Best practices for virtual hearings

1. Set the virtual platform meeting duration for 8 hours to make sure your meeting doesn’t end prior to the hearing adjournment.
2. Be sure to adjust the platform settings so that there is no ability for anyone to use the “chat”.
3. Make sure to include the ability to manually assign parties and counsel, if any, into a private meeting space on the platform if available or have a plan to utilize some other method for a private conversation to take place should a recess be requested to discuss settlement of an arbitration during the hearing or post hearing.
4. Make sure all panelists, parties, witnesses, counsel are familiar with the virtual platform.
5. Confirm that the Professional Standards Administrator or staff have confirmed the identity of all parties, witnesses and counsel by requesting verification of at least one government-issued, photo ID card (e.g., driver's license, state ID card, or Passport) prior to being admitted to the hearing.
6. Everyone must be able to participate with their video on and be visible at all times.
7. No virtual backgrounds allowed.
8. Confirm that the panel is available for the entire day for the hearing.
9. Make sure you have set the meeting to allow the host to share documents from their computer via the chat function or be prepared to email all parties, panelists and association counsel.
10. Make a list of the parties’, witnesses’, panelists’ and association counsel’s cell phone numbers in advance of the hearing and have them on-

hand. Advise the panel to text the Administrator if they have any questions or need a break during the hearing.

1. Make sure everyone has the contact information for the Administrator prior to the hearing.
2. Have a plan to contact your association counsel if you need them.
3. Stop the hearing if someone loses connection.
4. Encourage parties to submit their evidence in advance and advise that attempting to introduce evidence at the hearing could result in a delay or postponement of the hearing.
5. Establish a system for documents submitted the day of the hearing. The administrator should be the communications channel, have the documents emailed to the administrator for distribution to the panel and parties. If submitted into evidence, the document can be distributed to the parties and panel via email from the administrator or through the chat feature by the host (administrator).
6. If sharing your screen, turn off or silence email notifications, phone apps etc. as you do not want to be distracted during the hearing.
7. Screen sharing can only be done with a document after it has been distributed and marked into the record.
8. Have a system so it is easy to display evidence should the chair wish to show a document (i.e., do not have a lot open on your computer when you share your screen. Have a separate folder with the hearing documents so it is streamlined and easy to pull up if needed).
9. Include the link on the “Official Notice of Hearing” in the space for “place of hearing” … insert “Virtual Hearing through” (insert your virtual platform of choice and add link)
10. Email the link again to all parties, panelists, counsel, etc. the morning of the hearing.
11. Include the remote verifications in correspondence prior to any virtual session so everyone is aware of the process for the day and what is expected of them (i.e., private location, etc.).
12. Set expectations that the parties and their witnesses or counsel will be in the waiting room until ready to start the hearing and that witnesses will be placed back in the waiting room after being sworn in until the party is ready for the testimony.
13. Panel members should sign in 30 minutes in advance of the hearing.
14. Schedule a pre-hearing meeting with the panel and board counsel to go over procedure and answer any questions prior to the actual hearing.
15. Parties, witnesses and counsel should sign into the virtual platform 15 minutes in advance of the hearing.
16. When parties enter the hearing, be sure to change their names. It will be easier to identify each person if they have a title next to their name.

Examples:

John Smith, Complainant

Mark J. Wallach, Esq., Complainant's Counsel, Mark Jones, Respondent

Hearing Panel Chair, Joan Morris

Sue Wong, Professional Standards Administrator

1. If the panel must go into executive session during the hearing, place everyone else in the waiting room until the executive session is concluded.
2. If at all possible, have two administrators or one administrator and one staff on the remote meeting. One who is the official Professional Standards Administrator and one to do the name changes, admit the witnesses, send messages to the waiting room and keep a general "eye" on all participants (i.e., that they are on camera, no one else is with them that hasn’t been approved, etc.).
3. Obtain consent from all participants prior to recording the hearing. Recording should be conducted in accordance with state law.
4. Certificate of qualification – transmit to the panel electronically prior to the hearing and obtain electronic signatures or scans of signed copies. Alternatively, put the language from the form directly into the record and have the panel verbally acknowledge agreement on the record.
5. When verifying that someone is in a private location, if staff can see that is not the case, you prompt the chair to take time to allow that person to move to a secure and confidential location.
6. Encourage parties to have their entire case file available.

Revised January 3, 2024, Diane Mosley