

**EXPLANATORY NOTE TO
THE SPECIMEN PROCEDURAL ORDER AND DIRECTIONS
FOR CONDUCT OF A VIRTUAL HEARING IN SCMA ARBITRATIONS**

1. This note is intended to supplement the specimen directions for virtual hearings which are by no means exhaustive of the types of direction that might be required in particular circumstances. For example, they do not provide for additional directions and measures for dealing with cyber security concerns that can arise in some sensitive cases.
2. There is a plethora of guidance from arbitral bodies, associations and institutions which may be accessed to supplement these specimen directions. These specimen directions have been drafted by way of extraction of some of the more important features of guidance from these sources, that might be applicable and necessary in maritime arbitration.
3. In choosing the platform from amongst Zoom, Microsoft Teams, Bluejeans, and GoToMeeting, and no doubt others, key considerations are: inbuilt protections for security and confidentiality; high quality audio and visual reproduction; secure break out facilities, which are easy to enter and without risk of accidental intrusion; capacity to accommodate multiple parties whilst allowing access to documents, screen sharing and real-time transcription by use of multiple screens.
4. An important decision for the parties and tribunal, is whether to employ a provider of the whole package of services (especially where a hybrid virtual hearing is in prospect) designed to ensure the completely smooth set up and running of a virtual hearing. In Singapore, the prime provider of facilities for conventional arbitration hearings, Maxwell Chambers, provides a full service for both virtual and hybrid virtual hearings. This includes the provision of technical support staff, available throughout the hearing, working with the providers of transcription and document management services, who together are technically qualified to deal with issues that might disrupt a hearing and ensure its smooth progression. Other providers of equivalent services may of course be employed by the parties if approved by the tribunal. Guidance documents refer to such providers as a “Vendor” and that term has been imported into the specimen directions.
5. Some guidance and specimen directions make all sorts of provisions to counter risks of cheating in various forms – chaperoning of witnesses; multiple cameras at every location where a party or witness may be present and other anti-prompting measures. These are kept to a minimum in the specimen directions; and parties and tribunals may opt for more in appropriate cases. Measures for sequestration of witnesses if agreed or ordered, are not included, because this and other similar needs would come up at the telephone conference provided for at paragraph 7 of the specimen and any necessary technical provision would then be made. Paragraph 11 includes directions that are, or will become so obvious and accepted, that the blue pencil may be used liberally in due course.

6. The specimen directions are also drafted on the basis that they may have been preceded by earlier conventional directions dealing with Case Statements, factual and expert evidence and other procedural matters; so that they may be employed either as a late-coming discrete set of directions for this type of hearing (which is presently inevitable) or used as part of a comprehensive procedural order coming after parties have followed the basic SCMA procedural rules and timetable, and filed Questionnaires leading to the hearing.
7. The specimen directions attempt to strike a balance between what would not be enough and give rise to a risk of a virtual hearing going wrong; and too much, in the form of an unnecessarily prescriptive regime with parties wasting time and money in simple and low value cases. A good example is the optional direction for hyperlinked bundles which would be inappropriate in a document-light, low value case. If parties or Tribunals think the specimen directions say more than is necessary, they can be slimmed down; and if more is needed in the particular circumstances of a case, more risk avoidance measures may be added.
8. In circumstances where theoretical guidance abounds, the Procedure Committee hopes that these specimen directions represent a user-friendly, adaptable means of securing and conducting a fair and efficient virtual hearing of evidence and submissions in any maritime case.

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