# Practical tips for **virtual trials & hearings**

## Video platform selection

- **Check for mandatory tech -** Does your forum mandate use of a specific platform?
- **Access -** Can all participants access your chosen platform?
- **Functionality -** Does your platform have suitable functionality for the type of hearing - e.g. break out rooms, chat, document sharing
- **Familiarity -** Experience counts, a trial may run more smoothly using tech familiar to participants

## Document management

- **Quick, Clear and Efficient -** Good document accessibility helps the smooth running of a hearing
- **Be precise -** Ensure you comply exactly with the stated requirements of the forum when preparing an e-bundle
- **Declutter -** Keep to the core documents – excessive document reference disrupts a virtual trial
- **Engage help if needed -** Engage specialist third party providers for more complex disputes and extended trials

## Collaborate

- **Engage with other participants -** A co-operative approach can help identify problems and solve them more quickly when they occur
- **Do not dictate terms -** A court, tribunal or other participants may have their own view on the best way forward
- **Get consent -** Agreement from all parties to arrangements can reduce subsequent procedural challenges
- **No surprises -** Keep to agreed arrangements, particularly in relation to matters like witness evidence

## Hybrid hearings
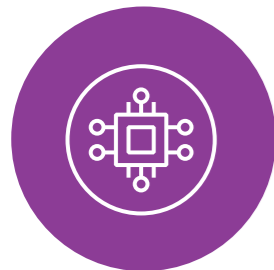
- **Plan carefully -** Parties attending both physically and remotely means more things to go wrong
- **Invest in technology -** Split hearings require better technology to help interface the physical and remote meeting rooms

## Privacy

- **Open justice online -** Virtual Court hearings might still be public record, if you need privacy address this with the court
- **Cyber-secure -** Follow protocols on cyber security and data protection
- **Do not overshare -** Do not share access links too widely and risk unauthorised participants

## Plan for international enforcement

- **Public Policy -** Are virtual hearings allowed in your likely jurisdiction of enforcement?
- **Level the playing field -** Make sure your opponent cannot argue they are at a disadvantage – e.g access to technology, time zones
- **Use protocols -** Adherence to established international protocols on remote hearings can validate the process used in your hearing

## When things go wrong

- **Allocate responsibilities -** Who will resolve technical issues?
- **Have a plan B -** What will happen if a participant is cut off - e.g. have an audio dial in available
- **Expert help -** In bigger cases consider use of third party technical consultants to run the hearing and resolve problems

## Lines of communication

- **Clarity -** Understand how participants will communicate with other when not making submissions
- **Instant messaging -** Use instant messaging but segregate it from the hearing platform
- **Set ground rules -** Make sure that advocates are not overwhelmed with messages from clients or co-counsel
- **Keep talking -** Make sure that lines of communication to the other side remain open to discuss settlement or resolve issues

## Up your presentation game

- **Make written submissions great -** They become more important in a virtual hearing environment
- **Be visual -** Make extra use of visual aids and presentation tools like powerpoint, animations, whiteboards

## Test, Test, Test!

- **Make a checklist -** For participants to cross check they have all the tech they need
- **Test call -** Do an internal test days in advance to iron out problems
- **Involve the tribunal -** If appropriate include provision for a call with the court/tribunal, particularly with a new system

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