Record

Breakout Rooms

Reactions

End

Participants (6)

E

Elisheva Patterson (Host)

S

Stephen Fong – Co. Attorney

B

Brian Clauss – Arbitrator

A

Alex DeArman – Un. Attorney

K

Kurt Sundell – Un. Grievant

A

Alex Mercer – Co. Witness

yes

no

go slower

go faster

more

clear all

Invite

Mute All

More

Chat

From Me to Everyone:  
Mr. Fong, we're hearing some echo on your end. Is another person in the room on a device.From Stephen Fong to Everyone:  
Yes, my client is in my office with me.From Me to Everyone:  
We'll need to run your audio through a conference line. I'm going to read you a few numbers when you're ready. They are posted below also.


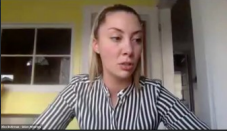


To: Everyone


File

Type message here...




Zoom Meeting










Stephen



MuteStop Video



SecurityParticipantsChatShare ScreenRecordBreakout RoomsReactions

End

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yesno go slower go faster moreclear all

Invite

Mute All

More

Chat

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Type message here...

File



Zoom Meeting





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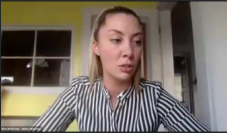




Chat


To: Everyone

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Chat

To: Everyone

Type message here...

File





Zoom Meeting

Breakout Rooms

The host is inviting you to join Breakout Room: Union

Join

Later

Mute

Stop Video

Security

Participants

Chat

Share Screen

Record

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Invite

Mute All

More

Chat

To: Everyone

File

Type message here...



Zoom Meeting

Alex DeArman - ...

Kurt Sundell - U...

17073869471

You are now in a Breakout Room

Mute

Stop Video

Security

Participants 1

Chat

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Breakout Rooms

Reactions

End

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More

Chat

To: Everyone

Type message here...

File



From Elisheva Patterson to everyone: We've been on break for 10 min. Breakout rooms will close in 30 seconds.



## Participants (6)

- E Elisheva Patterson (Host)
- S Stephen Fong – Co. Attorney
- B Brian Clauss – Arbitrator
- A Alex DeArman – Un. Attorney
- K Kurt Sundell – Un. Grievant
- A Alex Mercer – Co. Witness

yes no go slower go faster more clear all

Invite Mute All More

## Chat

To: Everyone  
Type message here...



# CONCLUSIONS

- **HEARINGS ARE DIFFERENT ON ZOOM, BUT ACHIEVING AN IN-PERSON QUALITY IS POSSIBLE**
- **ZOOM FACILITATORS HELP ACHIEVE THAT IN-PERSON FEEL AND ALLOW ARBITRATORS TO ENGAGE IN THE CASE**
  - **FACILITATORS DISPLAY DOCUMENTS FOR EVERYONE IN THE ZOOM ROOM , JUST LIKE ITS ON A TABLE**
  - **BREAKOUT ROOMS ALLOW PARTIES TO MEET CONFIDENTIALITY WHEN THEY NEED BREAKS**
- **ZOOM HEARINGS REQUIRE MORE PRE-HEARING COORDINATION BETWEEN PARTIES TO ENSURE SMOOTH HEARING DAY**
- **FACILITATORS HELP WITH ALL OF THIS, AND ALLOW THE ARBITRATOR TO DO THEIR JOB**

# QUESTIONS?

PLEASE CONTACT [ELISHEVA@ADCTECHSERVICES.COM](mailto:ELISHEVA@ADCTECHSERVICES.COM)





