

**IN THE MATTER OF AN ARBITRATION
UNDER THE SCMA ARBITRATION RULES 3RD EDITION (OCTOBER 2015)**

SCMA 2020/101

BETWEEN

PARTY A

Claimant(s)

AND

PARTY B

Respondent(s)

**PROCEDURAL ORDER AND DIRECTIONS
FOR CONDUCT OF A [VIRTUAL/HYBRID VIRTUAL] HEARING**

1. An [*Evidentiary*] [*and/or*] [*Submissions/Legal*] hearing ("**the hearing**") shall take place in this reference on [*date(s)*] commencing at [*time*].

A – Platform of Hearing & Participants

2. The hearing shall be conducted using the [*name the Platform agreed or directed*] video conferencing facility ("**the platform**"). All key participants at the hearing shall familiarise themselves to a sufficient degree with the use of the platform prior to the hearing, in order to ensure the hearing proceeds efficiently and without interruption. The key participants to the hearing are as follows ("**the key participants**"):
 - a. [Name] Lead counsel for the Claimant
 - b. [Name] Assisting counsel for the Claimant
 - c. [Name] Lead counsel for the Respondent
 - d. [Name] Assisting counsel for the Respondent
 - e. [Name] Witness (only a key witness when scheduled to give evidence)
 - f. [Name] Witness (only a key witness when scheduled to give evidence)
 - g. [Name] Witness (only a key witness when scheduled to give evidence)
 - h. [Name] Tribunal member
 - i. [Name] Tribunal member
 - j. [Name] Tribunal member
3. [*Name of host – usually the Presiding Arbitrator or vendor (vide infra)*] is designated as the host of the hearing.

4. *[The parties will retain (Name of vendor of support services and if required a hearing room, such as Maxwell Chambers in Singapore, or a provider of the same services there or in any other suitable location)] (“the vendor”), to ensure security of access to the hearing, to assist and support the host in operating the platform, and to work with the Tribunal and the parties to resolve any difficulties that may arise concerning the use of the platform and its connectivity with participants at the hearing.]*
5. *[The Tribunal may participate from a single location. No other participants may be at the same location used by any member of the Tribunal.]*
6. *(If a hybrid virtual hearing is required) [The following participants [list of names] shall be physically present at [state venue] for the hearing; and the following participants [list of names] shall attend the hearing via the platform.]*
7. (If parties/Tribunal consider it necessary) [On [date] at [time] the parties will communicate with the [Sole/Presiding Arbitrator/the Tribunal] [and Vendor] by telephone conference, to discuss arrangements for the hearing and the platform settings to be enabled or disabled at the hearing].
8. By [date] the Claimant’s representatives shall:
 - a. Circulate a contact sheet that lists all the participants (including witnesses, interpreters and transcribers) by name, organisation, time-zone indicated by reference to SST and, except for witnesses, interpreters and transcribers, email addresses and telephone numbers to enable swift contact.
 - b. The contact sheet should provide a telephone number and email address that should be contacted by any person who is having technical or connection issues during the hearing. *(Contact details (telephone number and email address) for the vendor should also be included on the contact sheet.)*
 - c. Agree with the Respondent’s representatives and provide to the Tribunal, a timetable for the hearing, providing for fair allocation of time for submissions, examination of witnesses, suitable breaks and an allowance for possible technical problems during the course of the hearing.

B – Equipment & Testing

9. To ensure that the hearing is not disrupted by equipment or connection failure, the following directions shall apply:
 - a. By [date] the [vendor by liaison with the] parties’ representatives shall arrange for all participants to receive an invitation (link, meeting i.d., password) to the platform for the hearing.
 - b. All participants attending the hearing via the platform shall have a device (computer, laptop or tablet) with access to high speed broadband, sufficient to support the functioning of the platform.

- c. All participants must use the latest version of operational software for the platform.
 - d. All participants must have a second method of connecting to the Tribunal, and other participants [*including the vendor*] in case the primary means of connection fails, and in order to notify the Tribunal of any connectivity failure (telephone numbers must be communicated to the Tribunal and other participants in advance of the hearing.)
 - e. In the case of a connectivity failure of a key participant to the hearing, the Tribunal [*may/will*] postpone the proceedings until the connectivity issue is resolved [*or continue the proceedings by telephone conference only*].
 - f. All key participants shall be under a duty to alert the Tribunal if they become aware of any connectivity problems affecting any other key participant.
10. On [*date*] at [*time*], the arbitrator(s) and all counsel will conduct a test session of the platform.
- a. The test session will include the test production and display of documents from the hearing bundle to any participant and the Tribunal; and any other procedures that may be required or anticipated during the hearing.
 - b. During the test session, parties shall set up the equipment exactly as it will be at the hearing.
 - c. All participants to the hearing should be prepared and able to use the camera connecting them to the platform, to show a 360° view of the room in which they are situated, if called upon by the Tribunal at any time to do so.
 - d. [*The interpreter(s)*] [*stenographer*] shall be invited to participate in the test session.]

C – Conduct of Hearing

11. On the hearing date(s) and during the hearing:
- a. Counsel for the parties shall connect to the Platform at least [*5/10*] minutes prior to the start time of the hearing.
 - b. (If the platform so allows) [*Virtual participants will be placed in a virtual waiting room where they will remain until the Tribunal is ready to start the hearing, at which time the Tribunal will admit the participants to the virtual hearing room.*]
 - c. The hearing shall not begin until the Tribunal is satisfied that all key participants are adequately connected to the platform.
 - d. At the beginning of the hearing [*and at the start of each day*] each participant shall identify him/herself and any other persons present at that participant's physical location.
 - e. The Tribunal [*with the assistance of the vendor*] will manage the hearing and participants; and it will exercise control over the settings.
 - f. Only key participants should be visible and audible, and they should mute their microphones unless scheduled or invited to speak.
 - g. Other than the scheduled speaker, any participant who wishes to speak, should either put up a hand (physically) and/or utilise the virtual “raise hand” feature (if

available on the platform) to alert the Tribunal, and wait for permission to speak. To enable proper recording and transcription, participants must not over speak and will be muted by the Tribunal if they do.

- h. Each participant shall alert the Tribunal and other parties if an additional person enters the participant's physical location.
 - i. Participants may not use a virtual background and they must be able to display by use of their camera, the whole of the remote room in which they are located, if called upon by the Tribunal to do so.
 - j. No participant other than the Tribunal and the stenographer may record the hearing without the Tribunal's prior authorisation. *[The transcription of the hearing shall prevail and in the event of disagreement, the parties may by agreement and the consent of the Tribunal, be given access to the audio-visual recording for interpretation of the transcript only.]*
12. Witnesses giving evidence at the hearing *[will/will not]* give evidence on oath or affirmation. *(If evidence is to be given on oath or affirmation) [The parties shall inform the Tribunal prior to the hearing, of the form, procedure and means for the taking or administration of an oath or affirmation by or to a witness at the location from which he/she is giving evidence, so as to be binding with penal sanction [under the law of the seat;] [and/or] [under the law of the place where the evidence is given.]*
13. *(If not included in any earlier directions or procedural order) [The statement of any witness called to give evidence at the hearing shall be taken as his/her evidence in chief, save and insofar as the Tribunal may permit additional questions to be asked of the witness, by the party calling him or her.]*

D – Hearing Bundle

14. *[If not previously directed] By [date] the parties shall agree the contents of, and the Claimant shall assemble a composite hearing bundle to be provided to all participants at the hearing in [hard and] electronic form (if necessary and justified by value or complexity of the case and/or required by parties or Tribunal) [with an index hyperlinked to the documents themselves]. [The means of hyperlinking the documents shall be such as to permit immediate display of them to the Tribunal and the participants on the platform, during the course of the hearing, with participants using multiple screens as necessary.]*
15. *[References to the documents in the hearing bundle in any written open and closing submissions, shall be by copy and insertion of the hyperlinks from the index into the submissions themselves, so as to take the reader immediately to the document being referred to, in the electronic bundle.]*

E – Costs and Place of Hearing

16. The hearing shall be deemed to have taken place at *[name the place / the seat of the arbitration / the agreed hearing venue.]*

17. All costs incurred by the parties in complying with the foregoing directions for the hearing, shall in the first instance be shared and paid in equal amounts by the parties, without prejudice to the ultimate exercise by the Tribunal of its powers to make orders as to costs under the SCMA Rules.

[Date]

[Name of *Arbitrator(s)*]