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SURVIVING ARBITRATION

Three veteran LA Superior Court Judges, now battle-tested arbitrators, will weigh in on various issues regarding Arbitrations via Zoom, In-Person Arbitrations, and Arbitrations with both an in-person and virtual component.

These esteemed ADR Services, Inc.'s neutrals will share their thoughts, perspectives, problems, and some solutions to help you survive the rigors of putting on your case in this Covid-19 environment.

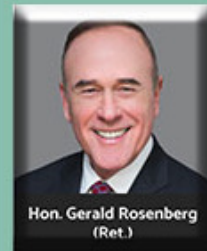
Speakers:



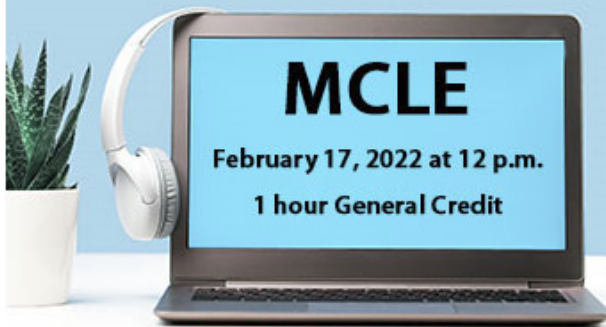
Hon. Jacqueline A. Connor (Ret.)



Hon. Joe Hilberman (Ret.)



Hon. Gerald Rosenberg (Ret.)



ADR
SERVICES, INC.
Your Partner in Resolution

Surviving Arbitration

February 17, 2022 at 12:00 pm, Noon

Speakers: Hon. Jacqueline Connor, Hon. Joe Hilberman, Hon. Gerald Rosenberg

I. The Arbitrator is required to make Disclosures (Judge Hilberman)

- A. Introduction of Judge Joe Hilberman (Ret.) by Judge Connor
- B. Neutrality of the Arbitrator- Disclosure and Disqualification
- C. Duty to Disclose-CCP1281.9
- D. Grounds for Judicial Disqualification- CCP 170.1
- E. Names of parties and counsel
- F. Names of parties and counsel in prior arbitrations
- G. Former attorney-client relationships
- H. Any *significant* personal or professional relationship with attorney or party
- I. ADR Services Rule 12

II. Arbitrations via Zoom (Judge Hilberman)

- A. Zoom arbitration techniques and tips.
 1. Familiarize oneself with Zoom:
 2. Be sure you have good internet connectivity Test lighting, sound (both microphone and speaker)
 3. Joining the meeting
 4. Having your client available, either in your office or on separate screen
 5. Instructing your client on what to expect, both in the arbitration and use of Zoom
 6. Have witnesses aware of how the proceedings will go and how to use Zoom
 7. Be fluent in screen sharing
 8. Be sure the witnesses are available and familiar with the process
 9. Exchange exhibits early and stipulate to foundation. One set of exhibits
 10. Provide a hard copy of the exhibits to all counsel, the arbitrator and witnesses
 11. Timely provide an arbitration brief to counsel and the arbitrator

III. In-Person Arbitrations (Judge Rosenberg)

- A. Introduction of Judge Gerald Rosenberg (Ret.) by Judge Hilberman
- B. Advantages
 1. Exhibits
 2. Witnesses
 3. Experts
 4. Health Safeguards
- C. Problems with Zoom

1. Dependent on Wi-Fi Connection
 2. The proceeding can abruptly stop
 3. Lighting
 4. Sound
 5. Locating Exhibits
- D. Are the Rules of Evidence relaxed in Arbitrations?
1. Rules 33 of the Arbitration Rules of ADR Services, Inc.
 2. CCP Section 1282.2

IV. Hybrid Arbitrations (Judge Connor)

- A. Introduction of Judge Jacqueline Connor (Ret.) by Judge Rosenberg
- B. Hybrid Arbitrations Judge Jacqueline Connor (Ret)
1. Logistics
 2. Multiple parties in different rooms
 3. Application of conflicting rules and mismatches time zones
 4. Mock practice session in advance
 5. Costs of IT manager
- C. Confidentiality
1. Hardcopy or digital...or both
 2. Sealed exhibits/digital passwords
 3. Audio and video in two sites
 4. Training the witness
 5. Training the Arbitrator
 6. Who/what is in the room with the witness
 7. HIPAA/sensitive documents
- D. Planning for disruptions
1. What to do if witness gets disconnected
 2. Use of laptop/desktop/phone
 3. Who is hit with the downtime