

Virtual Hearing Information Letter
Beth Anne Wolfson, Esq., Arbitrator

This is what I send out beforehand if I am conducting a virtual arbitration hearing:

Dear [Attorney]:

Given the difference between a virtual hearing and an in-person hearing, I have developed a list of items that help the virtual hearing run smoothly.

1. Although a stipulated issue is not required in advance, if the parties can agree on it that would be helpful.
2. If there are some facts that are not in dispute, I encourage submission of a Signed Stipulated Facts.
3. In addition, I ask that parties to confer, mark any joint exhibits, and also submit them in advance. All of these categories, if agreed-to, would be accepted into evidence.
4. If the parties have documents that are not agreed-to, It helps to have them marked for identification and submitted in advance. That way I have copies of all documents in front of me for the hearing.
5. I also like to have a witness list beforehand if possible.
6. I expect the attorneys and a party representative (identified in advance if possible), and the Grievant (if there is one) will be “present” for the entire hearing. If they are at a different location from the attorneys and there is a need to confer, we can do so by taking a break and using break-out rooms (or, if they are more comfortable, muting connections, and they can then confer by telephone).
7. Witnesses should be invited in at the appropriate time. Attorneys should make sure all those in their case have appropriate access to technology for remote connections. During breaks, consistent with in-person hearings, attorneys and representatives may not confer with witnesses who are “on the stand.”

For the hearing on [date], I would like any responses to numbers 1-5 to be submitted to me, via e-mail, no later than close of business on [date]. Again, this pre-hearing information helps the virtual hearing run smoothly. None of these requests will preclude a party from offering an exhibit at hearing that was not otherwise identified in advance, nor will it limit any preliminary discussions or objections relating to the issue, if not stipulated to, or to documents or witnesses.

Any additional information can be covered at the beginning of the hearing, or if the attorneys prefer, I will schedule a telephone or video conference beforehand to discuss any questions.