

Video Hearings: Experiences and Sustainability from a Neutral's Perspective

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OVERVIEW

This presentation includes the highlights of recent reports issued by two professional organizations of arbitration and mediation services. Participants were surveyed to assess their experiences with the use of virtual hearings and mediations during the pandemic. Additionally, participants were surveyed on the anticipated use of virtual platforms for the future.

NATIONAL ACADEMY OF
ARBITRATORS



NATIONAL ACADEMY OF
DISTINGUISHED NEUTRALS



THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS



Based on a national survey of members conducted June 17-30, 2021. NADN has chapters in 42 states and had a 67% response rate of 782 mostly mediator members. The full report can be accessed through the following [link](https://www.nadn.org/marketing/uploads/NADN-2021MemberSurvey-FinalReport.pdf) and web address: <https://www.nadn.org/marketing/uploads/NADN-2021MemberSurvey-FinalReport.pdf>.

Preference Favoring Online by Default – Regional Breakdown

West: 63.9%

Southwest: 62.4%

Northeast: 57.7%

Southeast: 54.9%

Midwest: 45.4%



This and the following two slides have been adapted with permission from the NADN report issued July 23, 2021.

Cost & Time Efficiency (56.4%)

Just As Effective (19.1%)

Better Engagement (14%)

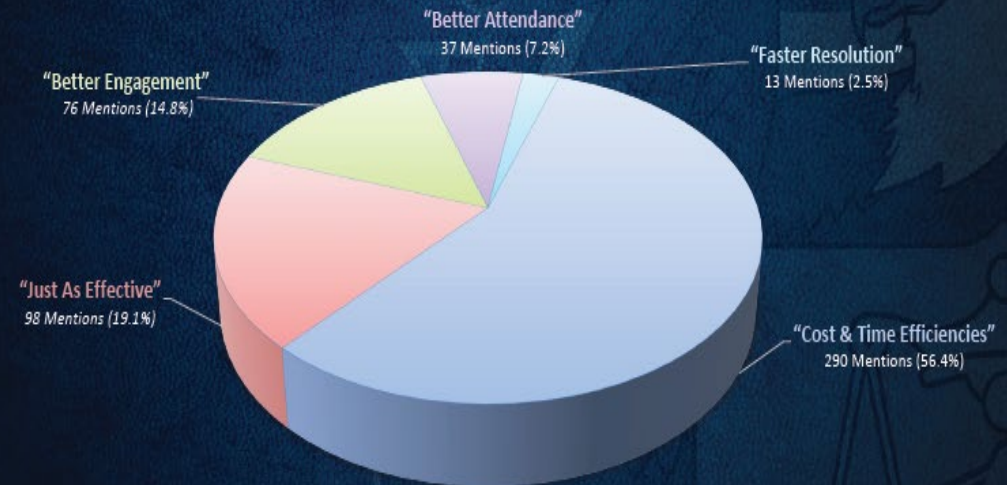
Better Attendance (7.2%)

Faster Resolution (2.5%)

LOOKING BACK OVER THE LAST YEAR...

Q4a: What positive feedback have you had from counsel about ODR?

*Members were asked to enter a sentence or two summarizing feedback from their own clients.
We quantified these responses into the following general categories.*



Lack of Personal Interaction (67.7 %)

Technical Issues (14.8%)

Participants Less Engaged (7.3%)

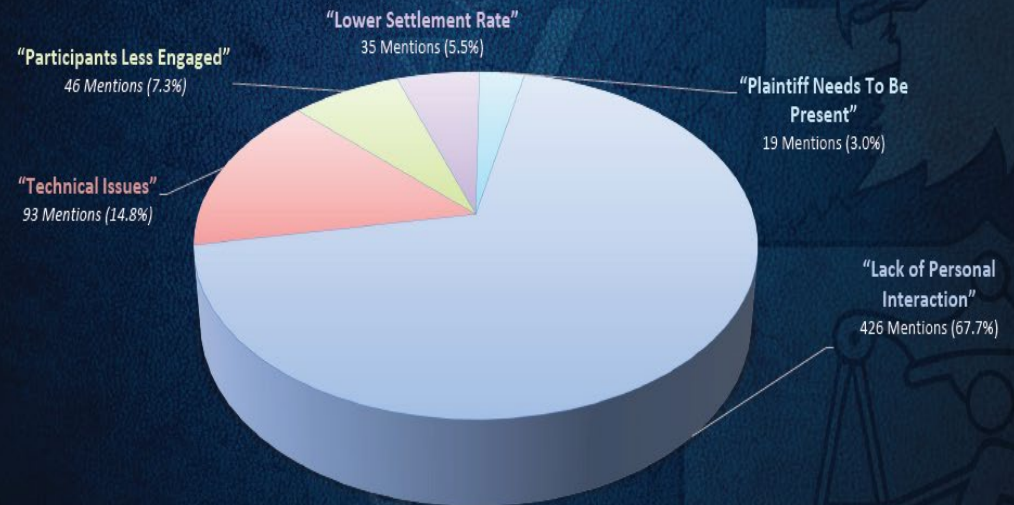
Lower Settlement Rate (5.5%)

Client needs to be physically present with counsel (3.0%)

LOOKING BACK OVER THE LAST YEAR...

Q4b: What negative feedback have you had from counsel about ODR?

Members were asked to enter a sentence or two summarizing feedback from their own clients.
We quantified these responses into the following general categories.



NATIONAL ACADEMY OF ARBITRATORS YEAR IN REVIEW



Based on a live survey of 102 attendees at an NAA Office Hours session on April 1, 2021, of mostly arbitrators. The full report can be accessed through this [link](https://naarb.org/vtf-reference-materials/) on the NAA website at <https://naarb.org/vtf-reference-materials/>.

Travel need & cost (36.5%)

Easier scheduling (34.0%)

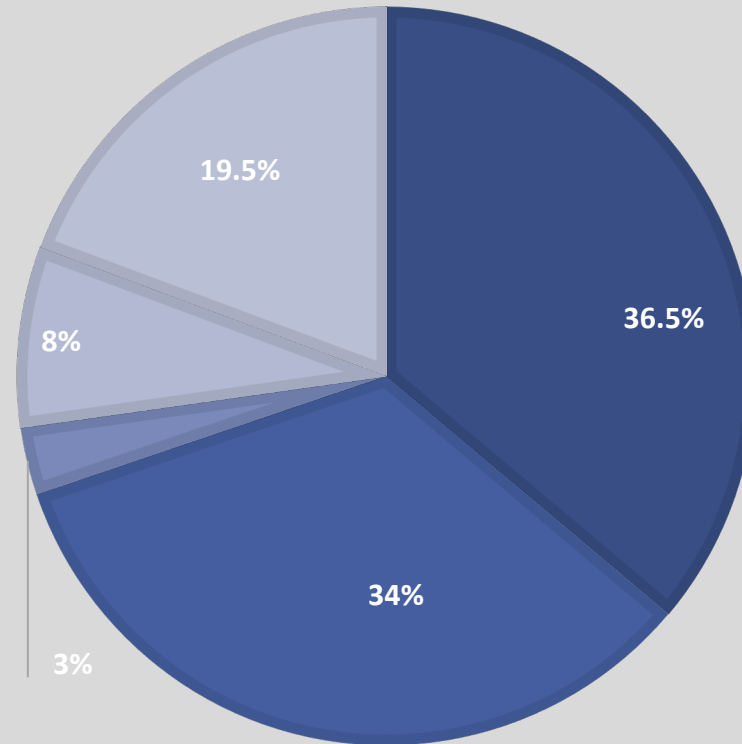
**Less contentious parties
(19.5%)**

**Easier to concentrate for long
periods of time (14%)**

**Easier to conduct hearing
(8.0%)**

WHAT RESPONDENTS LIKED

- Travel
- Scheduling
- Easier Concentration
- Easier Hearing Management
- Less Contention from Parties



Technical Interruptions (32.2%)

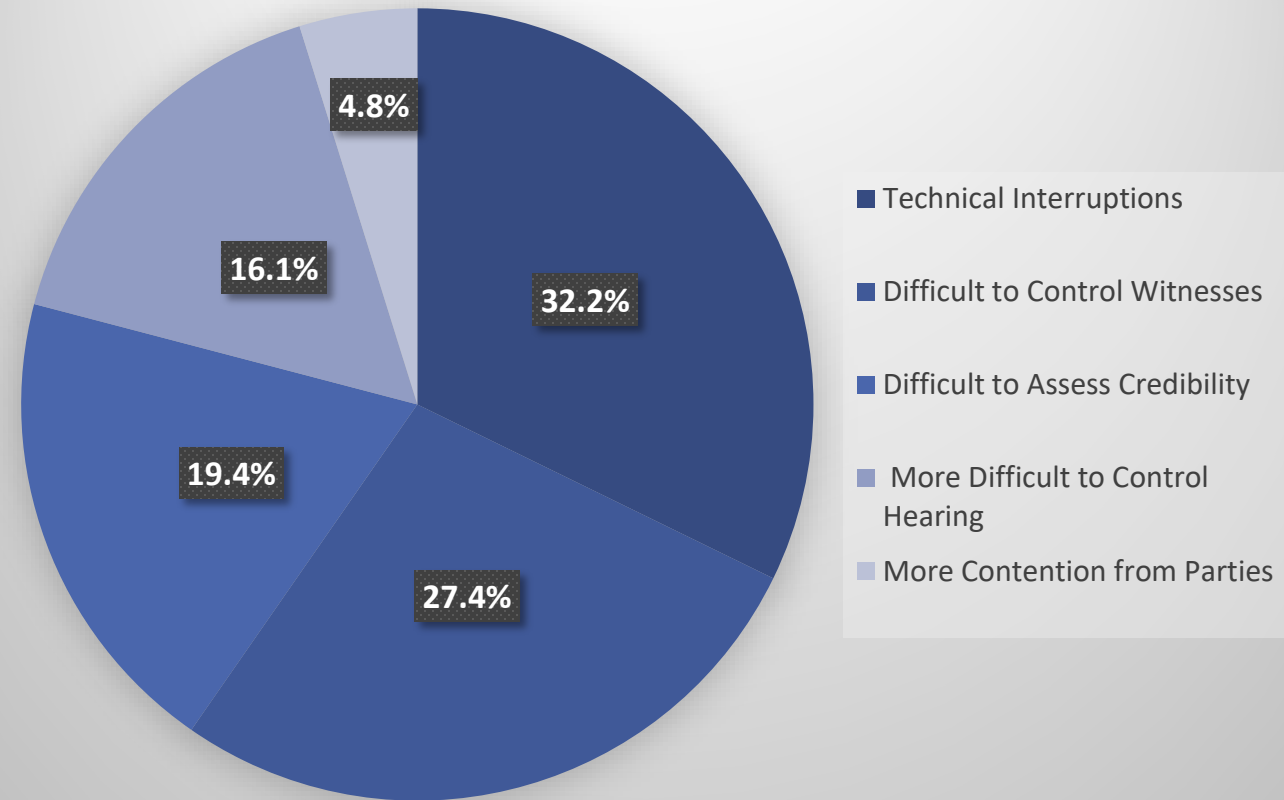
Difficulty Controlling Witnesses (27.4%)

Difficulty Assessing Credibility (19.4%)

More difficult to control hearing (16.1%)

More contention from parties (4.8%)

WHAT RESPONDENTS DID NOT LIKE



Very satisfied (58.1%)

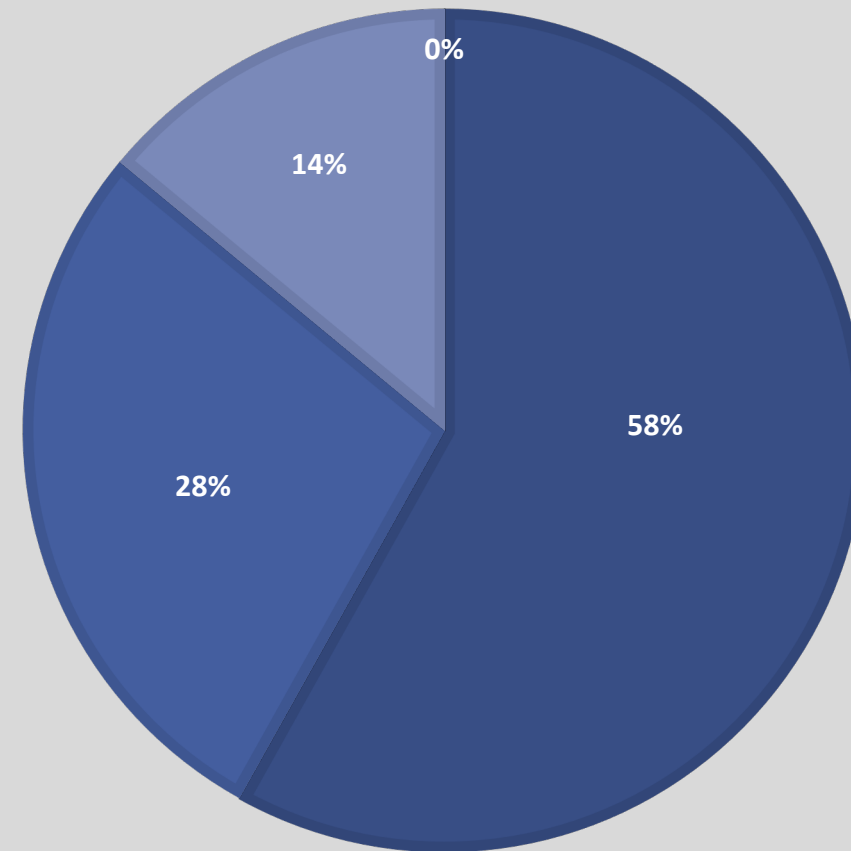
Somewhat satisfied (27.9%)

Somewhat dissatisfied (14%)

Very dissatisfied (0%)

HIGH LEVELS OF SATISFACTION REVEALED

■ Very Satisfied ■ Somewhat Satisfied ■ Somewhat Dissatisfied ■ Very Dissatisfied



TAKE AWAYS



MOST WERE ABLE TO EFFECTIVELY SWITCH TO A VIRTUAL PROCESS



PROTOCOLS SHOULD BE PUT IN PLACE TO MINIMIZE DISTRACTIONS



PARTIES WERE ABLE TO EXPAND THEIR ACCESS TO NEUTRAL SERVICES BEYOND THEIR IMMEDIATE AREAS



A BALANCING TEST FOR EVALUATING WHETHER TO CONDUCT BY VIDEO *(See factors on page 7 of the NAA report.)*



VIRTUAL PROCEEDINGS WILL SURVIVE THE PANDEMIC