

BEST PRACTICES FOR VIRTUAL HEARINGS

Advocating before the Assessment Review Board

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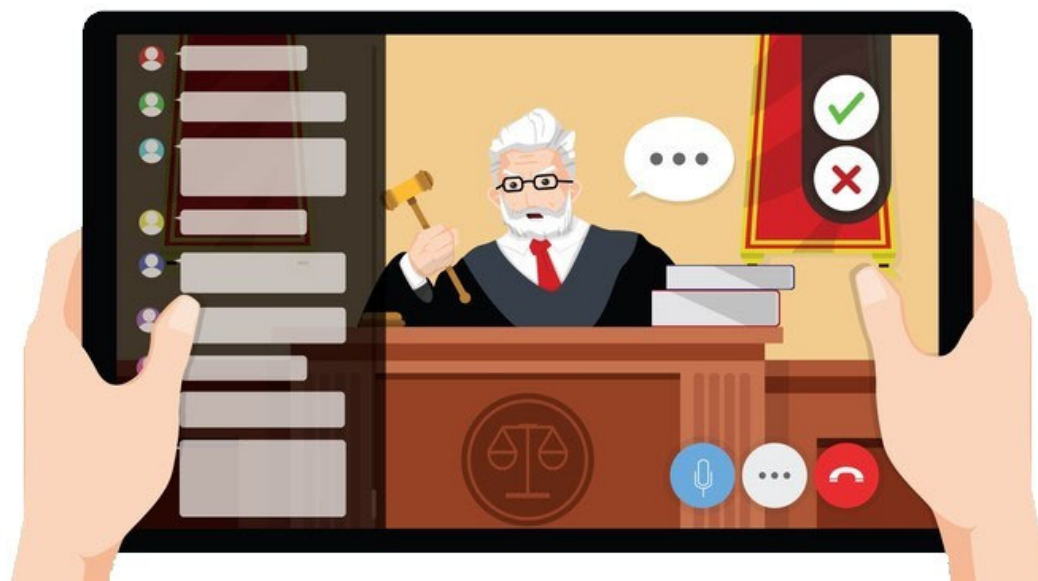
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Agenda

- 1) Pre-Hearing Logistics
- 2) Hearing Management Plan
- 3) Electronic Document Guideline
- 4) Technology- Issues & Solutions
- 5) Preparing Client
- 6) Objections
- 7) Newly Relevant Documents
- 8) Practical Tips



Pre-hearing Logistics

- Establish the order of presentation, time limits and breaks
- Create a process to notify the parties of technical difficulty
- Implement a method to object
- Decide process for sharing documents – if necessary, during the hearing
- Create a procedure for marking exhibits



Hearing Management Plans

- What are HMPs?
 - Created jointly between advocates
 - Road map – What is the hearing about/what are the issues?
 - Timetable – Witness list, examinations/cross examination schedule
 - Guidelines – rules for procedural matters

Hearing Management Plans

- List of parties, counsel, and witnesses
- Time allotted for opening/closing statements, examining witnesses, breaks, housekeeping
- Lists of documents w/index
- Any agreed upon procedural rules (Board may have their own)



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Electronic Document Guideline

- March 2021 - Electronic Document Guideline
- Provides conditions regarding file naming conventions, document identifiers, etc.



Document Logistics During the Hearing

- Rely on a Compendium
 - Bookmark all documents within the Compendium
 - Number all pages
- Agreed Statement of Facts
- Book of Authorities
- Test your PDFs to sort out any challenges prior to submission

Technology

- Evolving technology at the Assessment Review Board
 - Microsoft Teams --> Zoom
- Make sure to test your tech
- Inclination to use Adobe Pro but other sources available:

Ninja Forms

FoxIt

KoFax

Nitro



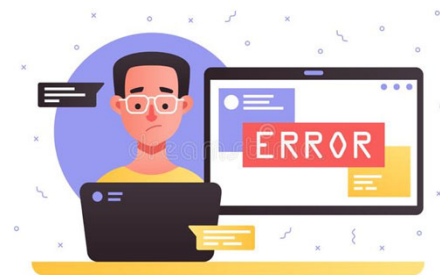
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Tech Issues & Solutions - Documents

- Hyperlink every citation (pinpoint)
- Bookmark PDFs, make OCR/Searchable, page numbers should match PDF

Page numbers

- Zoom in/highlight when screensharing documents
- Do not scroll when screensharing documents
- Take down screen shared documents when finished with them



Tech Issues & Solutions – Video/Audio

- Audio is the most important component
- Focus on minimizing distractions
- The member's focus must be on your advocacy and not your setup or technical issues



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Tech Issues & Solutions – Video/Audio

- Good USB mic – avoid headsets
- Video
 - Good lighting - avoid backlight
 - Camera at eye level (make good eye contact)
 - Good internet connections (wired if possible)

Preparing your Clients

- Remind clients of etiquette and behaviour
- Spectator vs. Fact Witness
- Warn clients of potential technology-related issues
- Establish a means to speak to your client during the hearing
 - Whatsapp
- Create a plan to provide documents to your client that may be introduced in evidence

Dealing With Objections



- Ensure the parties understand how objections will be signaled
- Generally, the "raised hand" icon in Microsoft Teams is used to notify the parties that someone wants to interject
- There may be instances where you must unmute yourself to voice the objection

Documents That May Become Relevant

- Unforeseen by the parties, a document may become relevant during examinations
- Ensure the parties discuss how this matter will be dealt with
 - Board Member email?
 - Case Coordinator on standby?
- This issue can also arise with case law that is not present in your book of authorities

Practical Tips

- Eliminate background noise
- Rate of speech
- Only the Board Member, the advocates, and the witness being examined should have their respective cameras turned on
- Instruct your witnesses to only access and use documents shared with the parties when being examined
 - Cannot rely on Google searches, corporate databases, research databases, etc.



Questions?



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