

Resonate's Tips for Online Proceedings

Technical

Internet connection: Ensure you have a strong enough internet connection. Streaming video requires a strong wireless connection or ethernet cable and uses significant battery power. Plan in advance to participate from a place where the internet connection is reliable. Office buildings tend to have stronger and more consistent internet connections than residential areas provide. Logging into the platform directly, rather than through an office firewall system, also promises a better connection.

Dress rehearsal: Do a run through with your client a week in advance of the proceeding so you can check out their technology, setting, and presentation. That will provide you with plenty of time to address any last-minute issues. Do another quick run through 30 minutes before the proceeding to ensure everything is still working to avoid unnecessary mishaps. This also will give you and your client more confidence about the technical parts of the proceeding so you can focus your attention on the substantive issues.

Back-up plan: If possible, have at least one back-up device in case of problems. Keep charging devices nearby because online proceedings drain batteries quickly.

Additional screen: It is easier if you have 2 screens; one for the videoconferencing, and another for looking at your notes and documents.

Troubleshooting: If you have problems logging in, first try exiting and re-entering again through the original link. Occasionally, a participant gets disconnected during the proceeding due to an internet or other problem. Do not panic if it happens. Reconnecting to the session through the original meeting link usually works. If you still have problems, try using a different device. Keep a hard copy of the phone number and email of the office of the mediator, arbitrator or judge to contact if problems persist.

Setting and Presentation

Physical setting: Evaluate the location you plan to use for the proceeding in advance. Use the same kind of thought you spend on your attire in setting up your physical space so that it projects seriousness and professionalism. Log on to see what shows up on the screen before the hearing. Examine what is left in the background that might negatively impact the viewers who are deciding about your client's case. Ensure that no fans or bright lights are causing distraction. Do not sit with your back to a window or have other backlighting because it will be hard to see your face.

No virtual background: Resist the urge to use a virtual background. They are draining to the viewer, your head floats around in an unnatural way, and people perceive them as unprofessional.

Renaming: Make sure that when you appear on the screen, your name is correctly displayed. To change it, simply click on the renaming feature and include your full name with proper capitalization. If you get disconnected, you will have to go through the renaming process again.

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Attire: Dress professionally to show that you take the proceeding as seriously as if it were in-person in an office environment. Anticipate that you may end up standing up unexpectedly during the proceeding to get a document or to do something and dress accordingly. One big advantage to online proceedings is that shoe attire is relaxed and optional.

Appearance on the Screen: Prepare for this in advance. If you are too close to the screen, it can feel too intrusive, almost like you are violating someone's personal space. If you are too far away, you seem disconnected. Sit so that you have about an inch or two above your head and the top of the screen and the top of your shoulders are visible on the screen. Take care not to be at a weird angle so that you appear to be looking down or up at people in an unnatural way. Be aware that with videoconferencing everyone can see your reactions and facial expressions more easily.

Look at the camera: When speaking, look directly at the camera. This feels strange but actually makes the viewer feel like you are looking directly at them.

Audio: Check your audio. Failing to do this is one of the most common mistakes. Having a clear audible voice is crucial to making your arguments compelling. Connect with someone else using the same platform and ask them to give you input on your sound. You should also check it yourself again right before the hearing since sometimes minor things get readjusted. It's disconcerting to start the proceeding by spending your first few minutes fumbling with the microphone and volume. When you are not speaking, mute the audio to avoid causing interference to other speakers. You can unmute quickly by temporarily hitting and holding the space bar.

Communication: Establish a plan in advance of the proceeding as to how you will communicate with your client or other participants. It is highly recommended that you use a device separate from the platform to communicate privately with someone to avoid inadvertently sending a message to the wrong people. This is an easy and common error. If the proceeding is recorded, your chat message will also be recorded and seen by the host. Using a cell phone to text or call one another is the easiest and safest route. Remember to mute yourself on the platform before you make the call.

Intruders: Ensure that your location is private, and you will not be interrupted. Notify everyone in your household or office that you cannot be disturbed or put a note on the door. If necessary, secure pets elsewhere.

Session Day

Supplies: Mentally think through the proceeding and assemble whatever supplies you would normally bring in your briefcase to the proceeding. Prepare for not being able to leave. Set up drinks and snacks in advance and keep them outside of the camera's view. Have any necessary documents, notebooks, and pens nearby. Keep your cell phone handy and in etiquette mode for communicating.

Connect early:

Plan to connect to the session 15 minutes in advance even if you did a dress rehearsal earlier. Remember, if the proceeding were in-person, you would likely arrive early and meet your client.

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Prior to signing on, make yourself comfortable. Connecting early allows you to address any minor issues and prepare mentally for the proceeding. Once logged on, test your camera and computer audio (both the microphone and speakers).

Viewing options: You can hide your “self-view” to reduce the bizarre and unnatural experience of staring at yourself all day. If you do this, be mindful that others will still be able to see you so do not relax too much. You can also switch back and forth between gallery view and speaker view throughout the proceeding. When you are in gallery view, you will be staring directly at a large number of people which can be exhausting and distracting. You may decide to switch to speaker view for selected parts of the proceeding to focus directly on the person who is speaking.

Breaks: Taking full advantage of breaks is the key to avoiding fatigue from the intensity of videoconferencing. When you are given a break, do not exit the platform by clicking the button to “leave the meeting” or else you will have to rejoin through the original link and be readmitted to the proceeding. Instead, mute the microphone and stop the video. You will still be able to hear and see what is going on with others in the proceeding, but they cannot see or hear you. Set a timer to ensure that you are back from your break a few minutes before the proceeding will resume so you will be on time. During the break, if possible, leave the room, step outside, listen to some music, get new food and drink supplies, visit your pets or family members, or whatever it takes to refresh. Avoid the temptation to check emails or do computer work.

Substantive Presentation

Presentation: Plan to make your presentation succinct. Not only is that generally good advocacy, with videoconferencing everyone’s focus and attention are drained more easily. You risk losing your audience’s attention if your presentation or questioning goes on too long.

Exhibits: Use exhibits sparingly. Prepare the exhibits you intend to use in advance and have them easily available on your desktop to pull up on your screen. If appropriate, send the set you plan to use to all parties and the mediator, arbitrator, or judge. If you anticipate that you will show documents by sharing your screen, make sure only the documents you may want to share are open on your desktop and nothing else. One of the most common and embarrassing errors is when you are sharing the screen and something personal or confidential on your desktop is suddenly being shared with everyone.

Learn preferences in advance: Ask how you should present exhibits. Find out how any final documents will be signed so you can plan accordingly. Ask about any other issues of concern. Remember, the arbitrator, mediator or judge wants a smooth proceeding as much as you do and would prefer to address any potential issues in advance.

Final Comments

Preparation reduces the likelihood of problems. Everyone is new to this way of proceeding through technology. People anticipate errors and are understanding when they occur. Maintain your professionalism, calm, and sense of humor. When this is all over, we’ll have great stories.

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