

SIAC Guides

Taking Your Arbitration Remote

SIAC Secretariat

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Remote Arbitration Hearings: Considerations from Beginning to End¹

Issues to Consider	Why is this relevant?	Remarks
A. Preliminaries		
<p>(1) Is a Remote Hearing a more cost effective and efficient option compared to an in-person hearing for your case?</p> <p>(2) Is a combination of a Remote Hearing and in-person hearing appropriate for your case?</p>	<p>While Remote Hearings are a viable alternative to traditional in-person hearings, it is not necessarily suitable in all types of cases.</p> <p>Parties and the Tribunal should consider the specific needs of the case, which may vary depending on factors such as the type of dispute, location of parties and counsel, location of witnesses and experts, time zone differences, applicable laws, and costs and time involved.</p>	
<p>(3) Are there any requirements under the contract, or under any applicable law(s), in relation to Remote Hearings?</p> <p>(4) Have parties agreed to the use of Remote Hearings?</p> <p>(5) Are there any procedural rules, which impact the use of Remote Hearing platforms ("Platform(s)")?</p>	<p>"Applicable laws" to consider include the governing law of the contract, the law of the arbitration agreement, the law of the seat, the laws of any potential enforcement jurisdiction, and laws relating to the capacity of a party to the arbitration.</p> <p>Parties and the Tribunal should take into account any contractual provision, or any applicable law, that apply to the conduct of Remote Hearings.</p> <p>Parties' agreement will facilitate the use of Remote Hearings. Where there is no consensus, the Tribunal and parties may wish to consider whether they may proceed with a Remote Hearing based on the applicable laws and arbitral rules.</p>	
<p>(6) Do the Tribunal, parties, witnesses and experts have access to the necessary hardware to participate in a Remote Hearing?</p>	<p>Consider what the minimum hardware or equipment requirements (both in terms of quality and quantity) are to enable access and use of the selected Platform. Additional considerations include:</p> <ul style="list-style-type: none"> • Number of computer screens needed per participant. Key participants (<i>e.g.</i> lead counsel, witness, the Tribunal) will need to simultaneously view the Remote Hearing and refer to electronic documents and / or transcripts, and will require reasonably sized computer screen(s). • Additional lighting may be necessary at each participant location to allow clear and unobstructed video quality. 	

¹ **Disclaimer:** This Guide is intended to assist users when considering conducting arbitral proceedings via audio conference, videoconference, or other non-physical means of communication ("Remote Hearing"). In order to ensure the arbitral proceedings run smoothly, parties and the Tribunal may wish to consider and discuss the contents of this Guide in advance of a decision to conduct a Remote Hearing.

Issues to Consider	Why is this relevant?	Remarks
(7) Do the Tribunal, parties, witnesses and experts have access to the necessary software to participate in a Remote Hearing?	Apart from the software requirements of the selected Platform, parties and the Tribunal should consider whether specialised software is required to ensure that documents used for the arbitration can be easily stored, accessed and reviewed. At the minimum, parties should consider using indexed, searchable document formats.	
(8) Do the Tribunal, parties, witnesses and experts have access to reliable Internet connectivity?	A fast, reliable and stable Internet connection is essential for a successful Remote Hearing. In general: <ul style="list-style-type: none"> • An Ethernet connection is faster, more stable and secure compared to a wireless connection; and • Fiber Internet connections deliver faster download and upload speeds compared to DSL and cable. • A Remote Hearing with multiple concurrent participants will require higher Internet bandwidth. 	
(9) How long will each hearing day be?	As in any in-person hearing, setting a schedule and sequence of speaking in advance would increase the efficiency of the Remote Hearing, and avoid unscheduled interruptions to the proceedings. As it is typically more tiring to conduct a hearing over videoconference than in person, more breaks should be allowed in order to maintain the quality of the process. Consider that participants' attention spans may be shorter in a Remote Hearing compared to an in-person hearing.	
(10) Is there any time difference between the participants in the Remote Hearing?	The start / end time of the Remote Hearing should take into account any time difference between the participants. To ensure the smooth progress of the Remote Hearing, parties and the Tribunal should consider being flexible on hearing times, while ensuring equal treatment of parties in fixing a suitable timing for the Remote Hearing.	
<p><i>Choice of Platform</i></p> <p>(11) Have parties identified a suitable Platform?</p> <p>(12) Is the Tribunal comfortable with the selected Platform?</p> <p>(13) Does the administering institution / hearing centre offer a Platform?</p> <p>(14) Does the administering institution / hearing centre offer support for Remote Hearings?</p>	<p>The choice of Platform depends on the needs of the parties and the Tribunal, as well as the availability of support.</p> <p>See <u>Appendix A (Choosing the Right Remote Hearing Platform)</u></p>	

Issues to Consider	Why is this relevant?	Remarks
(15) Is it desirable to record the Remote Hearing?	Consider whether parties and the Tribunal would be assisted by a video / audio recording of the Remote Hearing (in addition to any written transcripts) and whether there are any data security issues involved with such a recording (e.g. the recording being stored on the servers of the Platform). ²	
(16) Are there issues of confidentiality and data security?	<p>Arbitration proceedings are private and all matters relating to the proceedings are to be treated as confidential.³ The use of Platforms, and the storage, hosting and exchange of arbitration documents, information and data through a third party (e.g. document management services provider) may create cybersecurity risks such as:</p> <ul style="list-style-type: none"> • Access to confidential information by unauthorised third party through hacking or covert recording. • Unauthorised retention, publication or use of confidential information. <p>Parties and the Tribunal should use best efforts to ensure security in the sharing or exchange of arbitration documents, information and data, and take the necessary measures to ensure compliance with the applicable data protection laws and regulations of their countries.</p> <p>Consider the utility of implementing a data protection / data retention protocol, particularly in cases involving proprietary information or trade secrets.</p>	
B. Pre-Hearing Preparations		
<p>(17) How many participants are expected at the Remote Hearing, and how many locations are involved?</p> <p>(18) Are there any special logistical arrangements that need to be made (e.g. booking a hearing centre or physical space, delivery of physical copies of arbitration documents, etc.)?</p> <p>(19) If witnesses are giving evidence from a different jurisdiction, is it necessary to engage co-counsel or arrange for the presence of counsel in that jurisdiction?</p>	<p>Certain Platforms may limit the number of participants per session.</p> <p>If using translators, stenographers or other assistance, parties should consider where to engage / locate these service providers, bearing in mind the locations of the Tribunal, parties, witnesses and experts.</p> <p>Logistical arrangements may take time and resources to resolve. Such arrangements should therefore be considered and discussed in advance of the Remote Hearing.</p>	

² See Arbitration Rules of the Singapore International Arbitration Centre (6th Edition, 1 August 2016) (“SIAC Rules 2016”), Rule 24.4.

³ See SIAC Rules 2016, Rule 39.1.

Issues to Consider	Why is this relevant?	Remarks
(20) Do arbitration documents, evidence and submissions exist in a form suitable for use in a Remote Hearing?	<p>For efficient conduct of Remote Hearings, arbitration documents, evidence and submissions should be provided in an indexed and searchable electronic format.</p> <p>Consider whether particular arrangements are needed for outsized documents (<i>e.g.</i> construction drawings) or physical exhibits. Parties should discuss with the Tribunal in advance whether there are any preferred formats or styles.</p>	
(21) How will documents and submissions be displayed or shared during the Remote Hearing?	<p>While most Platforms offer the option of displaying documents using a “screen share” option, these typically have limited document manipulation (<i>i.e.</i> editing / highlighting / resizing) options. The Tribunal may also have its own preferences and control over the documents displayed.</p>	
(22) Is there any agreement on hearing etiquette, schedule and procedure?	<p>An agreement on hearing etiquette, schedule and procedure will facilitate the smooth progress of a Remote Hearing. The Tribunal can record any agreed terms in a pre-hearing procedural order.</p> <p>See <u>Appendix B (Checklist for Remote Hearing Procedural Orders)</u> and <u>Appendix C (Remote Hearing Etiquette)</u></p>	
<p>(23) Who will be the “host” for the Virtual Hearing?</p> <p>(24) Is there a backup “host”?</p> <p>(25) Is there a backup channel of communication between the counsel and the Tribunal?</p> <p>(26) Have parties and the Tribunal agreed on a technical failure protocol for the Remote Hearing?</p>	<p>The “host” of the Remote Hearing will be the individual controlling entry into the Remote Hearing. Depending on the Platform selected, the “host” may have additional access or administrative rights, such as control of recording functions (of the Remote Hearing as well as any chat function within the Platform) and access to virtual break-out rooms. It is therefore important that the “host” be a neutral party, such as the Tribunal, administrative secretary, administering institution or hearing centre.⁴</p> <p>A backup “host” is recommended to ensure continuity of the Remote Hearing in the event that original “host” is unable to perform the role (<i>e.g.</i> due to connectivity issues).</p> <p>Identify an emergency contact person from each party to provide assistance in the event of loss of connectivity or other issues encountered by counsel, the Tribunal or witnesses during the Remote Hearing. Participants should be clear about the steps to take in such circumstances so as to minimize the disruption to the proceedings.</p>	

⁴ See SIAC Rules 2016, Rules 38 and 39.

Issues to Consider	Why is this relevant?	Remarks
<p>(27) Has a list of Remote Hearing participants been finalised? Has the list been provided to the Tribunal, “host” and parties?</p> <p>(28) Is there a schedule for participants to join the Remote Hearing?</p>	<p>A pre-approved list of participants, as well as a schedule of when participants are allowed access to the Remote Hearing, should be agreed upon. This will ensure that only authorised persons are allowed access into the Remote Hearing and at the correct time.</p> <p>Each participant’s level of access should be clearly specified, <i>e.g.</i> a witness should not be granted access to the Tribunal’s break-out room.</p> <p>The confirmed list of participants should be provided to the “host” of the Remote Hearing.</p> <p>Consider whether the Platform can be “locked” once all participants have entered.</p>	
<p>(29) Is there a backup option / contingency plan in case the selected Platform does not function at the time of the Remote Hearing?</p> <p>(30) Does the Platform provide real-time technical support?</p>	<p>Consider a backup option / contingency plan to be activated in the event of sudden technical failures, disconnection or power outages.</p>	
<p>(31) Have parties scheduled at least two test runs for the Remote Hearing with all the participants involved, including witnesses and experts?</p>	<p>A test run allows participants to identify any potential hardware or software incompatibility issues, as well as providing an opportunity to familiarise themselves with the interface of the Platform.</p> <p>It is advisable that at least two test runs with all participants be conducted in advance of the Remote Hearing.</p>	
C. Day of Hearing		
<p>(32) Is the “host” logged into the Platform?</p> <p>(33) Are the correct participants being allowed access to the Remote Hearing?</p> <p>(34) Are there any technical difficulties that need to be first addressed / remedied?</p>	<p>The Remote Hearing can only begin after the “host” starts the session and allows participants into the session.</p> <p>After access is granted, participants should first check their audio and video connections to ensure that these are functioning properly.</p>	

APPENDIX A

Choosing the Right Remote Hearing Platform

Considerations	Y / N	Additional Notes
(1) Choice of Platform: Self-managed vs institutionally-managed		<p>Parties and the Tribunal may consider using:</p> <ul style="list-style-type: none"> • A self-managed Platform which can be downloaded from that Platform’s website and used; or • A Platform offered by a hearing centre or arbitral institution. <p><i>Self-managed Platform:</i> Parties and the Tribunal will have to identify a person to sign up for / subscribe to the Platform, and to administer / manage the Remote Hearing. There is more flexibility in the choice of Platform, and parties may select the Platform with the fee structure and features that fits their specific needs.</p> <p><i>Institutionally-managed Platform:</i> The hearing centre or arbitral institution may offer Remote Hearing Platforms. While there may be less flexibility in the choice of Platform and it could be potentially more costly for parties, the hearing centre or arbitral institution will be responsible for administering / managing the Remote Hearing on behalf of parties and the Tribunal.</p>
(2) Number of allowable participants per session and at each remote location		Find out the maximum capacity of participants allowed at a session, especially if there are many participants involved in the case.
(3) Minimum internet bandwidth and speed requirements		<p>Videoconferencing will not work well if there is poor or unstable Internet connectivity, or the bandwidth is insufficient to support video streaming (both downstream and upstream speed). Parties should consider testing the Platform using wireless connection and / or Ethernet connection.</p> <p>For minimum videoconferencing technical specifications, consider referring to the Seoul Protocol on Video Conferencing in International Arbitration, Annex 1.</p>
(4) Video quality		A test should be conducted with the participant’s video equipment to ensure that his / her face and surroundings are clearly visible on video.
(5) Audio quality		A test should be conducted with the participant’s audio equipment (e.g. microphone or head set) to ensure that his / her voice is sufficiently clear.
(6) Is the Platform supported by the operating system(s) (“OS”) used e.g. Microsoft Windows / Mac OS		Most Platforms provide information on OS compatibility and minimum operating requirements.
(7) Data protection regulations and cybersecurity requirements		Some Platforms offer encryption of communications, while others do not. Parties should raise this with the Tribunal and address any concerns over confidentiality, privacy and data protection in advance.

Considerations	Y / N	Additional Notes
(8) File sharing / screen sharing capabilities		Different Platforms have different capacities for upload of documents including PDF, PPT, Doc or DocX, and videos. Parties should ensure their chosen Platform fits the requirements of their agreed procedure for the Remote Hearing.
(9) Availability of a recording function		Some Platforms may have a limit on recording time (either by number of hours or file size). If the Remote Hearing is to be recorded, parties should ensure that the selected Platform has sufficient recording functionality.
(10) Availability of break-out rooms / separate discussion rooms		This function is useful for private discussions between the Tribunal members, between counsel from the same team, or between counsel and their clients. The break-out rooms should be easily operated to prevent any inadvertent breaches of the agreed procedure, e.g. access by unauthorised persons.
(11) Availability of a chat function (private and broadcast mode)		<p>This function is useful for private discussions between the members of the Tribunal, between counsel from the same team, or between counsel and their clients. A chat function with broadcast mode can also be useful to communicate with all participants at the same time. Consider if / how a broadcast chat is to be recorded for future reference.</p> <p>Using an inbuilt chat function in the Platform may be more secure than using a third-party provider chat platform (with a different set of security standards), such as, for instance, instant messaging apps.</p>
(12) Parties' and the Tribunal's prior experience with a particular Platform		The comfort level of parties and the Tribunal with a particular Platform is crucial to ensure seamless proceedings. Therefore, parties and the Tribunal should either choose a Platform they are comfortable with, or sufficiently familiarise themselves with the chosen Platform prior to the Remote Hearing.
(13) Availability of technical support (both prior to and during the Remote Hearing)		<p>Different Platforms offer different levels of support: some offer real-time support while others require time to turn around a query. In addition, different levels of subscription typically have different technical support available, ranging from <i>post-factum</i> technical consultation to 'live' support available during the Remote Hearing.</p> <p>Parties and the Tribunal should discuss the most convenient option for them and choose the Platform and / or subscription level accordingly.</p>

APPENDIX B
Checklist for Remote Hearing Procedural Orders⁵

Y/N	
<i>Remote Hearing Procedural Order</i>	
A. Platform	
(1) Identify the selected Platform, and expressly record the venue and seat of the arbitration. Consider recording any technical specifications for the selected Platform, including any hardware or software requirements.	
(2) Identify a person to be responsible for logistics of the Remote Hearing (<i>i.e.</i> the “host”), including controlling access to the main Remote Hearing and break-out rooms based on the list of participants. The “host” should be a person neutral from the parties, such as an administrative secretary, a representative of the administering institution, or a person providing technical support (<i>e.g.</i> the Platform provider or the hearing services provider).	
(3) Identify a backup option in case the selected Platform does not function satisfactorily.	
(4) Record any agreement on allocation of the costs of using the Platform and backup option(s), subject to any final allocation of such costs by the Tribunal in the arbitration as empowered by the arbitral rules or applicable laws.	
(5) Consider seeking acknowledgement from parties that they have done their own investigations as to the suitability and adequacy of the selected Platform, including any risks regarding security, privacy or confidentiality.	
B. Transcription & Recording	
(6) Identify the service provider providing transcription services, and consider whether live transcription is required.	
(7) Establish any time limits and the procedure for parties to request corrections to the hearing transcript. Record any agreement on how / when / to whom hearing transcripts may be provided.	
(8) Identify the service provider recording the Remote Hearing. If the recording is part of the Platform’s functions, identify the person who will control / operate the recording function.	
(9) Parties, counsel and the Tribunal to provide express consent to the service provider recording the audio and / or video of the Remote Hearing (with provision to exclude from recording any Tribunal deliberations). Consider expressly providing that approval of the Tribunal must be obtained prior to the release of any audio or video recording.	
(10) Express prohibition against any participant recording the Remote Hearing or any part thereof without leave of the Tribunal. Consider directing the parties and counsel to ensure that that party’s participants abide by this prohibition.	

⁵ Tribunals may consider using this Appendix B as a guide when discussing with parties and preparing procedural orders relating to the conduct of a Remote Hearing.

Y/N	
C. Remote Hearing Participants	
(11) Establish timelines for submission of lists of approved participants for each party (full name, organisation, designation and access level at the Remote Hearing) prior to the Remote Hearing. Updates to the list should be notified to the Tribunal and the “host” as soon as possible.	
(12) Any person not included in the list of approved participants will not be granted access to the Remote Hearing, unless the Tribunal grants leave.	
(13) All participants in the Remote Hearing have an ongoing duty to notify others of the presence of any external person on the videoconference.	
(14) Record any agreement on Remote Hearing etiquette. See <u>Appendix C (Remote Hearing Etiquette)</u> for areas of discussion.	
D. Technical Failure Protocol	
(15) Identify an emergency contact from each party who will be responsible for: <ul style="list-style-type: none"> a. Advising the Tribunal if an essential participant from that party is disconnected or otherwise cannot participate, such that the Remote Hearing has to be temporarily paused; b. Notifying technical support of the issue faced without interrupting the Remote Hearing. 	
(16) Set out the steps to take if a witness, counsel or member of the Tribunal loses audio and / or visual connectivity, including whether the Remote Hearing will be suspended until connectivity is re-established.	
E. Suspension or Termination of Remote Hearing	
(17) Set out the steps to take if a party considers that the oral evidence was not given or recorded in accordance with due process because of problems related to the practicalities of holding the Remote Hearing.	
(18) Consider the circumstances under which the Tribunal may terminate the Remote Hearing prior to the end of the hearing day (<i>e.g.</i> due to a Platform failure or error that cannot be rectified within reasonable time). Establish a protocol for parties, counsel and the Tribunal to communicate in the event of an early termination of the hearing day.	
F. Trial / Test Run(s)	
(19) Identify suitable date(s) for a test run of the Remote Hearing Platform; at least two test runs should be conducted prior to the Remote Hearing. The test run should involve all participants of the Remote Hearing, and using the same hardware, software and Internet connection as at the actual hearing. Points to note for the test run include: <ul style="list-style-type: none"> a. Participants’ familiarity with the Platform; b. Participants’ audio and video quality; c. Quality of participants’ Internet connectivity and the need for a backup connection; d. Whether the participant is at an optimum distance from the video camera; and e. Whether there are any distracting audio or visual elements captured within the video screen. 	
(20) Obtain report(s) on outcome of test run(s) (whether from service provider(s) or parties / counsel) and identify problems encountered and potential solutions.	

Y/N	
G. Documents	
(21) Consider whether documents should be made available in both electronic format and hard copy format for use during the Remote Hearing, particularly for the Tribunal and witnesses. While hard copy documents are useful as backups in the event of any technical issues, it may not be possible for multiple hard copies to be prepared for use at different Remote Hearing locations.	
(22) Establish an agreed structure and format of references for physical documents and electronic documents (e.g. Bundle Vol X, Tab / page number Y + E bundle numbering / identification). A draft index can be prepared and agreed by parties in advance.	
(23) Consider whether demonstrative exhibits (e.g. PowerPoint presentations and charts) are allowed, and if so, how can these demonstrative exhibits be deployed during the Remote Hearing.	
(24) If a document-sharing platform is to be used, parties to consider and ensure security of the platform (e.g. document encryption, IP-to-IP encryption) and whether additional security measures should be taken.	
H. Confidentiality, Data Protection & Security	
(25) Highlight to the participants any applicable arbitration rules (e.g. SIAC Rules 2016, Rule 39) or applicable law relating to the duty to treat all matters relating to the Remote Hearing as confidential.	
(26) Parties should use best efforts to ensure security of the document, information and data, which is shared / exchanged at the Remote Hearing, including at the venue where such information and data are being conveyed / stored.	
(27) Identify how the members of the Tribunal can communicate privately with each other if no virtual break-out room or private in-Platform chat is available, and take steps to ensure that confidentiality of such communications is preserved.	
<i>Pre-Hearing Procedural Order</i>	
I. Access to Remote Hearing	
(28) Finalise lists of approved participants and circulation list for the Remote Hearing log-in / access details. Consider expressly directing participants not to forward or share the Remote Hearing link or password; non-participants should not be allowed to join the Remote Hearing.	
(29) If not already determined, identify the “host” and his / her backup.	
(30) Establish the time for circulating the log-in / access details to the Remote Hearing. Set out the procedure for granting access to participants (e.g. click on link > assigned to waiting room > identify self when admitted to the main hearing room > assigned to break-out room).	
(31) Address any outstanding issues or problems identified during the test run(s).	
J. Schedule of Hearing	
(32) Finalise the length of each hearing day, with start and end times that accord with the participants’ respective time zones.	
(33) Establish the schedule for the Remote Hearing. Consider: <ul style="list-style-type: none"> a. Setting aside time on the first day of the Remote Hearing to account for potential delays or technical issues; b. Incorporating sufficient breaks throughout the hearing day; 	

	Y/N
<ul style="list-style-type: none"> c. Allowing sufficient time for each party to present its case, including fixing the amount of time for oral submissions, examination and cross-examination of witnesses; and d. Setting out the sequence of appearance of witnesses: See <u>Section K (Witness Testimony)</u> below. 	
(34) Inform participants of the length of time he / she needs to remain in the Remote Hearing.	
(35) Inform participants of any applicable Remote Hearing etiquette. Consider seeking written acknowledgement from participants that they will comply with any applicable etiquette or protocols.	
(36) Consider whether any private / virtual break-out rooms will be available for witnesses, the Tribunal, counsel and parties.	
K. Witness Testimony	
(37) Establish the sequence of witness testimony. Consider: <ul style="list-style-type: none"> a. Whether a witness may be present in the Remote Hearing prior to giving evidence; and b. Allowing witnesses who are also party representatives to give evidence first. 	
(38) Address any concerns that parties may raise concerning remote witness testimony, such as “witness coaching” through concealed channels of communication (e.g. via an off-screen mobile phone or computer) or the presence of unauthorised persons (e.g. the witness’ family member) in the same room during his / her testimony. Consider: <ul style="list-style-type: none"> a. Directing that a witness give evidence from behind an empty desk or table (save for the hearing bundle); no personal items should be on the table; b. Requiring the witness to remain within the camera frame at all times during testimony; c. How to manage breaks for witnesses or when they need to move off camera (e.g. to pick up a document that has fallen); d. Requiring the witness to provide a 360 degree view of the room that he / she is giving evidence from so as to ascertain the security and suitability of that witness’ location. This may be done at the beginning of the witness’ testimony, and after each break. 	
L. Documents	
(39) Assess status of hearing bundles (electronic and hard copy) and address any issues in relation to document sharing.	
(40) Establish a procedure for adducing new documentary evidence during the Remote Hearing, including: <ul style="list-style-type: none"> a. The manner in which an application to adduce new evidence may be made; and b. The manner of providing the new document (if allowed) to the relevant witness(es). 	
(41) Consider whether a screen-sharing function should be used during the Remote Hearing. If so, identify the person (typically the “host”) controlling the function.	

APPENDIX C

Remote Hearing Etiquette

Considerations	Y/N	Additional Notes
<p>(1) Identification of participants:</p> <ul style="list-style-type: none"> Participants should display a username that allows them to be readily identified against the list of approved participants (e.g. “Name of Participant / Claimant”, “Name of Participant / Respondent”). Identification of all participants at the opening of each day of the Remote Hearing / after each break. 		<p>Platforms will typically require users to identify themselves by a username. To maintain the formality of the Remote Hearing, participants should be strongly discouraged from using nicknames or incomplete names as their username.</p> <p>Instead, participants should identify themselves with their full names, and indicate on whose behalf that participant appears.</p> <p>Consider establishing a “roll call” at the beginning of each day of the Remote Hearing and after each break to ensure that the correct participants are in the Remote Hearing at the correct time.</p>
<p>(2) Use of the “mute” function:</p> <ul style="list-style-type: none"> Unless it is their turn to speak, all participants should have the “mute” function turned on. When speaking, participants should minimise background noise and external sounds (e.g. mobile phones and other alerts should be muted). 		<p>Unnecessary background noise may distract or surprise the participants, and disrupt the Remote Hearing. It may also affect the quality of any video recording.</p>
<p>(3) Use of the “video” function:</p> <ul style="list-style-type: none"> Consider whether participants should have video turned on throughout the Remote Hearing, or only when speaking. Consider whether to prescribe a dress code for participants (e.g. office attire). 		<p>Excessive movement during the Remote Hearing may similarly distract the participants and disrupt the Remote Hearing. Consider whether to request non-speaking participants to turn off the video function unless they are speaking to avoid distractions.</p>
<p>(4) Participants to speak in turn and to incorporate appropriate pauses during speeches / testimony.</p>		<p>The quality of the recording may be affected or there may be lack of clarity if participants speak concurrently. Consider reminding participants to incorporate pauses or speak slower, so as to account for potential video or audio lag.</p>
<p>(5) Procedure for speaking out of sequence.</p>		<p>In the course of the Remote Hearing, it may be necessary for a participant to speak out of sequence in order to, e.g. bring a matter to the Tribunal’s attention or raise an objection.</p> <p>Parties and the Tribunal should consider the procedure to be followed for speaking out of sequence. Certain Platforms may have a “raise hand” feature, which allows participants to raise a virtual hand to indicate that they wish to say something.</p>
<p>(6) Have participants been made aware of the agreed Remote Hearing etiquette?</p> <p>(7) Have participants been made aware of the need to strictly comply with the agreed Remote Hearing etiquette?</p>		<p>It is important that all participants are comfortable and familiar with the agreed procedure. Any questions regarding the Remote Hearing etiquette should be addressed prior to the Remote Hearing (e.g. during the test run(s)) and not on the day of the Remote Hearing.</p>

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