



# Checklist for Dispute Board Members in Preparation for Virtual Dispute Board Proceedings

## General

### Contractual housekeeping

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| Are virtual proceedings covered in the contract documents, DB Agreement, and any associated Guide Specification or Operating Procedures?   |  |
| <p>Do contract documents require amending to allow virtual proceedings and to establish the conditions in which the virtual proceedings will take place?</p> <p>Points to consider if an amendment is needed include:</p> <ul style="list-style-type: none"> <li>- Do the contract documents provide for how the virtual platform will be selected?</li> <li>- Do the Contract documents provide for how the virtual platform will be paid for?</li> </ul> |  |
| Do the contract documents sufficiently provide for all legal requirements regarding data protection and confidentiality?   |  |
| Do the contract documents allow for the online proceedings to be recorded, and if so does it contain sufficient details about the obligations of the parties?  |  |
| Are any amendments to the Dispute Board members' rates required to accommodate the virtual proceedings and preparation?  |  |
| Do the parties consent to 'hybrid proceedings' where some parties are in the same location and other attend via virtual platform?"   |  |

### Virtual platform

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| Do the Parties, or the Dispute Board members have a preferred online platform for video meetings?   |  |
| <p>Does the selected platform have adequate security protocols?</p> <ul style="list-style-type: none"> <li>- Do participants need to be customers of the service?</li> <li>- Is there end-to-end encryption?</li> <li>- Are the meetings password protected?</li> </ul> |  |

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| <ul style="list-style-type: none"> <li>- Are there data protection policies and procedures to be met based on the company's guidelines, or the jurisdiction of the participants?</li> </ul>   |  |
| Does the platform have restrictions to the number of people who can participate at any given time?  |  |
| <p>Does the platform work in all relevant countries/regions?</p> <p>Some services are stronger in certain countries than others. Consider where the parties, Dispute Board members, and witnesses will be based.</p>  |  |
| Is the platform agreeable to all participant's corporate policies? Are there pre-existing service agreements in place which can be utilized?  |  |
| <p>How will the virtual platform be administrated?</p> <p>The parties will need to consider who will:</p> <ul style="list-style-type: none"> <li>- Set up the meeting and inviting all relevant participants, ensuring they have login details.</li> <li>- Ensure all materials are submitted in advance and in a form able to be shared with the participants (through screen-sharing or other method).</li> </ul> |  |
| <p>Has the platform been tested in advance of any hearing?</p> <p>The parties and DB members should test all aspects that will be used in the hearing, such as audio, video, whiteboards, screen-sharing, breakout rooms, and other logistical points</p>   |  |

### Scheduling

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| Are meetings and hearings scheduled to accommodate parties, Dispute Board members, and witnesses, including consideration of any participants in other time zones? |  |
| Does the agenda allow for more frequent sessions, with regular breaks for all participants?  |  |
| Have established timelines for position papers been circulated in advance, with time for rebuttals and witness information?  |  |

### Setting up for meetings and hearings

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| Has an agenda been prepared for the hearing or meeting?   |  |
| <p>Do you have all equipment you will require for any session?</p> <ul style="list-style-type: none"> <li>- Multiple screens?</li> <li>- Backups of equipment that may fail (for instance headphones)?</li> </ul> |  |
| Is there a contingency plan if internet fails during a hearing or meeting?  |  |

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| Consider setting up a cell phone to mobile data hotspot in case the internet goes down during the session.   |  |
| Have you set up private lines of communication with other participants?<br><br>Ensure that there is no chance that private communications can be seen by other parties. For example, if you are using Microsoft Teams on your computer for the hearing, consider using a WhatsApp group on your phone to discuss matters privately with a party. If your software or application allows, clearly label the groups so that you know who you are communicating with. |  |
| Are you confident in how the platform works?<br><br>If you are concerned that you do not understand how the software works, seek the requisite training prior to the hearing.  |  |
| Will there be a transcript of the proceedings/meeting? How will this be prepared?  |  |
| Have any translation/interpretation needs been accounted for in advance of a hearing or meeting?   |  |

### **Dispute Board Meetings and Site visits**

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| Are amendments required to the Dispute Board's regular meeting schedule?<br><br>One option may be to increase frequency of meetings and shorten duration, for example scheduling monthly meetings to last no longer than four hours, rather than full-day quarterly meetings. |  |
| Have the parties considered ways of keeping the Dispute Board informed of progress on site without site visits? Options include project photos, videos, or drone footage.   |  |
| Are there adequate file transfer systems in place to allow for transmitting the large amounts of data?  |  |

### **Hearing**

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| Is all software updated to its latest version?   |  |
| Is the internet connection stable?<br><br>It may help to turn off other devices using the same system, to maximize bandwidth. If connection weakens during the meeting, try turning off video to preserve best possible audio. |  |
| Are devices fully charged and/or connected to power?   |  |
| Are loud notifications on any devices turned off?  |  |

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| Check phones, tablets, laptops, and anything else that may be in the room and audible.   |  |
| Are doors and windows shut to avoid excess noise and interruptions?  |  |
| Are notes out of camera shot?  |  |
| If you will be sharing your screen, are all other documents or programs closed so as to not accidentally share confidential or personal information with others? |  |

### Participants

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| Who will attend the hearing?  |  |
| Do the attendees have decision-making authority, and/or useful knowledge of the project and issues in dispute?    |  |
| Has the final list of attendees been established prior to the hearing?  |  |
| Have precautions been considered to ensure witnesses are not coached by unseen persons at their remote locations? |  |

### Documents

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| Have position papers, documents, visual aids, etc. been submitted in a compatible format with the platform being used? |  |
| In what format will documentation be presented and/or distributed before and during the proceeding?                    |  |

### Managing proceedings

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| Do attendees have a way of indicating a desire to speak without interrupting other attendees? |  |
| Are breakout 'rooms' to be used? If so in what way?   |  |
| What format will documentation be presented and/or distributed during the proceeding?         |  |

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