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EXPERIENCES WITH REMOTE HEARINGS: A SURVEY OF
USERS' VIEWS (JUNE-JULY 2020)

DATA SHEET
8 JULY 2021

with the collaboration of

DELOS
dispute resolution

GARY BORN, ANNELIESE DAY QC, HAFEZ VIRJEE

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A SURVEY OF USERS' VIEWS (JUNE-JULY 2020)

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- I. BACKGROUND ON THE SURVEY AND DEFINITIONS
- II. ACKNOWLEDGEMENTS
- III. SURVEY QUESTIONS, ANSWERS AND ANALYTICAL DATA

I. BACKGROUND ON THE SURVEY AND DEFINITIONS

ABOUT THE SURVEY

- Survey contained 54 questions
- Survey considered four key time periods:
 - Pre-15 March 2020
 - 15 March-30 June 2020 (Covid-19 was characterised as a pandemic by the World Health Organisation (WHO) on 11 March 2020)
 - 1 July-31 December 2020
 - 1 January 2021 onwards
- Survey ran from 10 June to 6 July 2020

MAIN PUBLICATIONS DISCUSSING THE SURVEY RESULTS

- Gary Born, Anneliese Day QC, Hafez Virjee, *Empirical Study of Experiences with Remote Hearings: A Survey of Users' Views*, Ch. 7 in Scherer *et al.*, *International Arbitration and the COVID-19 Revolution* (Wolters Kluwer, 2020) (**Preliminary Findings**), available [here](#).
- Gary Born, Anneliese Day QC, Hafez Virjee, *Remote Hearings (2020 Survey): A Spectrum of Preferences*, *Journal of International Arbitration* 38, no. 3 (2021): 291–308 (**Spectrum of Preferences**), available [here](#).
- Gary Born, Anneliese Day QC, Hafez Virjee, *Videoconferencing Technology in Arbitration: New Challenges for Connectedness (2020 Survey)*, *Kluwer Arbitration Blog*, 8 July 2021 (**Videoconferencing Technology**), available [here](#).

ABOUT THIS DATA SHEET

The answers to most questions from the survey are reported below. The questions left out (i) requested information about the survey respondents, (ii) sought commentary rather than quantitative data, and the commentary has been discussed as relevant in the three publications mentioned above, and/or (iii) yielded confused data and/or data that could not be meaningfully analysed/shown.

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DEFINITIONS FOR THE PURPOSES OF THIS STUDY

- **Hearings:** refers to arbitration hearings dealing with major procedural issues and/or the merits of the case, *i.e.* to the exclusion of case management conferences and minor procedural meetings.
- **In-person hearing:** hearing taking place with all participants physically present.
- **Remote hearing:** a hearing “conducted using [videoconference or other] technology to simultaneously connect participants from two or more locations.”¹
- **Semi-remote hearing:** remote hearing that “use[s] one main venue, and one or several remote venues.”²
- **Fully remote hearing:** remote hearing where “all participants are in different locations, with no existing main hearing venue.”³
- **Participants:** refers to participants at hearings and related parties, namely arbitrators and tribunal secretaries, counsel and counsel teams, in-house counsel and experts.
- **Practitioners:** refers to Participants to the exclusion of in-house counsel and experts.
- **Providers:** are taken to refer to the providers of arbitration hearing services, namely hearing centres, technology providers and arbitral institutions.

Source: Preliminary Findings, Section 1, save for ‘practitioners’, which were defined in Spectrum of Preferences, fn. 4

¹ Prof. Maxi Scherer, *Remote Hearings in International Arbitration: An Analytical Framework*, 2020 J. Intl. Arb. 37(4) (Scherer), Section 2.

² Scherer, Section 2.

³ Scherer, Section 2.

II. ACKNOWLEDGEMENTS

We renew and extend our thanks for their support in promoting, filling out and analysing the survey and related publications to Prof. Maxi Scherer and Mihaela Apostol, Prof. Mohamed Abdel Wahab, Baria Ahmed, Chiann Bao, Niuscha Bassiri, Dr Kabir Duggal, Ahmed Durrani, Dr Kiran Gore, Dr Maria Hauser-Morel, Myriam Khedair, Amanda Lee, Jonathan Lim, Elijah Putilin, and the following institutions and organisations: ADGM Arbitration Centre, AmChamLab, American Chamber of Commerce of Peru, Arblt (Italian Forum for Arbitration and ADR), ArbitralWomen, Arbitration Institute of the Stockholm Chamber of Commerce (SCC), Arbitration & Mediation Court of the Caribbean (AMCC), Arbitrator Intelligence, Asia-Pacific Forum for International Arbitration (AFIA), Asian International Arbitration Centre (AIAC), Associação Portuguesa de Arbitragem (APA) 40, Bali International Arbitration and Mediation Center (BIAMC), Beihai Asia International Arbitration Centre (BAIAC), Brazil Very Young Arbitration Practitioners (BRVYAP), BVI International Arbitration Centre, the Cairo Regional Centre for International Commercial Arbitration (CRCICA), Campaign for Greener Arbitrations, Careers in Arbitration (CiA), Center for International Investment and Commercial Arbitration (CIICA), Centro Internacional de Arbitraje de Madrid (CIAM), CIS Arbitration Forum, Club Español del Arbitraje (CEA), Comitê Brasileiro de Arbitragem (CBAr), Comité français de l'arbitrage (CFA) 40, CPR Institute, Delos Dispute Resolution, Deutsche Institution für Schiedsgerichtsbarkeit (DIS) 40, DIFC-LCIA Arbitration Centre, IBA Arb 40, the International Arbitration Centre (IAC), International Centre for Settlement of Investment Disputes (ICSID), Lagos Chamber of Commerce International Arbitration Centre (LACIAC), Lagos Court Of Arbitration, LONDAP, Konfederacja Lewiatan, Madrid Very Young Arbitration Practitioners (MAD VYAP), New York International Arbitration Center (NYIAC), Paris Very Young Arbitration Practitioners (PVYAP), the Russian Arbitration Association (RAA), Silicon Valley Arbitration & Mediation Center (SVAMC), Tales of The Tribunal (ToT), Tashkent International Arbitration Centre (TIAC), Ukrainian Arbitration Association (UAA), Vienna International Arbitral Centre of the Austrian Federal Economic Chamber (VIAC), Vietnam International Commercial Mediation Center (VICMC), Vilnius Court of Commercial Arbitration, Virtual Arbitration, Vis Moot Alumni Association, Young Arbitration Practitioners Norway (YAPN), Young Canadian Arbitration Practitioners (YCAP), and Young ITA (Institute for Transnational Arbitration).

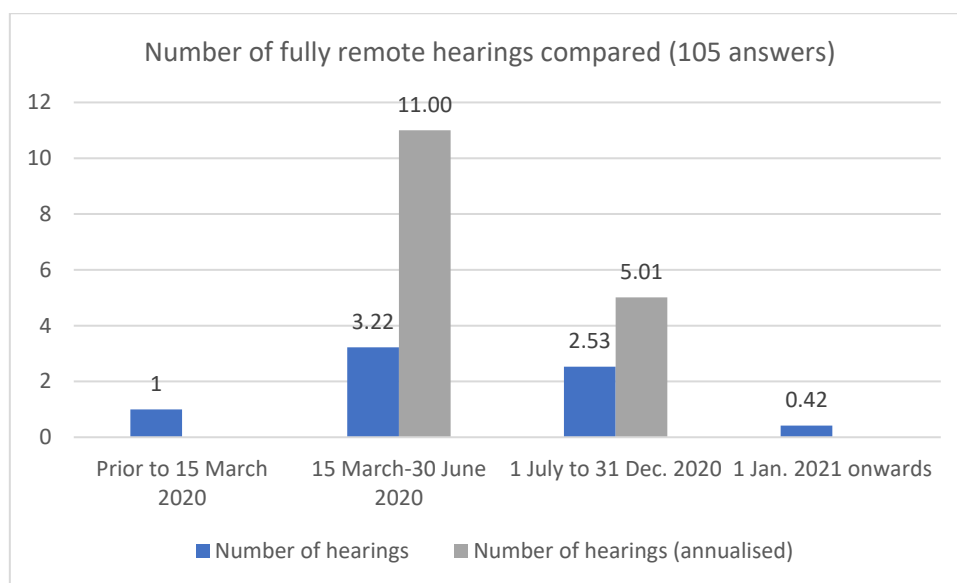
III. SURVEY QUESTIONS, ANSWERS & ANALYTICAL DATA

Q1. ABOUT YOU / Q3. IN WHAT CAPACITY ARE YOU TYPICALLY INVOLVED IN ARBITRATION HEARINGS?

- 210 survey responses, 201 unique respondents
- 106 of the unique respondents answered at least one non-mandatory question; 92 (87%) of these were Participants and 14 (13%) were Providers.
- Based in 43 jurisdictions, covering 6 continents: Argentina, Australia, Austria, Barbados, Botswana, Brazil, British Virgin Islands (BVI), Canada, Denmark, Egypt, France, Germany, Guatemala, Hong Kong, Hungary, India, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lithuania, Malaysia, Mexico, The Netherlands, Nigeria, Pakistan, Peru, The Philippines, Portugal, PRC, Romania, Russia, Singapore, Spain, Sweden, Switzerland, UAE, UK, Ukraine, USA, Uzbekistan, Vietnam and Zimbabwe.

See Preliminary Findings, Section 1

Q4. HOW MANY FULLY REMOTE HEARINGS HAVE YOU DONE AND DO YOU HAVE SCHEDULED?



Source: Preliminary Findings, Fig. 7.1

<i>Change on number of hearings as a multiple</i>	Period 15 March-30 June 2020 vs. period prior to 15 March 2020	Period 1 July-31 Dec. 2020 vs. period 15 March-30 June 2020
Participants	x 2.3	x 1.9
Providers	x 10	x 7.9

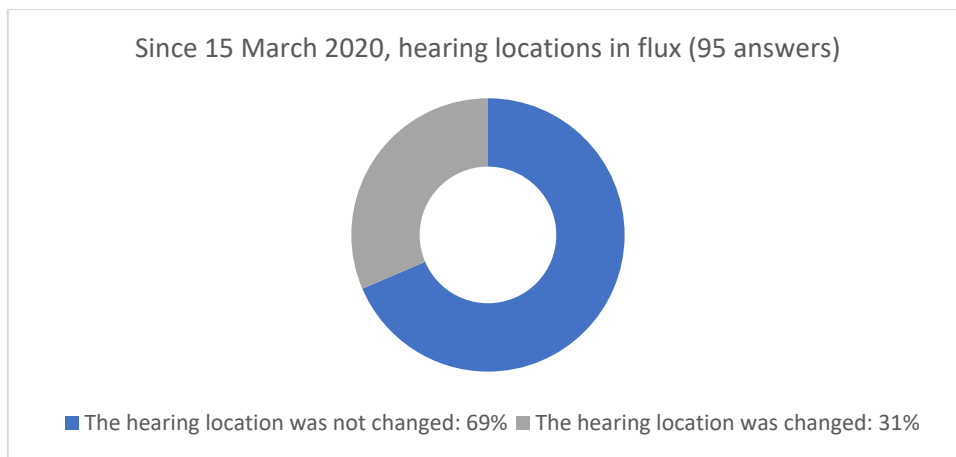
Source: Preliminary Findings, Section 2

Q5. HOW MANY OF YOUR ABOVE FULLY REMOTE HEARINGS [*i.e.* THOSE INDICATED IN RESPONSE TO QUESTION 4] WERE ORIGINALLY SCHEDULED THAT WAY PRIOR TO 15 MARCH 2020?

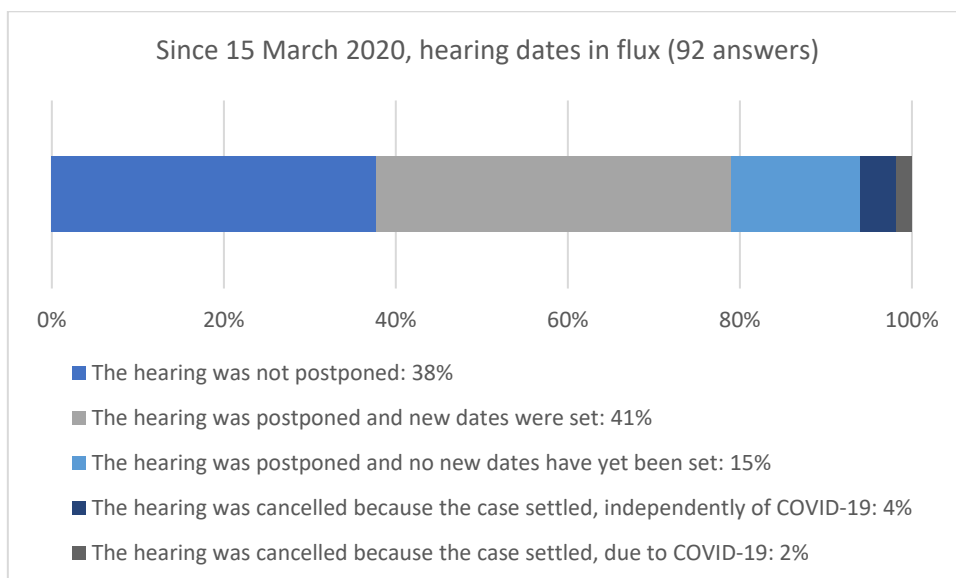
- 93 answers
- Participants:
 - 85% fully remote hearings that took place prior to 15 March 2020 had already been scheduled that way
 - 19% fully remote hearings scheduled in the period 15 March-30 June 2020 had already been scheduled that way

Source: Preliminary Findings, Section 2

Q6. HOW MANY OF YOUR FULLY REMOTE HEARINGS SCHEDULED SINCE 15 MARCH 2020 CORRESPOND TO EACH OF THE STATEMENTS BELOW? / Q7. HOW MANY OF YOUR HEARINGS SCHEDULED AS FROM 15 MARCH 2020 CORRESPOND TO EACH OF THE STATEMENTS BELOW?



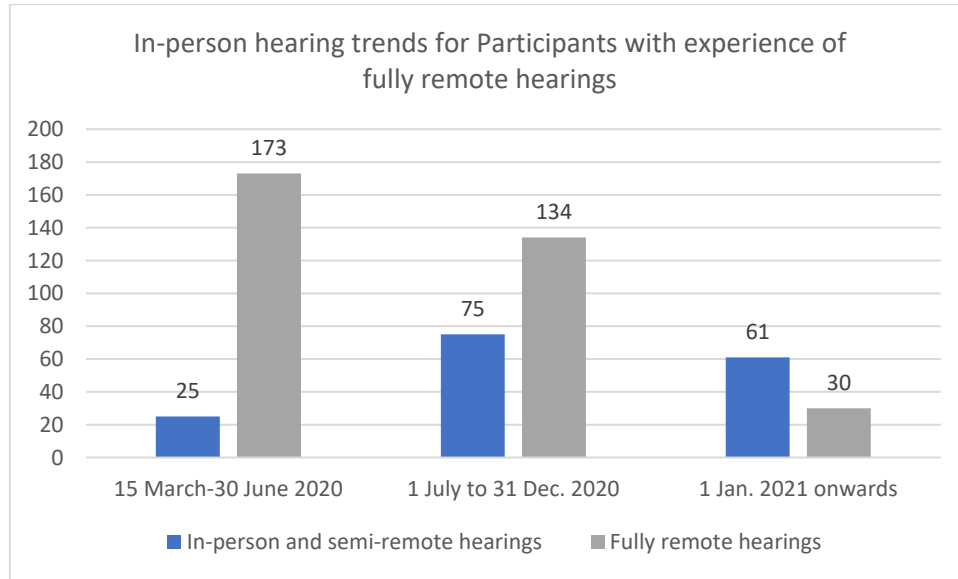
Source: Preliminary Findings, Section 2



Source: Preliminary Findings, Section 2

	Hearing dates maintained	Hearings postponed to new dates	Hearings postponed with no new dates set
Asia-Pacific	60%	22%	15%
India	Similar	Similar	Similar
Central and South America	Similar	Similar	Similar
Europe	40%-50%	40%	< 10%
North America			

Source: Preliminary Findings, Section 2



Source: Preliminary Findings, Section 2

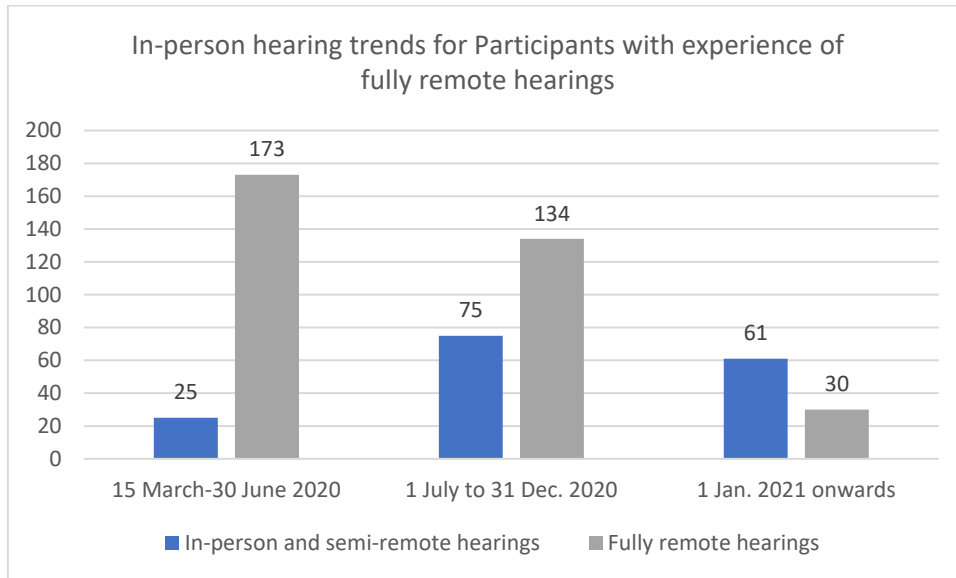
Q8. HOW MANY OF YOUR HEARINGS SINCE 15 MARCH 2020 HAVE BEEN TAKING PLACE / ARE STILL SCHEDULED TO TAKE PLACE IN-PERSON OR SEMI-REMOTELY, WHETHER THE HEARING DATES ARE THE ORIGINAL ONES OR POSTPONED ONES?

- 84 answers
- Close to 350 such hearings
- Participants reported 27 in-person hearings for the period 15 March-30 June 2020, with over half of these in Europe and close to a quarter in North America.

Source: Preliminary Findings, Section 2

Q9. WHAT IS THE TOTAL NUMBER OF FULLY REMOTE HEARING DAYS YOU HAVE PARTICIPATED IN DURING THE FOLLOWING TIME PERIODS AS OF THE TIME OF FILLING OUT THIS FORM?

- 90 answers
- Placed in perspective with the answers to the preceding questions:



Source: Preliminary Findings, Section 2

Q10. WAS THE DURATION CHANGED FOR YOUR HEARINGS THAT WERE ORIGINALLY SCHEDULED TO TAKE PLACE IN-PERSON OR SEMI-REMOTELY, AND THAT BECAME FULLY REMOTE?

- 69 answers
- (a) Was it shortened or lengthened?
 - *“About the same number of respondents reported an increase as those that reported a decrease. Those respondents who reported a change, however, were less than half as many as the respondents who stated that there had been no change to the duration of their hearings.”*
 - *“Those respondents who reported a change, however, were less than half as many as the respondents who stated that there had been no change to the duration of their hearings.”*

Source: Spectrum of Preferences, Section 1.1

- (b) By how many days on average?
 - *“Hearings that were shortened were on average reduced by 2.3 days, while hearings that were lengthened had an additional 3.6 sitting days.”*

Source: Spectrum of Preferences, Section 1.1

- (c) What got modified (e.g. opening submissions, closing submissions) and how?
 - *“Irrespective of whether hearing durations were changed or kept the same, 29 percent of Practitioners reported that the move to fully remote hearings had resulted in shorter oral submissions (56 percent), reduced evidence taking (56 percent) or both (19 percent). For those who indicated reduced oral submissions, two-thirds indicated that pleadings were shortened and one-third that closings were cancelled.”*

Source: Spectrum of Preferences, Section 1.1

Q11. ON AVERAGE TO-DATE, HOW MANY PARTIES HAVE BEEN INVOLVED / WITNESSES AND EXPERTS HAVE BEEN EXAMINED IN YOUR FULLY REMOTE HEARINGS?

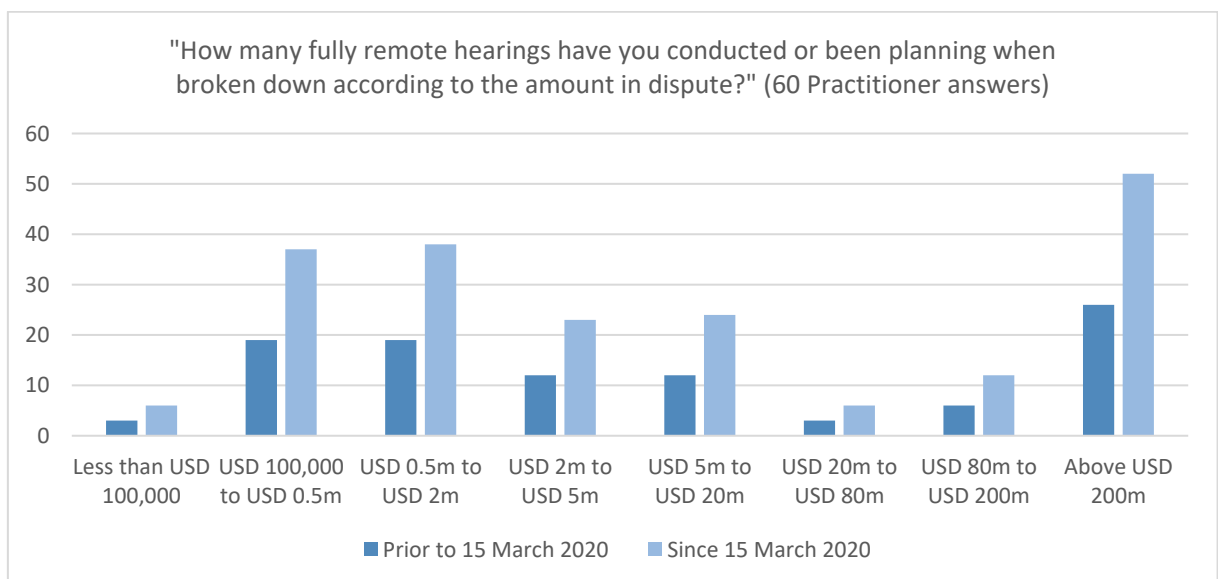
- 82 answers
- Parties:
 - 20% increase, "from 2.9 parties on average prior to 15 March 2020 to 3.5 subsequently".
 - "In the four countries with the most answers to this question, the reported increase was two-fold for Practitioners based in the United Kingdom and Switzerland, as compared with a 7 percent increase for Practitioners based in the United States and a 32 percent decrease for Participants based in Brazil."

Source: Spectrum of Preferences, Section 1.2

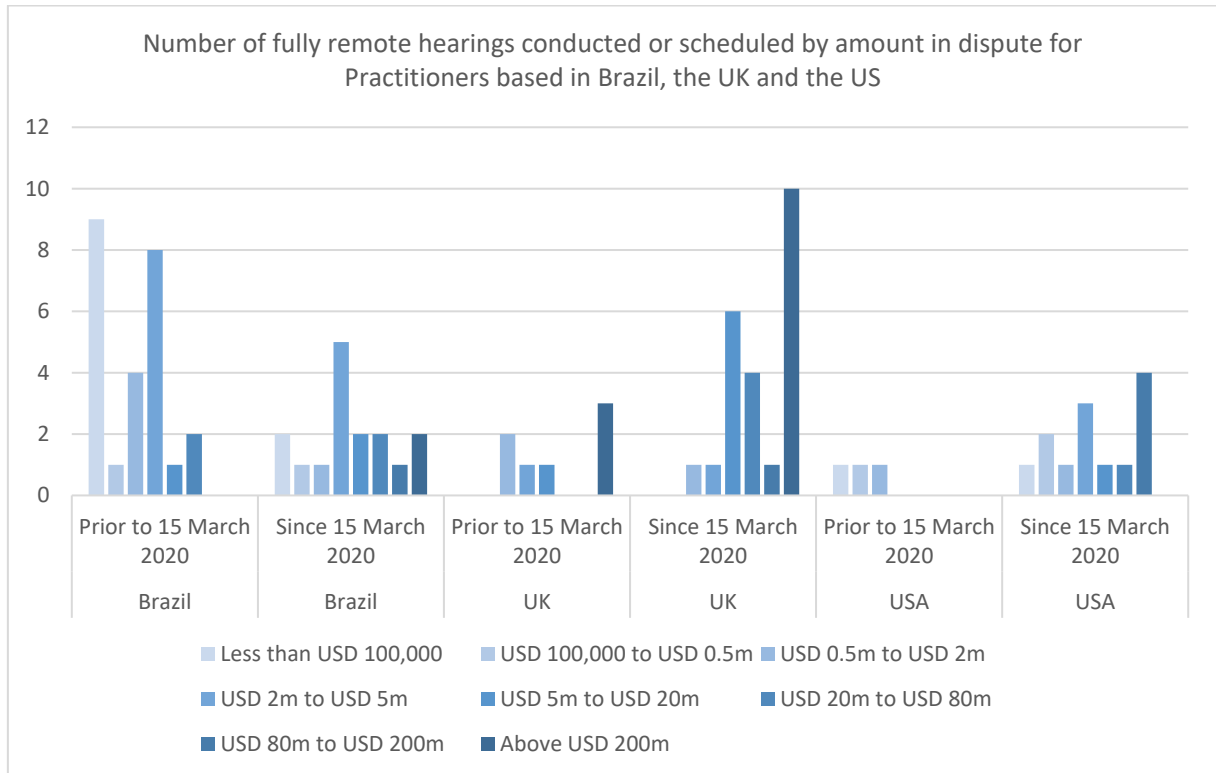
- Witnesses / experts
 - 62% increase, "from 3.7 persons called for examination prior to 15 March 2020 to 6.0 subsequently"
 - "the range in the number of persons called for examination increased from 0-5 to 0-14"
 - variation in the number of witnesses and experts examined at fully remote hearings in jurisdictions with the most respondents to the question:
 - Brazil: 15% increase
 - Switzerland: x2.2
 - UK: 27% increase
 - USA: x2.8

Source: Spectrum of Preferences, Section 1.2

Q12. HOW MANY FULLY REMOTE HEARINGS HAVE YOU CONDUCTED OR BEEN PLANNING WHEN BROKEN DOWN ACCORDING TO THE AMOUNT IN DISPUTE?



Source: Spectrum of Preferences, Section 1.3



Source: *Spectrum of Preferences, Section 1.3*

Q13. WHAT IS YOUR EXPERIENCE OF THE FOLLOWING VIDEOCONFERENCING SOFTWARE (1 IS 'POOR' AND 5 IS 'EXCELLENT')?

- 74 answers
- Weighted average scores: Zoom (4.33), Microsoft Teams (3.81), Cisco WebEx (3.72), GoToMeeting (3.53), BlueJeans (3.35), Loopup (2.57), KUDO (2.40), Adobe Connect (2.00).

Source: *Videoconferencing Technology, Section 1*

Q14. WHAT WERE THE MAIN ADVANTAGES / DISADVANTAGES OF THE ABOVE VIDEOCONFERENCING PLATFORMS [AT Q13]?

- 35 answers
- Zoom was appreciated for its ease of access, functionalities and reliability, but questions were raised as to privacy, which was the main reason why some users preferred to use Teams and WebEx.

Source: *Videoconferencing Technology, Section 1*

Q18. WHAT WERE THE MAIN ADVANTAGES / DISADVANTAGES OF [...] ELECTRONIC PRESENTATION OF EVIDENCE (EPE) PROVIDERS?

- 12 answers

- Advantages: *"the quick and smooth display of relevant documents and portions thereof on screen, well-timed with counsel's pleadings and questions"*, which *"renders the oral advocacy more efficient"*, in the words of one survey respondent. Criticism: the cost, which makes EPE *"justified only in large cases"*, according to another survey respondent. These comments were representative of the views generally expressed on the topic.

Q20. WHAT IS YOUR EXPERIENCE OF THE FOLLOWING ELECTRONIC BUNDLE PROVIDERS (1 IS 'POOR' AND 5 IS 'EXCELLENT')?

- 54 answers
- 74% *"did not have an opinion on various providers or the experience of using electronic bundles, pointing to their own limited experience with such solutions."*

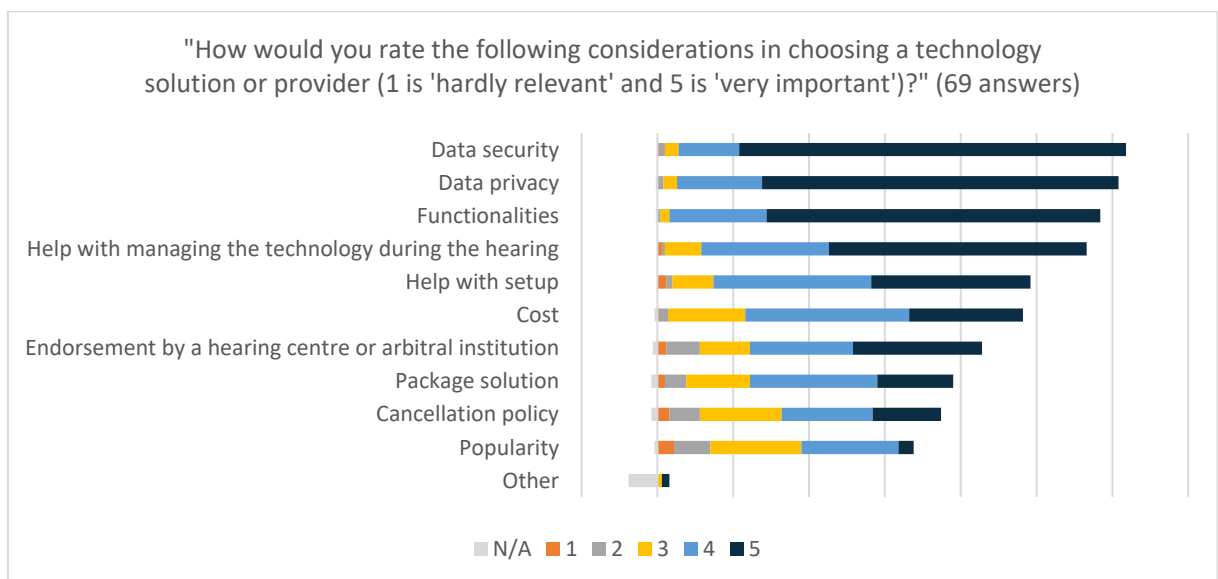
Source: *Videoconferencing Technology, Section 1*

Q22. WHEN REFERRING TO DOCUMENTS ON THE RECORD DURING YOUR FULLY REMOTE HEARING (WHETHER AS COUNSEL OR TRIBUNAL), HOW DO YOU PREFER DOING SO?

- 64 answers
- Preferences: screen sharing (39% of answers); everyone following on their own side, e.g., in their own paper bundle or on their computer (31%); showing excerpts in a PowerPoint during oral submissions (17%); and referring to tags in an electronic bundle (10%).

Source: *Videoconferencing Technology, Section 1*

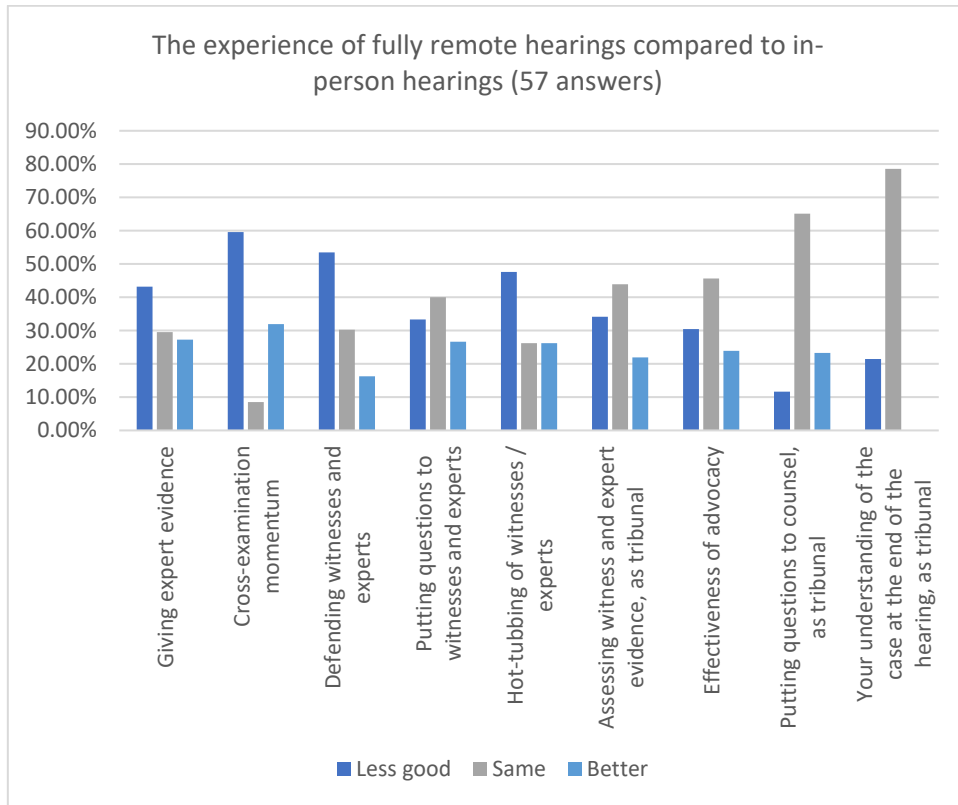
Q23. HOW WOULD YOU RATE THE FOLLOWING CONSIDERATIONS IN CHOOSING A TECHNOLOGY SOLUTION OR PROVIDER (1 IS 'HARDLY RELEVANT' AND 5 IS 'VERY IMPORTANT')?



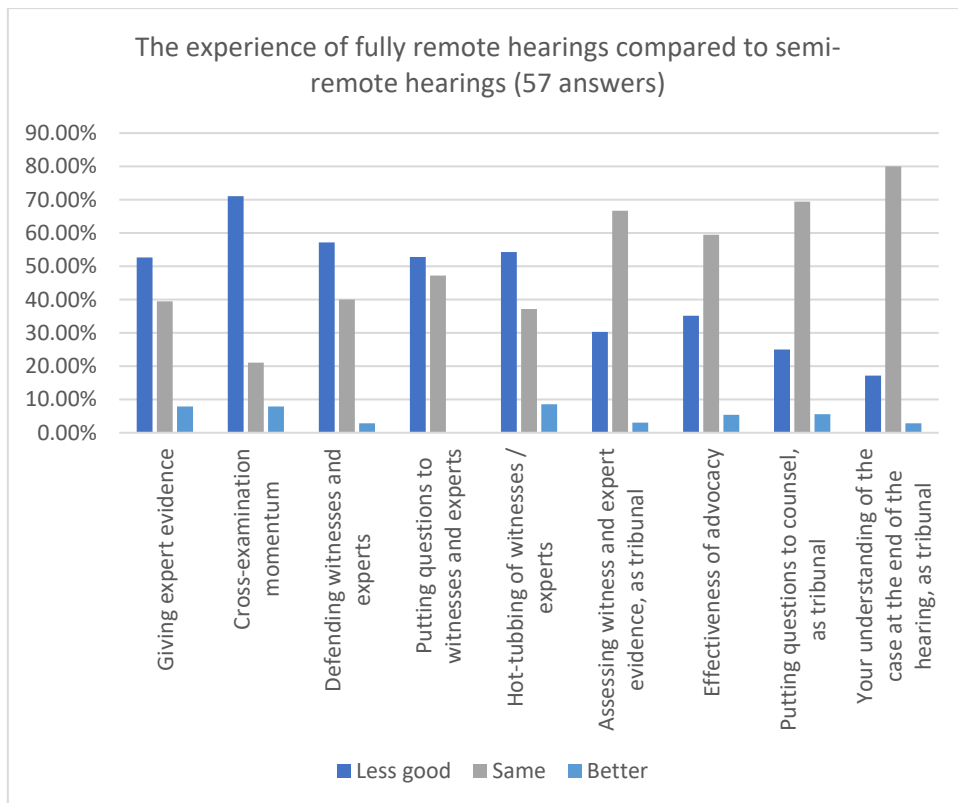
Source: *Videoconferencing Technology, Section 1*

See also the answers to Q53 on considerations involved as part of decision-making on technology

Q27. HOW DO YOU COMPARE FULLY REMOTE HEARINGS IN THE FOLLOWING SITUATIONS?

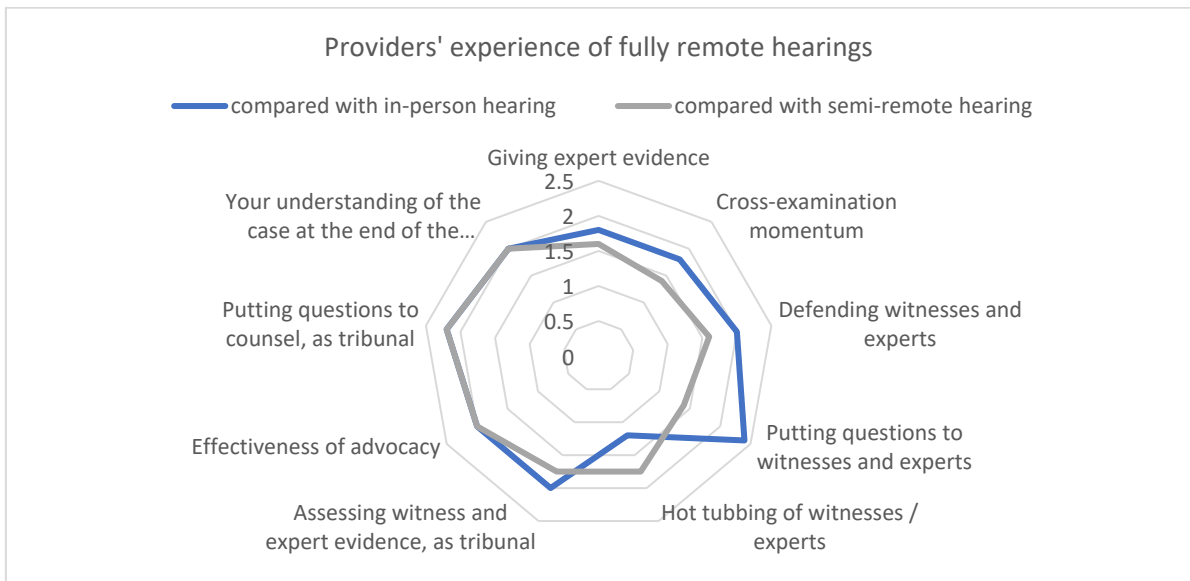


Source: Preliminary Findings, Figure 7.5

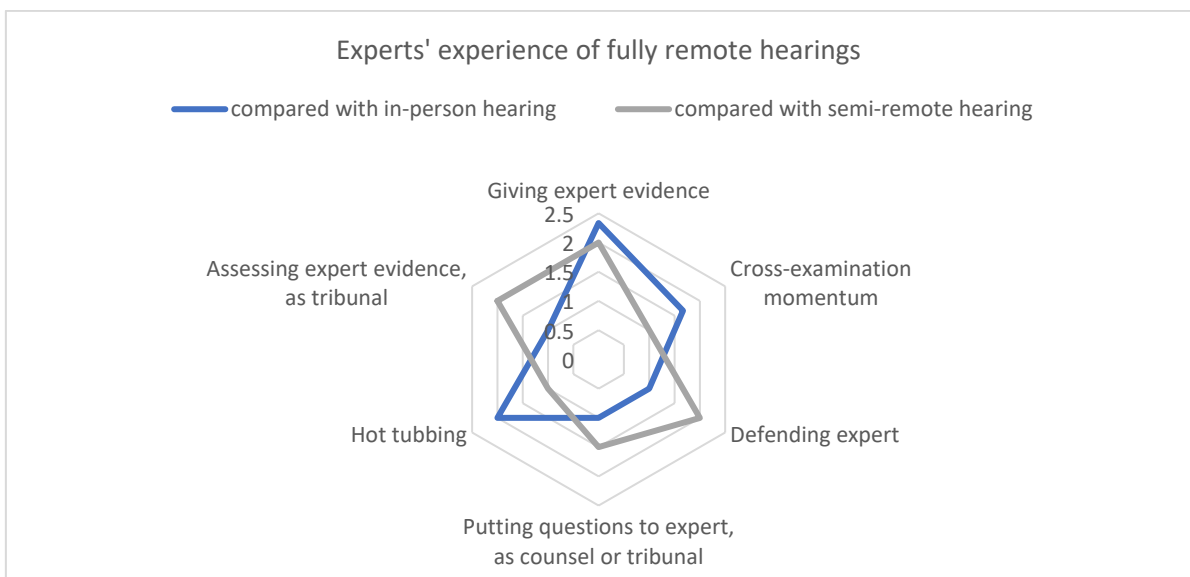


Source: Preliminary Findings, Figure 7.6

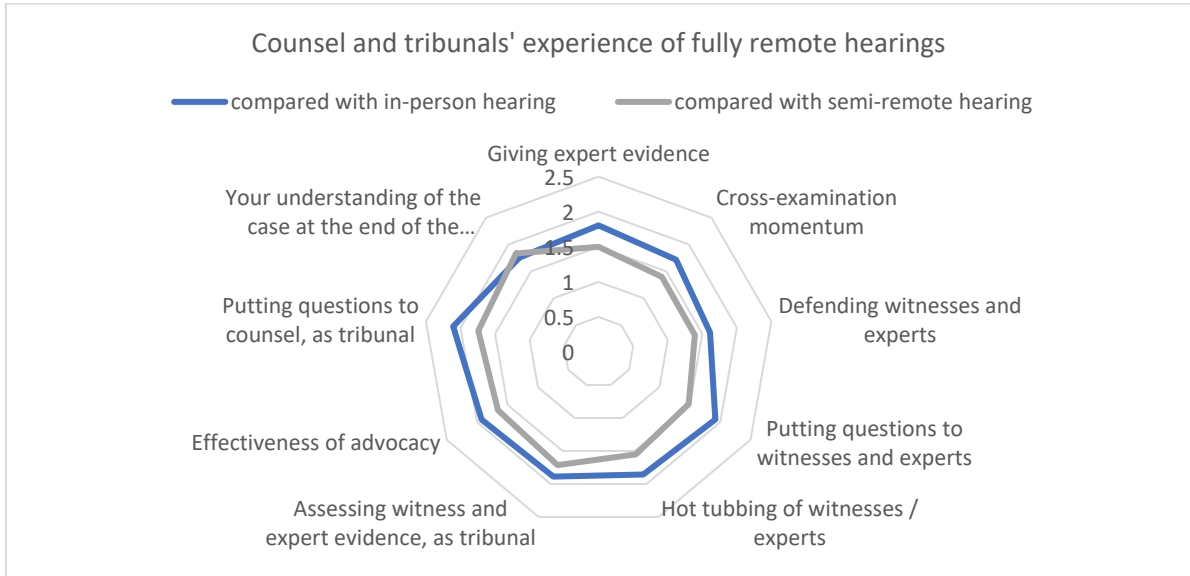
- Answers by survey respondent type, using radar or spider charts. *"The larger the area delineated by the coloured lines, the greater the preference for fully remote hearings. These charts were prepared by assigning a weight of 1 to 'less good' ratings, 2 to 'same' ratings and 3 to 'better' ratings. The number of such weighted ratings was counted for each key feature of hearings and averaged out. As a result, where a data point on the chart is at 2, it means that overall respondents considered the experience of fully remote hearings to be the same; where it is beyond 2, that means they considered the experience of fully remote hearings to be better; and where it is below 2, [...] it means that they considered the experience of fully remote hearings to be less good."* (Preliminary Findings, footnote 21).



Source: Preliminary Findings, Figure 7.7



Source: Preliminary Findings, Figure 7.8



Source: Preliminary Findings, Figure 7.9

Q28. WHAT ARE THE KEY REASONS FOR YOUR ABOVE ANSWERS [TO Q27]?

- 33 answers
- See Preliminary Findings, Section 3

Q30. IN COMPARING FULLY REMOTE HEARINGS, IN-PERSON HEARINGS AND SEMI-REMOTE HEARINGS, WOULD YOU DRAW A DISTINCTION BETWEEN ORAL SUBMISSIONS ON LEGAL ISSUES AND ORAL SUBMISSIONS ON FACTUAL ISSUES? WHAT ARE THE KEY REASONS FOR YOUR ANSWER?

- 24 answers
- 86%: no distinction
- 14%: distinction because "[l]egal issues are more technical and less emotional"

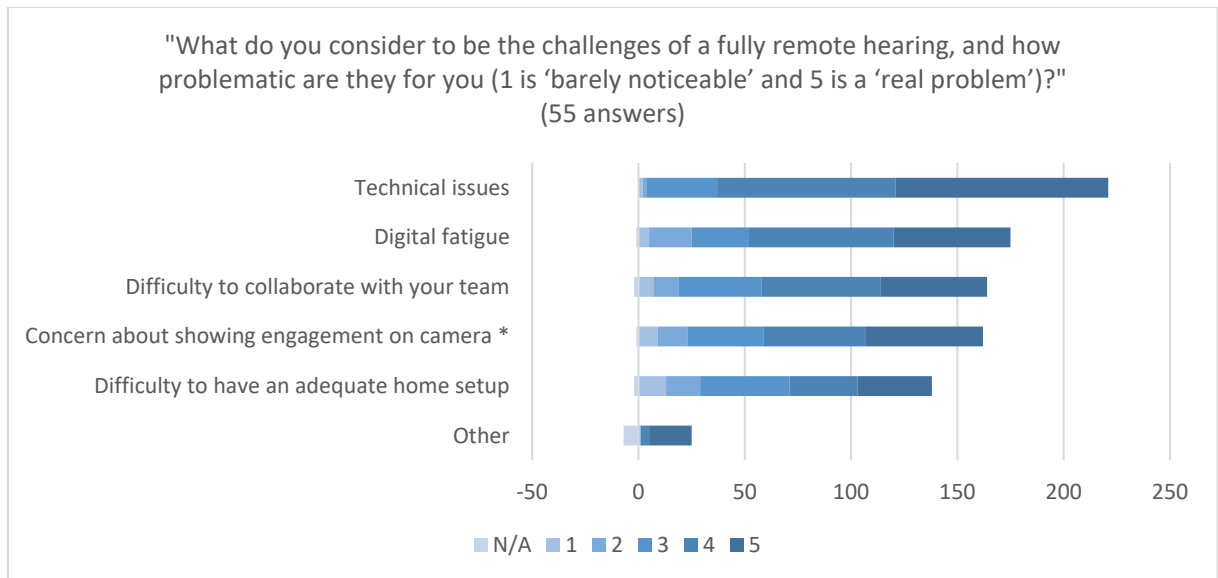
Source: Preliminary Findings, Section 3

Q31. PRIOR TO PARTICIPATING IN YOUR FIRST FULLY REMOTE HEARING: WHAT WERE YOUR GREATEST CONCERNS? DID THEY MATERIALISE? HOW DO YOU LOOK ON THEM NOW?

- 32 answers
- "Two-thirds of the answers focused on technology issues, technology proficiency and internet stability. By and large, these issues did not materialise during the fully remote hearings of those responding to the survey and, while this is not to say that they can now be entirely ignored, it appears that there is a lot more confidence in this type of hearing than there was previously."

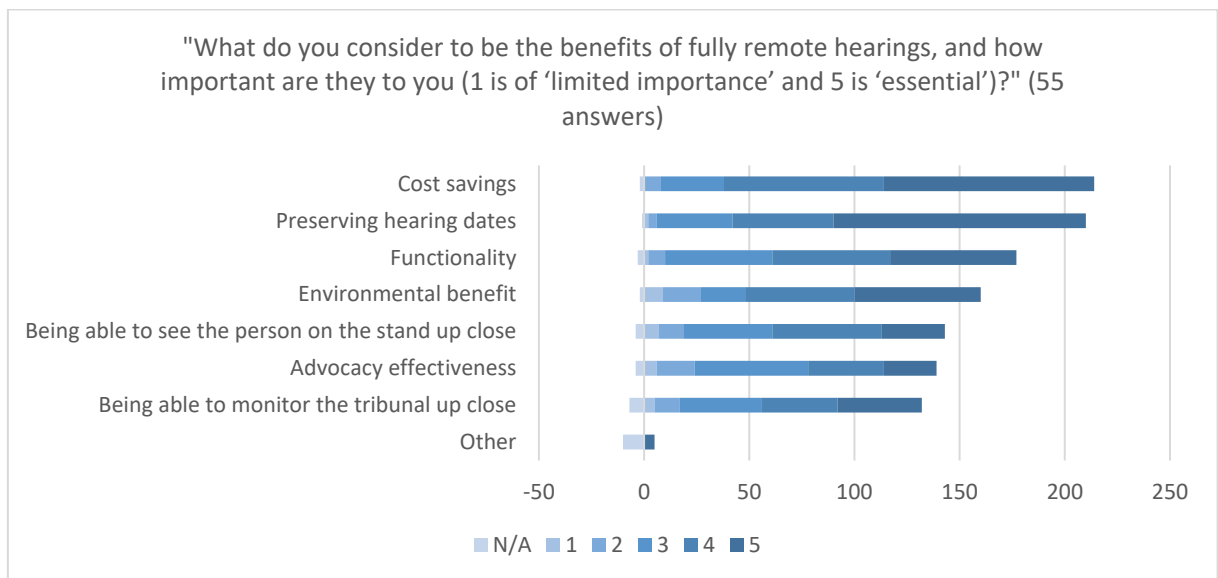
Source: Preliminary Findings, Section 4

Q32. WHAT DO YOU CONSIDER TO BE THE CHALLENGES OF A FULLY REMOTE HEARING, AND HOW PROBLEMATIC ARE THEY FOR YOU (1 IS 'BARELY NOTICEABLE' AND 5 IS A 'REAL PROBLEM')?



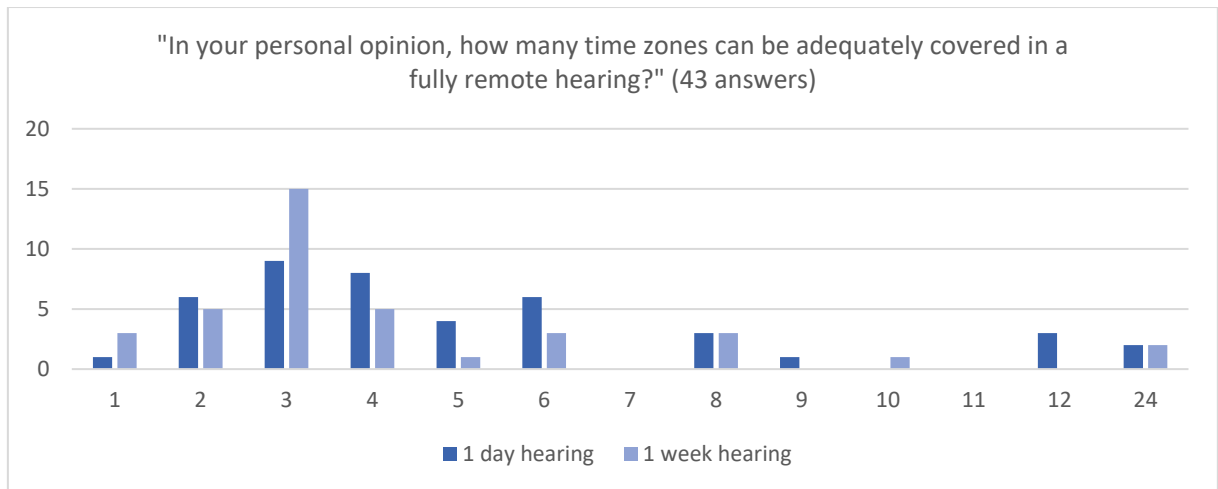
Source: Spectrum of Preferences, Figure 5

Q34. WHAT DO YOU CONSIDER TO BE THE BENEFITS OF FULLY REMOTE HEARINGS, AND HOW IMPORTANT ARE THEY TO YOU (1 IS OF 'LIMITED IMPORTANCE' AND 5 IS 'ESSENTIAL')?



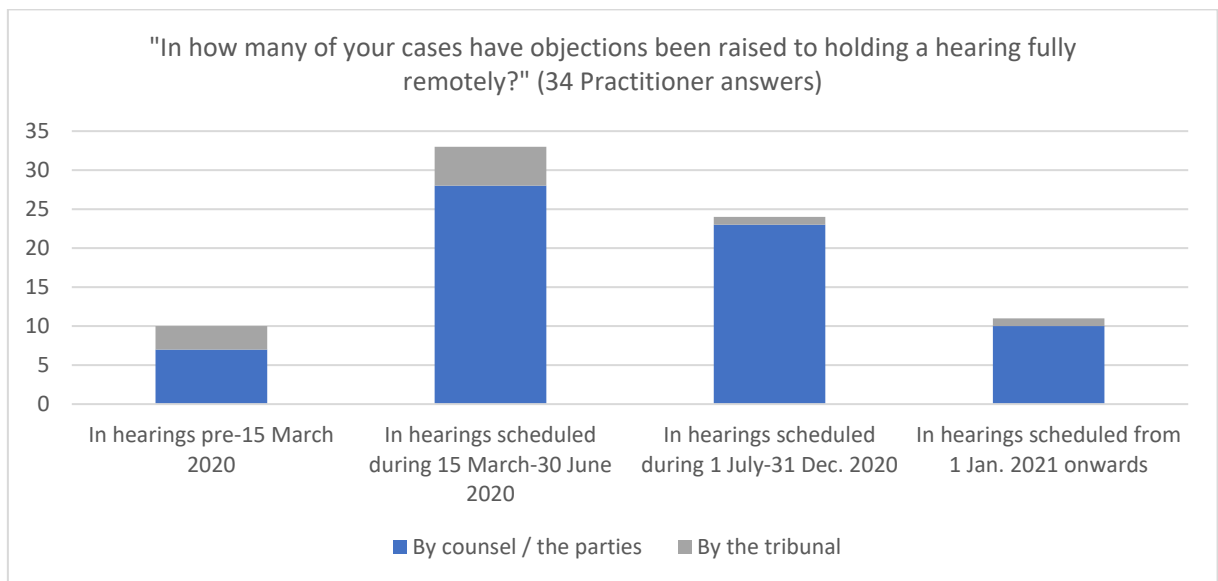
Source: Spectrum of Preferences, Figure 4

Q35. IN YOUR PERSONAL OPINION, HOW MANY TIME ZONES CAN BE ADEQUATELY COVERED IN A FULLY REMOTE HEARING IF IT LASTS: 1 DAY? 1 WEEK?



Source: Spectrum of Preferences, Figure 6

Q36. IN HOW MANY OF YOUR CASES HAVE OBJECTIONS BEEN RAISED TO HOLDING A HEARING FULLY REMOTELY?



Source: Spectrum of Preferences, Figure 3

Practitioners: volume of objections to the number of fully remote hearings conducted or scheduled	Pre-15 March 2020	Post-15 March 2020
Average	21%	46%
Median	0%	10%

Source: Spectrum of Preferences, Section 2

Q37. IN HOW MANY OF YOUR CASES DID THE TRIBUNAL DECIDE TO PROCEED WITH A FULLY REMOTE HEARING OVER THE OBJECTIONS OF ONE SIDE?

34 Practitioner answers	Pre-15 March 2020	Post-15 March 2020
Tribunals overruled objections in:	17% cases	32% cases
Number of Practitioners reporting that objections were dismissed in some or all of their cases:	17%	50%
Number of Practitioners reporting that objections were upheld in all of their cases:	83%	50%

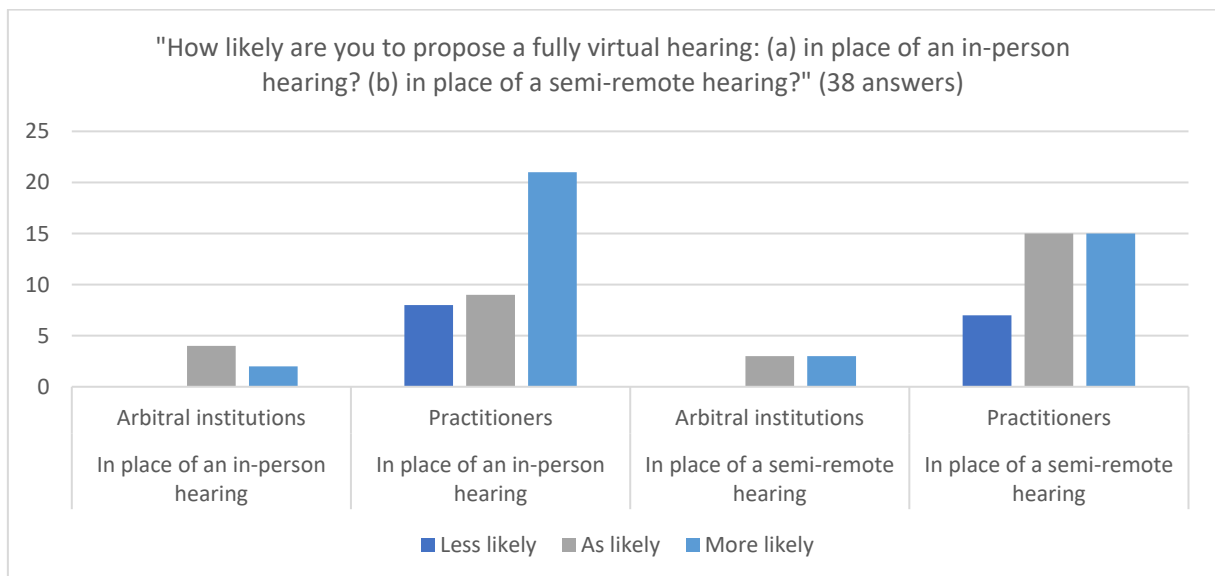
Source: *Spectrum of Preferences, Section 2*

Q38. IN HOW MANY OF YOUR CASES HAS THE AWARD BEEN CHALLENGED IN SETTING ASIDE OR ENFORCEMENT PROCEEDINGS BECAUSE THE HEARING WAS HELD FULLY REMOTELY?

- 32 answers
- Prior to 15 March 2020, "no award had been challenged in setting aside or enforcement proceedings because the hearing had been held fully remotely; and only one Practitioner answered that their award had been so challenged, 'but not on the basis that one of the parties had objected to holding a remote hearing in the first place.'"

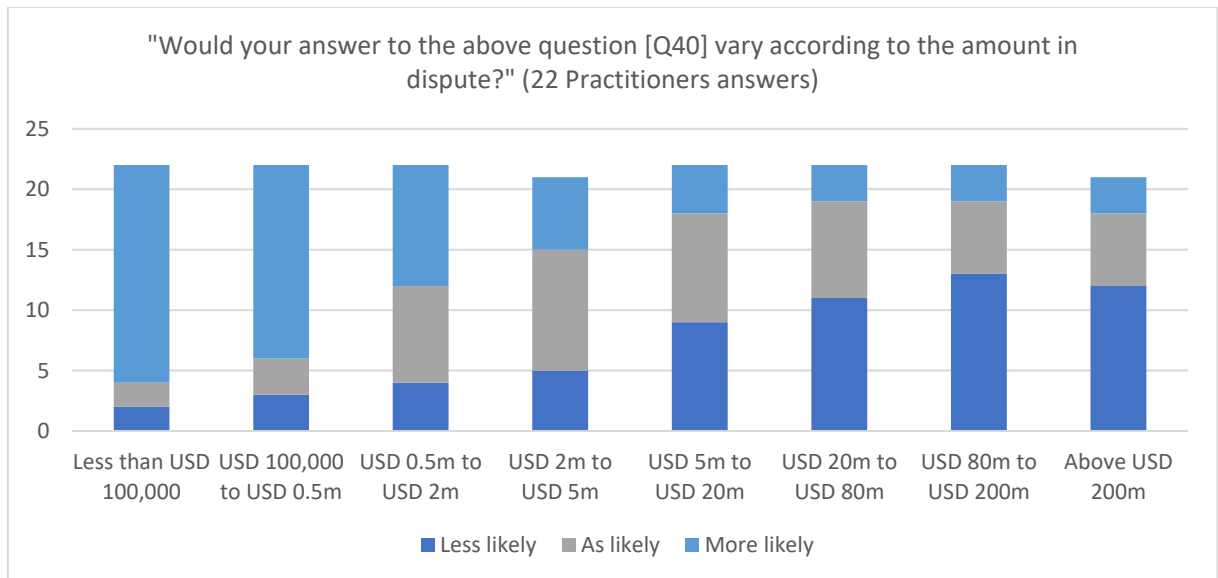
Source: *Spectrum of Preferences, Section 2, quoting Erica Stein, Challenges to Remote Arbitration Awards in Setting Aside and Enforcement Proceedings, Ch. 9 in Scherer et al., International Arbitration and the COVID-19 Revolution (Wolters Kluwer, 2020), p. 168*

Q40. HOW LIKELY ARE YOU TO PROPOSE A FULLY VIRTUAL HEARING: IN PLACE OF AN IN-PERSON HEARING? IN PLACE OF A SEMI-REMOTE HEARING?



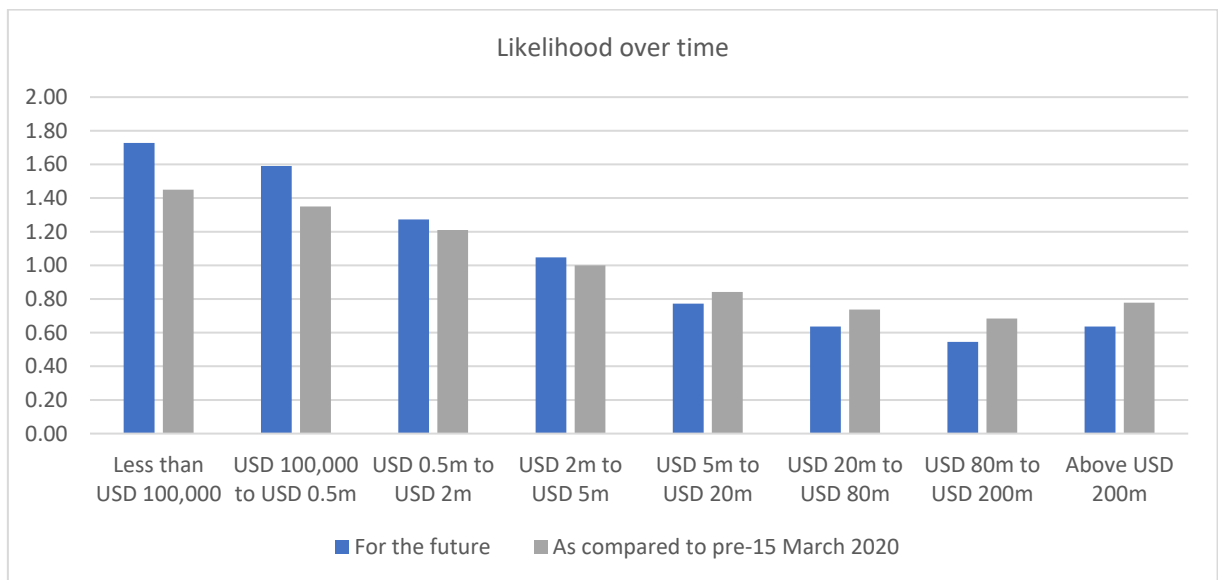
Source: *Spectrum of Preferences, Figure 7*

Q41. WOULD YOUR ANSWER TO THE ABOVE QUESTION [40] VARY ACCORDING TO THE AMOUNT IN DISPUTE?



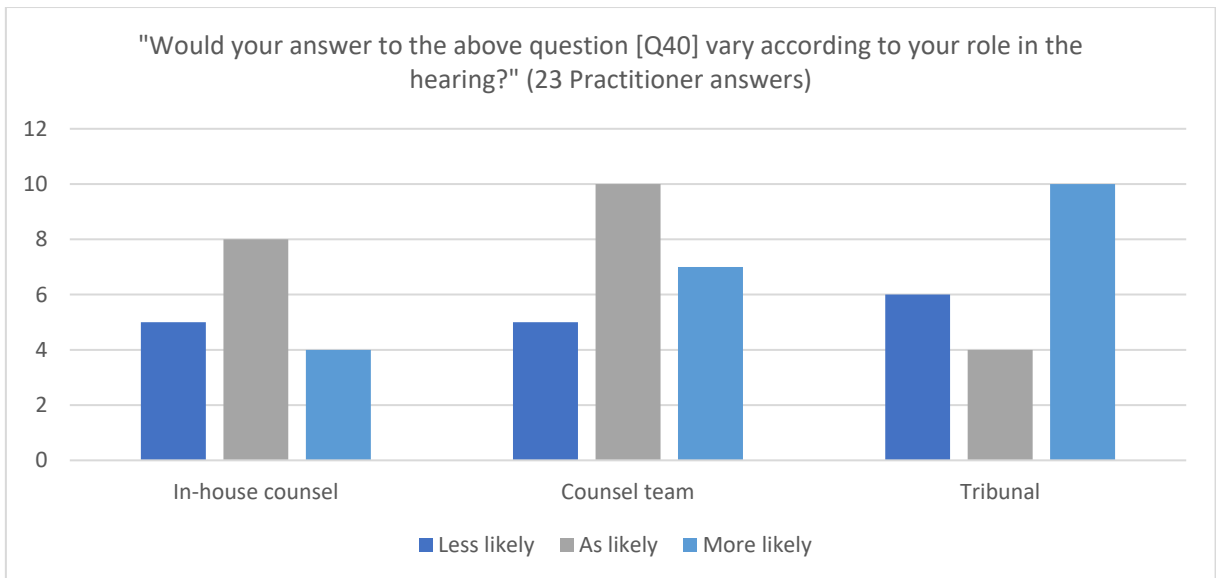
Source: Spectrum of Preferences, Figure 8

- "The above answers were weighted [...] on a spectrum of 0 ("less likely") to 2 ("more likely"), with 1 standing for "as likely." Practitioners were also asked how their views compared to those they held prior to 15 March 2020; these results were weighted in the same manner [...]." (Source: Spectrum of Preferences, Section 4.1.1).



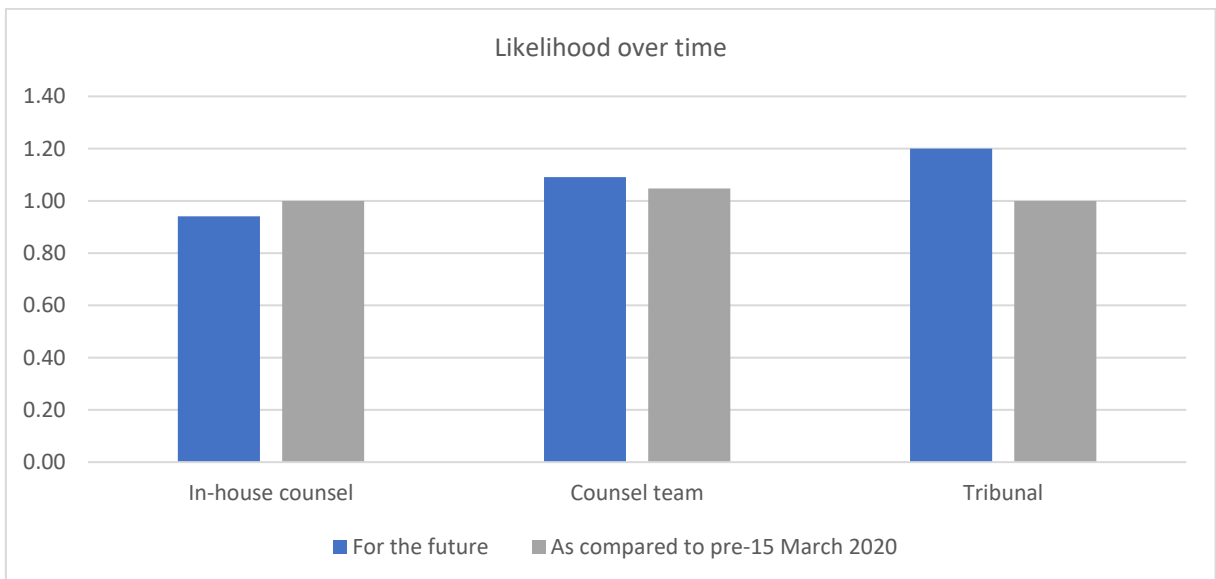
Source: Spectrum of Preferences, Figure 9

Q42. WOULD YOUR ANSWER TO THE ABOVE QUESTION [40] VARY ACCORDING TO YOUR ROLE IN THE HEARING?



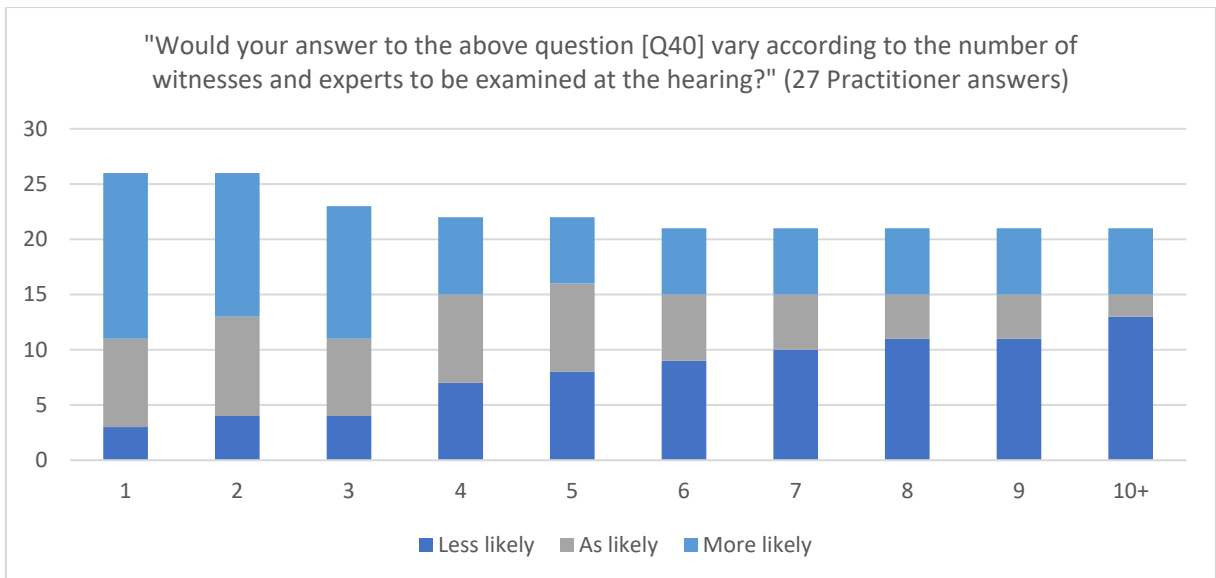
Source: Spectrum of Preferences, Figure 10

- Weighting analysis in the same manner as for Q41:



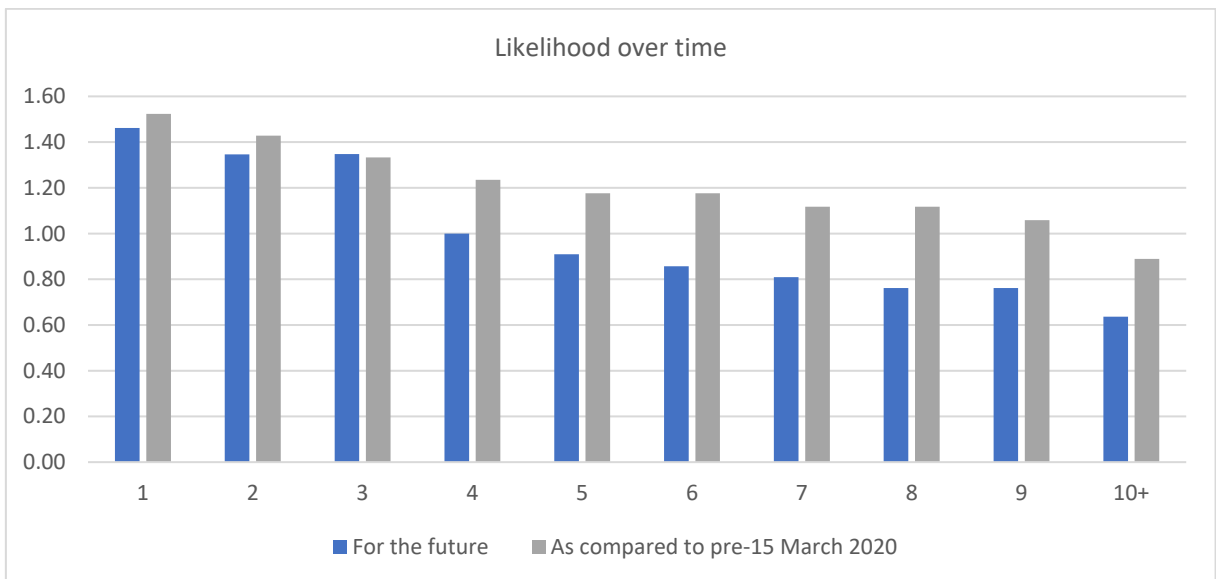
Source: Spectrum of Preferences, Figure 11

Q43. WOULD YOUR ANSWER TO THE ABOVE QUESTION [40] VARY ACCORDING TO THE NUMBER OF WITNESSES AND EXPERTS TO BE EXAMINED AT THE HEARING?



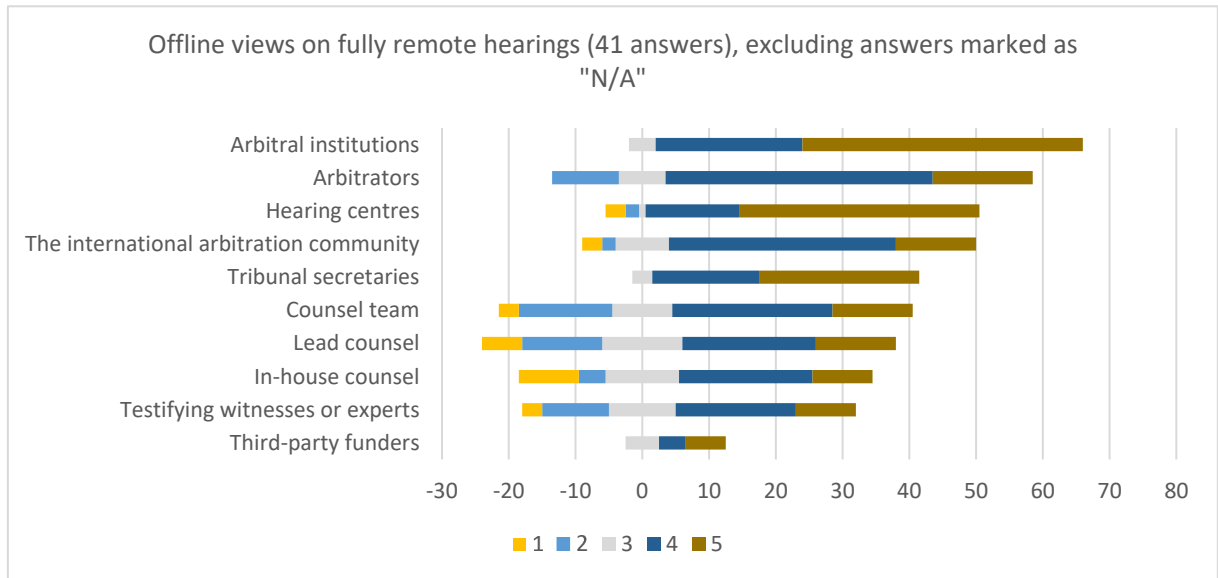
Source: Spectrum of Preferences, Figure 12

- Weighting analysis in the same manner as for Q41:



Source: Spectrum of Preferences, Figure 13

Q45. IN YOUR EXPERIENCE SINCE 15 MARCH 2020, WHAT HAS BEEN THE OFFLINE REACTION TO FULLY REMOTE HEARINGS OF THE FOLLOWING PARTICIPANTS IN THE ARBITRAL PROCESS (1 IS 'DEFINITELY OPPOSED' AND 5 IS 'WHOLLY ENTHUSIASTIC')?



Source: Spectrum of Preferences, Figure 14

Q46. FOR SHORT HEARINGS AND MEETINGS, SUCH AS CASE MANAGEMENT CONFERENCES, HOW LIKELY ARE YOU FROM NOW ON TO HOLD THEM VIA VIDEOCONFERENCE, AS OPPOSED TO BY TELEPHONE OR IN PERSON?

- 38 Practitioner answers
 - Range: 0% to 100%
 - Average: 72%
 - Median: 80%
- 5 Arbitral institution answers
 - Range: 75% to 100%
 - Average: 88%
 - Median: 90%
- *"Looking at the jurisdictions with the largest number of Practitioners who answered this question, the most ambivalent were in the United Kingdom (range of responses of 0–80 percent) and the most assertive in Switzerland (range of responses of 70–100 percent likelihood in the future of holding short hearings and meetings via videoconference as opposed to by telephone or in person); the most positive were in Brazil (median at 96 percent), and the least so in Spain (median at 65 percent)."*

Source: Spectrum of Preferences, Section 4.2

Q47. DO YOU BELIEVE THE FUTURE OF HEARINGS IS AUGMENTED OR VIRTUAL REALITY HEARINGS?

- 54 answers
- 52%: left the question open or stated that they were not familiar with augmented or virtual reality
- 15%: no
- 33%: yes

Source: Spectrum of Preferences, Conclusion

Q48. IN WHAT PROPORTION OF YOUR ARBITRATIONS THIS YEAR HAVE YOU BEEN USING A SHARED ONLINE DOCUMENT MANAGEMENT SYSTEM FOR THE EXCHANGE OF DATA BETWEEN THE DIFFERENT PARTICIPANTS IN THE ARBITRAL PROCESS? PLEASE PROVIDE A PERCENTAGE, AND ANY COMMENTS YOU THINK ARE USEFUL.

- The main platform referred to was SharePoint.

Q49. HOW MANY: OF THE AWARDS IN YOUR CASES ARE BEING STORED ON BLOCKCHAIN? ARBITRATION AGREEMENTS IN DISPUTES YOU ARE PARTICIPATING IN ARE BEING STORED ON BLOCKCHAIN?

- 31 answers
- 3 answers (i.e. 9.7%) gave answers that were not nil: two were by practitioners in Mexico and Spain, who reported that they had seen awards stored on blockchain, and not arbitration agreements; and one was by a Latin American arbitral institution which reported in excess of 21 awards and arbitration agreements stored on blockchain both prior to and since 15 March 2020.

Q51. WHAT ARE YOUR MAIN REASONS FOR PREFERRING WORKING: AT THE OFFICE? REMOTELY?

- 34 answers (some respondents indicated multiple reasons for their preferences)
- Working from home: concentration (30%); flexibility (30%); 'family' (5%), albeit we understand 'flexibility' to include family considerations; saving time (20%); the comfort of the home environment (13%); and health reasons (8%).
- Working from the office: team collaboration (ease of communication and coordination, efficiency) (32%); the office setup (meeting rooms, IT, printers and hard copy documents, support staff, library – and separating the workplace from home) (32%); the atmosphere (collegiality and team culture, socialising) (32%); and a couple of answers referred to being able to concentrate better in the office.

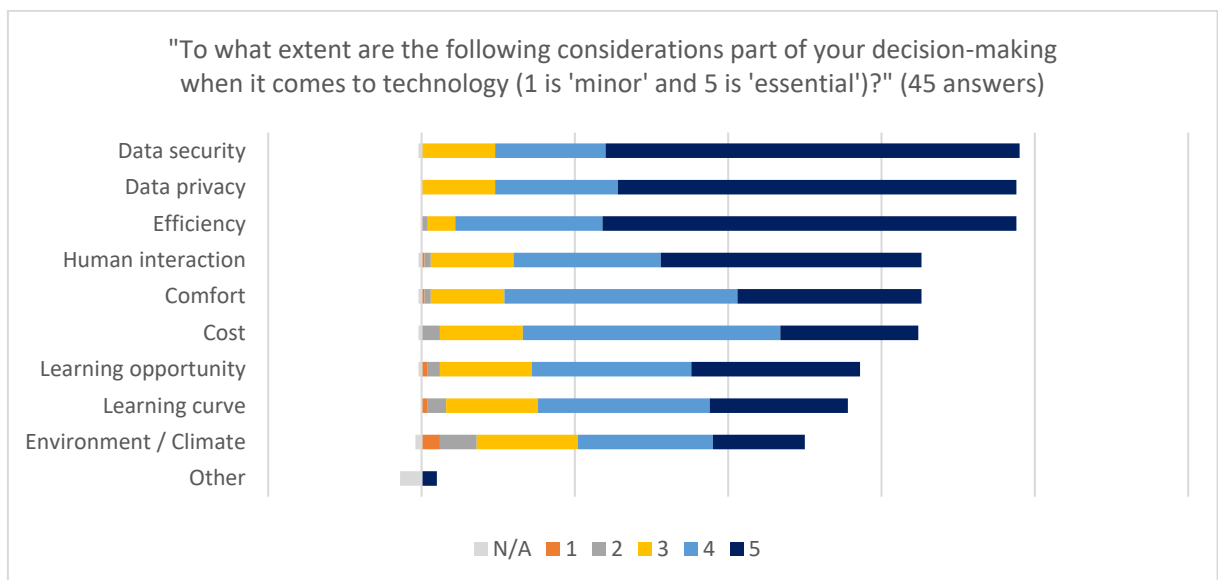
Source: Videoconferencing Technology, Section 4

Q52. ABOUT WEBINARS: WHAT DO YOU LIKE BEST? WHAT DO YOU DISLIKE THE MOST?

- 31 answers (some respondents provided multiple answers on either or both aspects of the question)
- What do you like best? 40% said access – to knowledge, ideas, speakers from around the world, global audiences; 33% focused on convenience; 18% referred to cost savings (whether of conferences or of travel); and 10% mentioned connectedness.
- What do you dislike most? 43% focused on the lack of connectedness, *i.e.*, not being able to network or interact with other participants or the speakers. 23% stated that there were too many webinars. The remaining answers referred to technological issues (10%), the quality of speakers (10%), digital fatigue (7%) and lengthy speaker introductions (7%).

Source: Videoconferencing Technology, Section 4

Q53. TO WHAT EXTENT ARE THE FOLLOWING CONSIDERATIONS PART OF YOUR DECISION-MAKING WHEN IT COMES TO TECHNOLOGY (1 IS 'MINOR' AND 5 IS 'ESSENTIAL')?



Source: Videoconferencing Technology, Section 3

See also the answers to Q23 on considerations involved as part of decision-making on technology

Q54. AS A LAW FIRM, FUNDER, INSTITUTION OR CHAMBERS, DO YOU PLAN ON REDUCING IN THE MEDIUM TO LONG TERM THE SIZE OF YOUR OFFICES? IF SO, DO YOU ALREADY HAVE PLANS ON REINVESTING THE CORRESPONDING SAVINGS?

- 19 answers
- "61% said that there were no such plans, 6% that there could be, while 33% were clear about downsizing their office space." "One respondent indicated that the savings would be used to increase partner returns while another stated that they would be invested in training."

Source: Videoconferencing Technology, Section 4

DELOS DISPUTE RESOLUTION

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#ACTIVATINGARBITRATION

