



# *Allegheny Court of Common Pleas*

## **Remote Arbitration Hearing Protocols and Procedures**

### General Rules

1. These Protocols shall apply to all virtual compulsory arbitration hearings (hereafter “Virtual Arbitration Hearings”) conducted in the Allegheny County of Common Pleas pursuant to Pa.R.C.P. 1301 - 1314 (Compulsory Arbitration hearings).
2. All Virtual Arbitration Hearings shall be conducted using Microsoft Teams.
3. All parties must agree to have their compulsory arbitration hearing heard virtually, or, should only one party seek to appear remotely, that party must make a formal request for a partial remote hearing.
4. After the Allegheny County Department of Court Records issues a Hearing Date and time for an in-person arbitration hearing, all parties must first seek consent of all parties to have their compulsory arbitration case heard virtually. If all parties do not agree, the moving party must make a formal request for a partial remote hearing indicating which party will appear remotely.

To request that your hearing be heard as a Virtual or Partial remote Arbitration Hearing:

- a. Counsel for each party, or self-represented party, must request a virtual hearing at least fourteen (14) days before the hearing date by completing and sending a Virtual Arbitration Hearing Request Form (found on the Arbitration website) via e-mail to [civilarbact@alleghenycourts.us](mailto:civilarbact@alleghenycourts.us). You must indicate on the form if you are requesting a full or partial remote hearing. All counsel and self-represented parties must be included on this e-mail.
  - b. If all parties do not consent to a fully virtual hearing, the in-person hearing will go forward in the City-County building before a panel, with only the litigant requesting to appear remotely appearing via Microsoft Teams.
  - c. This request must include the docket number, caption, and date of arbitration hearing as issued by the Department of Court Records, in both the subject line and the e-mail request.  
*Example: AR-20-000123- Jones vs. Smith- July 1, 2020.*
  - d. If all counsel, or self-represented parties, are not copied on the request, the Court will not set up a Virtual Arbitration Hearing, and the case will remain scheduled for an in-person arbitration hearing.
5. Upon receipt of the request for a Virtual Arbitration Hearing, the Court shall provide a Microsoft Teams invitation to all counsel and self-represented parties of the hearing date and time at which the parties must be present at the Virtual Arbitration Hearing and be prepared

to proceed. This notice will be sent to the email address each party provides in their initial hearing request and will include a hyperlink to connect to the Virtual Arbitration Hearing.

6. Only parties requesting a fully remote hearing will receive a separate invitation that includes a link to the Sharepoint Submission Folder (hereafter “Sharepoint”) where all documents a party wants to use at the Virtual Arbitration Hearing must be submitted. You must perform a one-time verification step to gain access to this secure file. Check your spam folder if you do not receive a code in your inbox.
7. The Court retains the right to alter the hearing date and time, with advance notice to all parties, to accommodate the virtual hearing schedule.
8. All participants in Virtual Arbitration Hearings shall comply with all applicable Rules of Court, all applicable Court Orders, and this Protocol. Violators may be held in Contempt of Court, for which the Court may impose sanctions following a hearing.
9. All participants have the responsibility to assure all audio/visual equipment is fully functional for the entire Virtual Arbitration Hearing. Once a Virtual Arbitration Hearing begins it will proceed to conclusion and will not be adjourned or suspended except in exigent circumstances, which must be approved by the Arbitration Panel. Counsel and self-represented parties must provide their telephone contact numbers on the Virtual Arbitration Hearing Request Form sent to [civilarbact@allegheycourt.us](mailto:civilarbact@allegheycourt.us) **Parties must also have the cellphone numbers of each of their witnesses available to provide to the Arbitration Panel upon request, to insure a method of backup contact in emergency circumstances.**

### Before the Hearing

1. Access to Microsoft Teams: In order to ensure all participants in the Virtual Arbitration Hearing are able to access the hearing, all parties are responsible for ensuring all devices that will be used to join the hearing have either:
  - a. [Microsoft Teams App or Desktop Application](#) (Recommended) - which may involve creating a Microsoft Teams account; or,
  - b. [Microsoft Edge Browser](#) (available for Windows, Android, macOS, and iOS).No participant is required to have a paid license for Microsoft Teams. The Court holds licenses and will be the host for all Virtual Arbitration Hearings.
2. Use of Real Name Required: Each participant in the Virtual Arbitration Hearing must use their real name and identifying information on the Teams Platform.
3. Conflict Check: A conflict check email will be sent to all parties and Arbitration Panel members in advance of the hearing to determine the existence of conflicts. Parties must

promptly reply to report any conflicts to accommodate an alternate Arbitration Panel or hearing date.

4. Familiarity with Microsoft Teams Required: Each participant in the Virtual Arbitration Hearing must be familiar with Microsoft Teams in advance of the Virtual Arbitration Hearing. The following links may be helpful in better understanding this platform:
  - a. [Joining a Meeting](#)
  - b. [Joining a Meeting Without an Account](#)
  - c. [Screen Sharing](#)
  - d. [Miscellaneous Training Information](#)
5. Impeachment or Rebuttal Evidence: If a party has true impeachment or rebuttal evidence, they shall prepare it in advance of the Virtual Arbitration Hearing and send it during the hearing to the email addresses of all parties at the time in the hearing where admission of the evidence is sought. If the Arbitration Panel admits the evidence, the presenting party must then email it to the Arbitration Panel (and re-email it to all parties) before using the evidence during the hearing.
6. Availability of Documents to Arbitration Panel During Hearing: The Arbitration Panel will have available to review during the fully Virtual Arbitration Hearing all documents that have been properly submitted to the Court through the Sharepoint file, described in greater detail in the “Exhibits” section of these Protocols. Litigants appearing remotely in a partial remote hearing must be prepared to screen share their exhibits via Microsoft Teams.
7. Parties Must File Their Own Documents: Neither the Arbitration Panel nor arbitration division staff, will file pleadings, exhibits, or other documents for you. Parties are responsible for filing all documents with the Department of Court Records.

### Witnesses

1. Advance Submission of Witness List: No later than 12 noon on the last business day before the hearing, each party shall provide a list of the names, phone numbers, and email addresses of all witnesses, attorneys, and parties participating in the Virtual Arbitration Hearing by placing the witness list in the Sharepoint file as explained in the Exhibits section of these Protocols.
2. Notice of Hearing to Witnesses & Participants: Parties are responsible for forwarding the hyperlink they receive to the Virtual Arbitration Hearing to all witnesses and persons they wish to be present at the hearing.
3. Compliance with Court Rules, Orders, and Protocols: Parties are responsible for notifying all participants and witnesses at the Virtual Arbitration Hearing of the requirements of these Protocols, Court Rules, and/or Orders applicable to the hearing.

### Exhibits

1. Advance Submission of Exhibits, Memoranda & Case References: All proposed exhibits, memoranda and case references to be introduced or referred to at the Virtual remote Arbitration Hearing **MUST** be submitted to the Court's Sharepoint file no later than 12 noon on the last business day the before the Virtual Arbitration Hearing, unless otherwise specified.
2. Each Party is Responsible for Submitting their Own Records onto Sharepoint: Each party is responsible for submitting all their documents to the Sharepoint file. Do not mail, e-mail, or deliver documents to the Court to submit to Sharepoint. No documents will be submitted to Sharepoint by the Court.
3. Documents on Docket Must Still be Submitted to Sharepoint, including Rule 1305 documents: If a party intends to submit a document to the Arbitration Panel during the fully Virtual Arbitration Hearing that is already on the docket for the case, the party must still submit that document to the Court's Sharepoint file . This includes documents subject to Pa.R.C.P. 1305(b).
4. Submission of Documents to Sharepoint Does Not Constitute Filing: A party's submission of documents to the Court's Sharepoint file does not constitute filing with the Court. Filing with the Court is only accomplished through a party's filing the document with the Department of Court Records.
5. All Properly Submitted Documents Will be Provided to Arbitration Panel by the Court: All exhibits, memoranda and case references that have been submitted to the Court in compliance with this Protocol will be provided by the Court to the Arbitration Panel in advance of the fully Virtual Arbitration Hearing. The Arbitration Panel will have access to all properly submitted documents during the fully Virtual Arbitration Hearing.
6. Pre-Marking of Exhibits is Required: All exhibits MUST be labeled at the top by naming each file with the party name and exhibit number or letter. Plaintiff shall number exhibits sequentially. Defendant shall label exhibits with letters. For example, if the Plaintiff is Jane Doe the file name for Exhibit 1 would look like: ***Doe Exhibit 1***. If Ms. Doe is the Defendant, it would read: ***Doe Exhibit A***. Please also label at the top the physical exhibit if possible before scanning or saving your document for upload.
7. Exhibit List: In addition to the individual exhibits, counsel, and self-represented parties shall submit with the exhibits an exhibit list, identifying each numbered or lettered exhibit and a brief description. For example, Plaintiff Jane Doe's exhibit list would be titled: ***Plaintiff Doe Exhibit List***.
8. Redaction of Documents: Each party is responsible for ensuring that all documents submitted to OneDrive are redacted in compliance with the [Public Access Policy of the Unified Judicial](#)

System of Pennsylvania, including redaction of all personally identifying information (e.g. Social Security numbers, driver's license numbers, minor names, and credit card numbers.)

### Accessing the Hearing

1. Computer Connection Strongly Recommended: The Microsoft Teams platform works on all smart phones, tablets, and computers. However, connection by computer is **STRONGLY** recommended.
2. All Participants Must Appear by Video & Audio Absent Consent or Order of Court: All participants must have both video and audio on the device they use to connect to the Virtual Arbitration Hearing. If a participant seeks to join the Virtual Arbitration Hearing by audio only, they may only do so by:
  - a. Consent of all parties;
  - b. Approval of the Arbitration Panel; or,
  - c. Court Order obtained and provided to the Arbitration Division in advance of the hearing.
3. Join Virtual Hearing 30 Minutes in Advance: All attorneys, parties, and witnesses for the scheduled Virtual Arbitration Hearing shall join the Virtual Arbitration Hearing at least thirty (30) minutes before the scheduled start time to ensure sufficient time for testing the electronic format and to address in advance issues with audio, video, documents, evidence, or other pre-hearing procedural matters.

### During the Hearing

1. Decorum: A Virtual Arbitration Hearing is an official court proceeding. All counsel and participants shall observe all rules of decorum, civility, and ethics during Virtual Arbitration Hearings. Everyone involved shall display respect for the dignity of the Court by their conduct, language, and attire.
2. Microphone and Video: When each participant is admitted to the Virtual Arbitration Hearing, the participant's video will be on and audio will be muted until the hearing begins. The Arbitration Panel retains the authority to limit audio and video images to the witness testifying and the attorneys conducting examinations at any time. The Arbitration Panel retains the authority to request the muting of any microphone at any time during the hearing. The Arbitration Panel will control all screen sharing of any documents to be viewed during the hearing.
3. Communication with other Participants During Hearing: Except as provided below for attorney-client communication, while testifying, witnesses shall not use notes, cell phones, other devices or receive prompting by other persons, including text messages, unless permitted

by the Arbitration Panel. Aside from the questioning of witnesses in the hearing, attorneys may not communicate with witnesses during their testimony. Participants are prohibited from using the Microsoft Teams “chat” feature unless permitted by the Arbitration Panel.

4. Attorney-Client/Witness Communication During Hearing: Attorneys may, with the Arbitration Panel’s approval, communicate with a client through private messaging during the Virtual Arbitration Hearing, but may not use the Teams platform or Chat feature to do so.
5. Sidebar: An attorney or self-represented litigant may request a conference with other counsel or litigants or a sidebar with the Arbitration Panel during the Virtual Arbitration Hearing. The Arbitration Panel will control the conduct of the Virtual Arbitration Hearing.

### Recordings and Transcripts

1. Private Recording of Hearing Prohibited. No participant is permitted to record or save any part of the Virtual Arbitration Hearing. **Recording/saving is strictly prohibited.** Participants shall not record, duplicate, save or photograph any audio, video, or image of any part of the hearing, including conferences or sidebars. This prohibition applies to using Microsoft Teams or any other means of recording or saving content. Any party, attorney, witness or other participant who creates an unauthorized recording of any portion of a Virtual Arbitration Hearing, at the Court’s discretion, may be held in Contempt of Court, for which the Court may impose sanctions following a hearing.
2. Transcription of Hearing. Each party has the right to invite a court reporter to transcribe the Virtual Arbitration Hearing as long as it is done in compliance with the Rules of Civil Procedure and other applicable rules of court. Any process for obtaining a copy of the transcript, including making payment, shall be handled privately between the litigants and the court reporter. The Court shall not supply court reporters for a Virtual Arbitration Hearing, absent specific order of court, obtained in advance of the hearing and provided to appropriate court personnel in sufficient time in advance of the hearing to arrange for the court reporter.