AMERICAN ARBITRATION ASSOCIATION® | INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION®

AAA-ICDR® Virtual Hearing Guide for Arbitrators and Parties Utilizing ZOOM

Optimizing the Virtual Hearing Experience*

1. Use a PC, laptop or large tablet for the video portion of the hearing as monitor size will be important, particularly for hearings with many participants

2. The device/screen you are using to participate in the virtual hearing will not be available for other purposes, such as taking notes or viewing documents; arrange for alternate means of doing so

    a. Use of dual monitors (or even a single monitor with a laptop screen) is recommended, with Zoom running on one screen

3. Disable any pop-up notifications within applications such as Outlook and Skype to prevent these from appearing onscreen while presenting

4. Use a good quality webcam if possible, and check lighting conditions

    a. Backlighting is generally not desirable

    b. For AAA staff, use a virtual background image provided by Marketing

5. Audio considerations

    a. Audio quality can be affected by a variety of factors and may take some experimentation to come up with the best way to connect, whether by phone, through your computer speakers/microphone, and with or without a headset; try to determine your best method prior to the scheduled event.

    b. If there are multiple participants in the same physical location, there may be an echo if their microphones/phones are not muted (this is highly dependent on the equipment being used but is obvious when it occurs)

    c. Find a quiet location

    - Minimize background noise

    - Mute yourself whenever you are not speaking

    - Take notes quietly if not muted, if necessary on paper as opposed to using a keyboard

    - Avoid multi-tasking such as checking email

6. Consider steps that may be taken to establish a high-speed internet connection (e.g., if possible, a hard-wired internet connection is generally preferable to a wireless internet connection)

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* Please note that video hearings or proceedings are conducted through third party platforms such as Zoom are subject to the platform's terms and policies, for example: https://zoom.us/privacy-and-legal. The AAA-ICDR arranges proceedings through these third party platforms for the arbitrators' and parties' convenience. The AAA-ICDR does not endorse any one platform over another nor does the AAA-ICDR guarantee the suitability or availability of any platform. Any concerns regarding the use of a third party video conferencing platform should be raised by copying correspondence to all parties to this matter.

a. Recognize that much of the technology infrastructure involved is not in our control and there may be conditions under which a virtual hearing is not feasible

b. Consider arranging for a "lower technology" backup alternative such as an audio-only conference bridge

Zoom Technical Support

1. Zoom hardware test is available here: https://zoom.us/test

2. Zoom technical support is here: https://support.zoom.us/hc/en-us

3. Zoom Support by Chat

   a. Zoom support is available whenever you are logged into a Zoom account at Zoom.us

   b. Go to 'Help' at the bottom right

   c. Click the 'Live Chat' button

Virtual Hearing Security Considerations

See Appendix A - Default Meeting Settings for details, but generally:

1. A unique, automatically generated meeting ID must be used for each virtual hearing, not your personal meeting ID

   a. As an additional layer of security the hearing can be password-protected with a unique password, but that password should be shared with the participants via a medium other than via the Zoom invitation email

2. Participants should use secure internet connections and not attend from public locations or in circumstances where non-invitees could hear or see the proceedings

3. The host should be provided with the list of participants (including witnesses) and their email addresses for the purpose of inviting them to the online hearing

   a. Participants should be instructed to not forward or share the hearing invitation

   b. Any additional participants should be invited directly by the hearing host

4. You can use the Waiting Room feature to prevent ex parte communication with the arbitrators prior to the start of the event

   a. Give the waiting room a meaningful description such as *"AAA Case 01-20-0001-0003 with Arbitrator Jane Doe"*

   b. Do not include information that would disclose the identity of the parties to the case

   c. You may also want to consider including contact information for the AAA Zoom host in the description

5. Disable the "private" chat feature (only allow chat with "everyone")

6. Participants must decide if the recording feature will be utilized (see below Considerations for Recording a Zoom Hearing). If recording feature is not being utilized, disable all recording and emphasize that no independent re-cording or taking of screenshots is permitted

Preparing for the Virtual Hearing

1. At least one week before the hearing, have a trial run with the panel, representatives and any technical support people to verify their connectivity and get them familiar with some basic features of Zoom

   a. Basic features to cover

      • Overall display/tiling

      • Control Panel features

      • Participant list

      • Muting/unmuting

      • Screen sharing

      • Passing control

      • Inviting a non-participant

      • Waiting Room/Breakout Rooms

      • Locking the hearing

   b. If there are any technical issues with the panelists' equipment, take steps to get them resolved or decide whether the hearing can proceed virtually

   c. Discuss with the panel hosting/co-hosting responsibilities

   d. Each party is responsible for testing Zoom connectivity for its witnesses in advance of the hearing

2. Send the hearing invitation to the necessary participants

   a. Meeting set-up in Zoom

      • Send the hearing invitation via Outlook (not directly via Zoom) so that you can customize meeting subject line and body

      • Hearing description in Zoom should not contain full party information

         o Use the AAA case number

         o You may also use names of representatives and/or abbreviations of party names that do not allow for actual party identification

      • Include the following disclaimer in the Notice of Hearing and in the electronic hearing invitation:

         Please note that video hearings or proceedings are conducted through third party platforms. The use of such platforms for proceedings is subject to the platform's terms and policies, for example: https://zoom.us/privacy-and-legal The AAA-ICDR arranges proceedings through these third party platforms for the arbitrators' and parties' convenience. The AAA-ICDR does not endorse any one platform over another nor does the AAA-ICDR guarantee the suitability or availability of any platform. Any concerns regarding the use of a third party video conferencing platform should be raised by copying correspondence to all parties to this matter.

b. Decide if breakout rooms will be used and to the extent possible, set them up in advance; see guide here: https://support.zoom.us/hc/en-us/articles/360032752671

- Special Considerations for Phone Only participants
  - o Phone participants can be assigned to a break out room, however:
    - **i.** If you assign them to the break out room before you "open all rooms" they will automatically be sent to the break out room upon "opening",
    - **ii.** The only way that phone participants can rejoin the main room is if you "close all break out rooms" which ends them for everyone for the rest of the call (of course you could re-create them again).
  - o Phone participants can be placed in the waiting room.

c. Document and communicate any ground rules in advance; see the model *Procedural Order for Virtual Hearings* for an extensive list of considerations, including:

- How will document display be managed?
- Conditions for witness participation
- Camera use
- Entering the hearing with full names
- Whether the hearing will be recorded
- How to manage panel conferences

At the start of the hearing

1. Show up early
2. Verify participants and their connectivity
3. The hearing host should use the Security Option feature on the control panel to manage settings during the hearing for items such as the waiting room, screen sharing, chat, and locking the meeting
4. The hearing moderator/host should keep the participant list open
   a. Clean up/combine virtual participant entries (names, duplicate phone/video sessions)
   b. Monitor waiting room activity and watch for participants who may drop off
   c. The host may lock the meeting but needs to be made aware of anyone who may need to join and then unlock the meeting; use of a waiting room is generally preferable to locking the meeting unless the extra level of security is warranted
5. Restate any ground rules
6. At least for the early part of the hearing, participants should state their names before speaking so other participants can easily identify the speaker

Considerations for Recording a Zoom Hearing

Should the case participants opt to use Zoom's recording features, they should be fully aware of Zoom's Terms of Service (https://zoom.us/terms/), and the conditions under which the session will be recorded should be formalized and shared with case participants in advance of the hearing (see Model Procedural Order for Virtual Hearings).

The recommended process for recorded sessions that are not conducted with AAA Zoom accounts is to use cloud storage and have the Zoom account owner send a link to the recording to case participants as directed by the arbitrator(s) or as identified in the procedural order. The link should be password protected and the password should be sent separately from the communication containing the link.

The recipients would then have seven (7) calendar days to download a local copy of the recording via the link, after which the cloud recording would be deleted. The recipients are responsible for maintaining security around and controlling access to their locally stored copies of the recordings.

Should the case participants opt to not use cloud storage and save the recording locally, the host on whose computer the file is stored must then arrange to transmit the file to the specified case participants in a secure manner (such as via Citrix ShareFile or other file sharing tools) and also take steps to maintain the security around and control access to their locally stored copy of the recording.

Recommended Zoom Settings for Cloud Recordings

See Appendix A - Default Meeting Settings for detailed settings

Cloud recording
Allow hosts to record and save the meeting / webinar in the cloud

- ☑ Record active speaker with shared screen
- ☐ Record gallery view with shared screen ⑦
- ☐ Record active speaker, gallery view and shared screen separately
- ☐ Record an audio only file
- ☐ Save chat messages from the meeting / webinar

Advanced cloud recording settings

- ☑ Add a timestamp to the recording ⑦
- ☑ Display participants' names in the recording
- ☑ Record thumbnails when sharing ⑦
- ☐ Optimize the recording for 3rd party video editor ⑦
- ☐ Save panelist chat to the recording ⑦

Recommended Settings for Local Recording

Local recording
Allow hosts and participants to record the meeting to a local file

- ☐ Hosts can give participants the permission to record locally

Appendix A

AAA-ICDR Suggested Zoom Default Settings for Virtual Hearings

Schedule Meeting Settings

Configuration Section	Default Setting	Comments
Host Video	On	Allows for default to video so participants can see who is in attendance
Participants Video	On	Allows for default to video so participants can see who is in attendance
Audio Type	Telephone and Computer Audio	Allows participant to choose which has better sound quality for them
Join Before Host	Off	Keeps one party and arbitrator from being in the room together
Use Personal Meeting ID (PMI) when scheduling a meeting	Off	We must use the "generate automatically" option to randomly create a new meeting code per hearing in order to keep someone who has a link from a prior meeting from joining
Use Personal Meeting ID (PMI) when starting an instant meeting	Off	PMI not to be used
Only authenticated users can join meetings	Off	This means that the meeting participants will have to sign in to their Zoom account to join the meeting. Would require every arbitrator/party/participant/witness to create a zoom account.
Require a password when scheduling new meetings	On	
Require a password for instant meetings	On	
Require a password for Personal Meeting ID (PMI)	Off	PMI not to be used
Embed password in meeting link for one-click join	Off	
Mute participants upon entry	Off	More appropriate to be managed by host and as needed
Upcoming meeting reminder	Off	Not needed as Outlook invitations should be used

In Meeting (Basic) Settings

Configuration Section	Default Setting	Comments
Require Encryption for 3rd Party Endpoints (H323/SIP)	On	This means zoom meetings where a participant is using a different room-based solution like WebEx or Lifesize would require an encrypted connection Set to "on" in case we ever have meetings with third party endpoints, but this will not impact anything with standard Zoom meetings using the Zoom client on desktops/laptops/mobile devices
Chat	On and check box to prevent participants from saving chat	Concern over who has access to Zoom data
Private chat	Off	Concern over who has access to Zoom data, *ex parte* communication with panel
Auto saving chats	Off	Concern over who has access to Zoom data
Play sound when participants join or leave	Off	Can be distracting; may be set to play only for the host
File Transfer	Off	Concern over who has access to Zoom data
Feedback to Zoom	Off	
Display end-of-meeting experience feedback survey	Off	
Co-host	On	
Polling	Off	
Allow host to put attendee on hold	On	Good for temporarily allowing the host to remove an attendee such as a witness

Configuration Section	Default Setting	Comments
Always show meeting control toolbar	On	
Show Zoom windows during screen share	Off	Only need to share documents/presentation
Screen Sharing	On	
Who can share?	All Participants	
Who can start sharing when someone else is sharing?	Host Only	
Disable desktop/screen share for users	Off	Needed for presenting
Annotation	On	Allows participants to mark up a document
Whiteboard	On and Uncheck Auto save white-board content when sharing is stopped	Concern over who has access to Zoom data
Remote control	On	Allows others to control shared content
Nonverbal feedback – off	Off	
Allow removed participants to rejoin – off	Off	Keeps removed people from getting back in

In Meeting (Advanced) Settings

Configuration Section	Default Setting	Comments
Breakout room	On and Check Allow host to assign participants to breakout rooms when scheduling	Only can pre-assign those with full license but n harm to allow this setting
Remote Support	Off	We do not want to get into others computers
Closed captioning	Off	
Save captions	Off	
Far end camera control	Off	
Group HD video	Off	To reduce bandwidth use
Virtual background	On	Use professional background image
Identify guest participants in the meeting/webinar	Off	Not needed as most are guests vs. someone on AAA corporate account
Auto-answer group in chat	Off	
Only show default email when sending email invites	Off	
Use HTML format email for Outlook plugin	On	
Allow users to select stereo audio in their client settings	Off	
Allow users to select original sound in their client settings	Off	

Configuration Section	Default Setting	Comments
Attention tracking	Off	Feature disabled/removed by Zoom
Waiting room	On	Can be disabled if needed (Case by case basis)
Show a "Join from your browser" link	On	Do not want to force participants to download the app
Allow live streaming meetings	Off	

Email Notification Settings

Configuration Section	Default Setting	Comments
When a cloud recording is available	On	
When attendees join meeting before host	On	
When a meeting is cancelled	On	
When an alternative host is set or removed from a meeting	On	
When someone scheduled a meeting for a host	On	
When the cloud recording is going to be permanently deleted from trash	On	

Other Settings

Configuration Section	Default Setting	Comments
Blur snapshot on iOS task switcher	Off	This setting can be used to hide potentially sensitive information on the Zoom iOS mobile app preview screen when multiple apps are open using the iOS tasks switcher Off as we don't see the need to enforce this
Direct call a room system	Off	This option enables a zoom client to directly call a room-based system instead of needing the room based system to be joined to a meeting first Off as it is not applicable to us
Invitation Email – Choose Language	English	
Schedule privilege – Assign scheduling privilege to	No one	May be used to assign privileges to other case staff

Recording Tab

Configuration Section	Default Setting	Comments
All settings	Off	See section on "Considerations for Recording a Zoom Meeting" if turning on

Telephone Tab

Configuration Section	Default Setting	Comments
All settings	On	

Recommended Zoom Settings for Cloud Recordings

When setting up the meeting for recording, you will need to verify these configurations.

Configuration Section	Default Setting	Comments
Local Recording	Off	If changed to yes, do not select "Hosts can give participants the permission to record locally" You must document the file distribution/retention strategy
Cloud Recording	On	See detailed settings image below
Automatic Recording	Off	
IP Address Access Control	Off	
Only authenticated users can view cloud recordings	Off	
Require password to access shared cloud recordings	On	
Auto delete cloud recordings after days	21	Set to 21 as a precaution against inadvertently premature deletion; participants should be directed to download a local copy within 7 days
The host can delete cloud recordings	On	
Recording Disclaimer	On	Set to "Ask host to confirm before recording starts"
Multiple audio notifications of recorded meeting	Off	

Detailed Cloud Recording Settings

These are the recommended settings when using cloud recording