

# **BUILDER ARBITRATION FORUM**

Virtual Hearing Guide

November 1, 2020

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## **Overview – BAF Zoom hearings**

The Builder Arbitration Forum (“BAF”) will be proceeding with arbitral hearings virtually using the [Zoom](#) platform. This guide outlines how to prepare for a BAF Zoom hearing, and what to expect.

After the arbitration hearing dates are confirmed, Tarion’s Builder Arbitration Forum (BAF) Coordinator will email all participants and the arbitrator with instructions and the Zoom link to join the hearing.

The main steps to prepare for a Zoom hearing are addressed below, and explained in more detail throughout this guide:

1. The Zoom application: in advance of the hearing, the participants (parties, representative, witnesses, and the arbitrator) should download Zoom, create a free Zoom account (if they do not have one already), familiarize themselves with the controls, and test functionality.
2. Hearing etiquette and procedure: Participants should review the etiquette and procedure outlined in this guide.
3. Case materials: Each party’s representative must ensure that case materials previously exchanged with the opposing party and arbitrator, whether electronic or physical, have been received and are labelled sufficiently so that you can accurately guide others through their copy of the materials during the hearing (e.g. index, page numbers, tabs, and electronic PDF bookmarks)
4. Witnesses: The parties will create a witness schedule prior to the hearing, as witnesses are generally not permitted to participate in the hearing except during their examinations. Each party’s representative is responsible for ensuring their witnesses are prepared for the hearing, have received a copy of this guide, and a copy of all the case materials they might refer to or be asked to refer to.

## **How to Prepare for a Zoom Hearing**

### **The Zoom Application**

Participants should ensure that they have the [Zoom](#) application downloaded to their computer prior to the hearing. While it is possible to use the Zoom platform via internet browser or via smartphone, it is preferable that you download the application to a computer to use during the hearing.

Participants require a Zoom account (the [free](#) version is sufficient) and must provide the BAF coordinator with the e-mail address associated with their Zoom account well in advance of the hearing. The Zoom session will be secured to allow only those attendees who have received an e-mail invitation from the BAF coordinator. You may review Zoom’s Privacy Policy [here](#).

Participants should familiarize themselves with the Zoom controls prior to the hearing. Specifically, it is important that participants know how to toggle the microphone and video on/off.

Participants must have a reliable internet connection (at least 1Mbps) to ensure a stable connection is maintained through the hearing. Participants must use a device that is video and audio capable. You may wish to use a headset to avoid background noise and have your laptop’s power adaptor plugged

in at all times.

A detailed guide on how to log into the Zoom hearing, and how to use the controls, is available starting at page 7 of this document. Please contact the BAF Coordinator (BAF@Tarion.com) if you require further assistance.

### **Hearing Etiquette and Procedure**

The following may be supplemented at the direction of the arbitrator prior to or at the outset of the hearing.

- Log into the Zoom session 10 minutes prior to the start time to ensure a timely start and to test functionality.
- Mute your microphone when you are not speaking.
- Do not speak while anyone else is speaking.
- Keep your camera on at all times, except during breaks. Faces should be visible.
- Attend the hearing in a quiet space, without visual distractions in your background.
- All participants must identify themselves. If participants are together in a physical space, please announce everyone present.
- As BAF hearings are confidential, you must not permit any non-participants to observe the hearing.
- Recording the hearing is strictly prohibited unless the arbitrator directs otherwise.
- Keep noise distractions to a minimum (e.g. cell phone volume).
- Wear appropriate attire.
- Participants may use Zoom's "Raise Hand" control to indicate to the arbitrator, while someone else is speaking, that they wish to speak. This includes objections.
- While Zoom has a screen sharing function where you can project documents on the screen, by default, you should be prepared to guide the other participants orally through their own copies of the case materials. Screen sharing may only be used at the discretion of the arbitrator.
- Pause the hearing if any participant unexpectedly drops off. Raise your hand to inform any speaking participant if you are experiencing lag or any other issues in hearing them speak.

### **Case Materials**

By the time the hearing is scheduled, all case materials should have already been exchanged. However, given the transition to Zoom hearings, it is important to ensure the following in respect of previously exchanged materials:

- All your witnesses should have their own copies of case materials to refer to, whether

electronic or physical depending on their preference:

- Case materials, whether electronic or physical, must be labelled sufficiently so that you can accurately guide other participants through their copies (e.g. index, page numbers, tabs, and electronic .pdf bookmarks.); and,
- Confirm that the arbitrator and opposing party have received your case materials and that there is no issue with opening or navigating your documents (particularly for electronic case materials).
- In advance of the proceeding, the parties' representatives should discuss whether there is an agreement as to the authenticity of the documents.

If you are exchanging electronic documents, consider the following best practices:

- Case materials and authorities should be in a searchable PDF format and bookmarked with tabs.
- Participants should use the PDF tab number, page number and document name when referencing any submission/document.
- Please note that if you filed electronic copies of materials, the arbitrator may request a physical copy in advance of the hearing if the materials are lengthy.
- During a proceeding, screen sharing of documents can be done at the discretion of the arbitrator. This function is available via the **Screen Share** feature as outlined in the *Zoom User Guide* section below.

## **Witnesses**

- Each party's representative is responsible for sharing this guide with their witnesses and ensuring that they are prepared for the Zoom hearing.
- Witnesses are generally not permitted to observe the hearing when they are not giving evidence, except at the direction of the arbitrator. Witnesses will only be permitted to join the Zoom call when it is their turn to be examined (per the witness schedule). Exceptions may be made when a witness is instructing the client.
- Prior to the hearing, Tarion and the Builder will create a schedule for the witnesses. Witnesses must be prepared to join the Zoom hearing 30 minutes before their scheduled examination, which will mitigate against delays in the event that the prior witness finishes early.
- Each party's representative must provide the BAF coordinator with an e-mail address for their witnesses well in advance of the hearing so that they can be sent the secure Zoom link.
- The representative should provide their witnesses with copies of the complete case materials in electronic or physical format prior to the hearing (depending on their preference).
- Witnesses must attend the virtual hearing fully prepared with all documents they might refer to or be asked to refer to during their examinations.

- Witnesses cannot be assisted by others during their testimony or during breaks of their testimony.
- Representative should ensure that they have a back-up method of contacting their witnesses in case of Zoom connection issue (e.g.. their cell phone number).

### **Arbitrator Privileges**

Arbitrators will be granted access to all of Zoom's Host controls.

The Arbitrator (Host) will have access to the following controls

- Mute/unmute all participants.
- Enable/disable screen sharing for participants in order to use this feature.
- The ability and right to remove unwanted or disruptive participants.
- Enable Breakout Rooms

## Zoom User Guide

### Joining Zoom Meeting

Note: These steps apply to both computer and smartphone

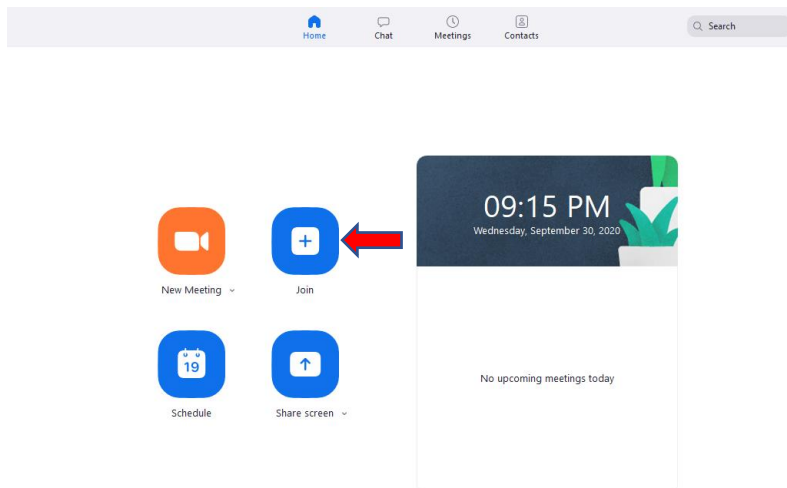
- 1) Join using a meeting link (recommended)

To join using a meeting link, please click the link provided to you by the Builder Arbitration Forum Coordinator when the hearing has been scheduled.

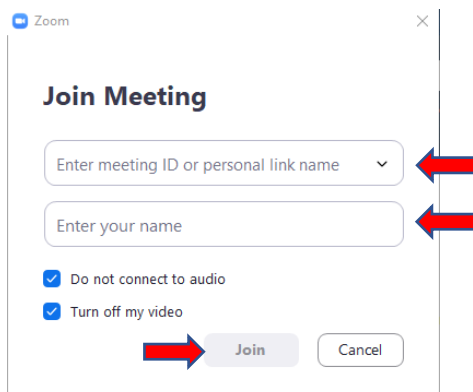
- 2) Join using a meeting ID

To join using a meeting link, please follow the following steps.

Step 1: Open the Zoom Application and click the **“JOIN”** icon.



Step 2: Paste the meeting ID into the fields and insert your desired screen name for the meeting. Once this is done, click on the **“JOIN”** button.



## After Joining Meeting

### Waiting Room:

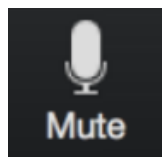
The waiting room is the virtual lobby where you will wait until the Host is ready to have you join.

Once you join the Zoom meeting, you will see the following task bar. This is where you will be able to control your audio and video settings.

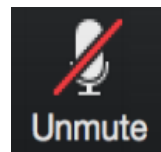


### Audio Settings:

Mute/Unmute: To turn your microphone on/off, click this button that appears on the bottom left hand corner of the screen.

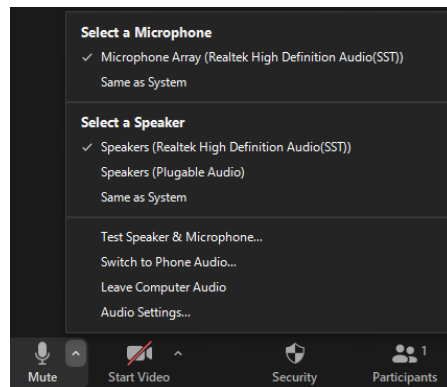


Microphone is on



Microphone is off

Additional Audio Settings: Click the arrow next to the microphone to select a particular microphone or speaker and to access other advanced audio options. This will allow you to direct your audio feed to specific microphones or speakers (e.g.. if you wish to direct audio feed to a headset).

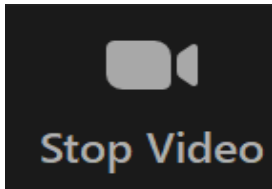


### Video Settings:

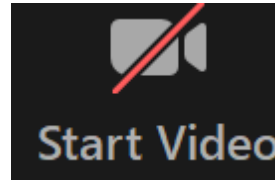
Start/Stop Video: To turn your video on/off, click this button that appears on the bottom left



hand corner of the screen.

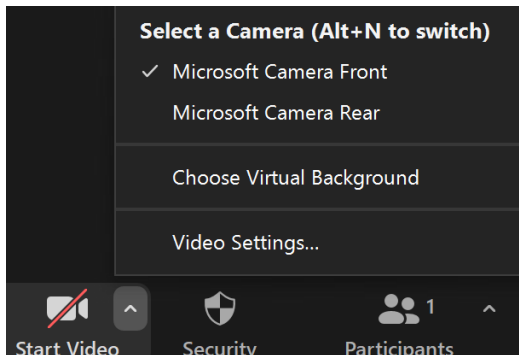


Camera is On



Camera is off

Additional Video Settings: Click the arrow next to the video camera to select the camera, set a background and access other advanced video settings.



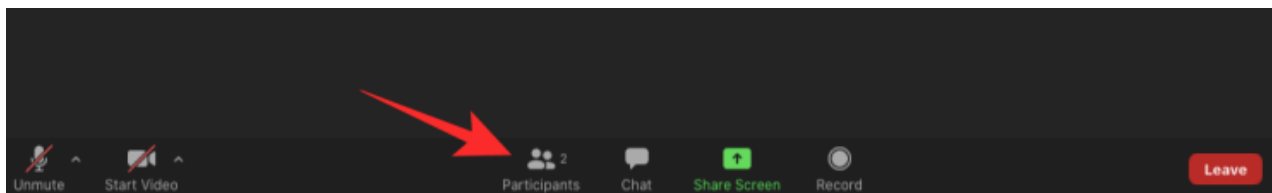
*Note: Audio and video settings cannot be accessed by the Host. You must be able to turn your audio and video on/off as instructed by the Host.*

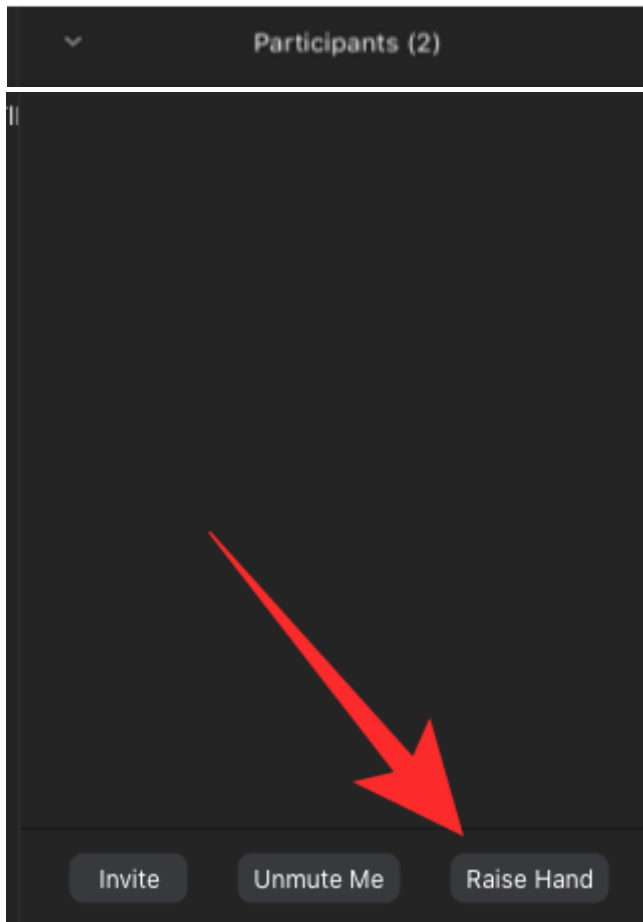
### Participant Actions:

Rename: If you need to rename your display name, click **“More”**, then choose **“Rename”**.

Raise Hand: Click the **Participants’** button from the meeting controls that are displayed along the bottom of the screen. This screen brings up several options to choose from to provide nonverbal feedback.

Select the **‘Raise Hand’** option to let the Host know that you would like to speak. The Host will allow you to speak and you may unmute yourself. Once you have spoken, you may lower your hand.





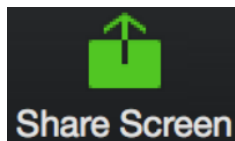
Hand Raised



Lower Hand

### Share Screen:

Click the button below to start sharing your screen.



*Note: anything on your screen at that time will be visible to all parties. It is important to ensure that you do not have any personal or confidential information on your screen that you do not wish to share.*

### **Breakout Rooms:**

These are virtual conference rooms where only assigned members will have access. Breakout room participants will have access to full audio, video and screen sharing capabilities. Conversations, and any content shared in these breakout rooms will not be shared to other rooms.

The Host will decide when you may access these rooms and will assign who will be in each room.

### **Leaving the Zoom Meeting:**

You can leave the meeting or breakout room by clicking on the “**LEAVE MEETING**” button which will be at the lower right corner or the top right hand corner of the Zoom meeting screen (depending on the view you have chosen).

### **Troubleshooting**

If you require any information or assistance navigating Zoom prior to the hearing, please contact **[BAF@Tarion.com](mailto:BAF@Tarion.com)**, the Builder Arbitration Coordinator, who will set up a meeting to walk you through how to use Zoom.

If a participant is disconnected from the virtual hearing and cannot rejoin, they must immediately contact the Builder Arbitration Coordinator.