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HOP DANG'S CHAMBERS
ARBITRATION & LEGAL EDUCATION

PRACTICAL NOTES ON ONLINE ARBITRAL PROCEEDINGS

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Virtual proceedings in general

Advantages:

Convenience;



Efficiency;



Flexibility;



Disadvantages:



No "real contact" i.e. eye contact, body language, etc.



Less "rapport" i.e. personal connections amongst the tribunal;



Less discussions among the tribunal;



Technical problems may hinder the proceeding;

"Hybrid" proceedings **generally not recommended**

01

Inequality among the parties / tribunal members;

02

Online participants may not follow the entire proceedings;

03

The transcribers may not record fully;

04

Tribunal members may need to listen to recordings later; time consuming and not ideal.

Virtual proceedings generally **recommended**



Permitted by applicable laws / rules;



Small – medium sized cases;



Consented / requested by the parties;



Counsel and tribunal members can communicate effectively online;



Travel restrictions;



Witnesses can be heard and examined effectively online without undermining the evidence on critical issues.

Virtual proceedings generally **NOT recommended**



- Not permitted by applicable laws / rules;
- **Objection by one party / both parties;**
- Large sized cases with complex issues;
- **Evidence needs to be viewed directly;**
- Counsel and tribunal members **CANNOT** communicate effectively online;
- **Witnesses / Tribunal may have difficulties online potentially affecting important evidence;**
- Settlement possibility?
- **Physical presence required for other reasons.**



Virtual is not the same as **real** but ...

**Advantages and
disadvantages need to
be weighed up;**



**Parties often
prefer virtual
hearings;**



**This should be
encouraged;**



**Not many cases
actually require
physical hearings.**



Tips for online proceedings

You need several computers:

- Seeing participants: large screen?
- Reviewing documents / typing notes;
 - Reading realtime transcript.

You need
alternative
internet
sources.



You need
alternative
power sources?

Alternative
means of
communication

;

Technical
assistance
nearby?

Maxwell
Chambers
example.

Tips for online proceedings

01

Order of speaking must be specified and strictly adhered to; Only one person can speak at a time.

02

You need to speak more slowly and clearly;

03

Check the transcript regularly to correct errors timely;

04

Use consecutive, not simultaneous translations;

05

You need to be flexible to work with different time zones.

Conclusion



- **Virtual hearings will likely become the norm for most cases;**
- **This may have fundamental changes for the arbitration world;**
 - **One needs to adapt, prepare and learn.**



Thank you!

Q&A

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