



Virtual Hearings in International Arbitration¹

As the duration of safety measures on travel and social distancing remains uncertain worldwide,² users of international arbitration and tribunals are exploring virtual hearings as a way forward.

Successful virtual hearings require thorough planning. Users can choose to organize hearings themselves using videoconferencing programs. For more complex hearings, some international arbitration administrators currently offer virtual hearing platforms, each with varying features and functionality.³ In either case, users should ensure that the arrangements are adequate for the proceedings.

For users and tribunals currently exploring virtual hearings as an option, Shook, Hardy & Bacon L.L.P. provides the below checklist to help them get started.

I. Compliance with Pandemic Safety Measures

- At each of the participants' locations, are any local safety measures in effect, such as social distancing or shelter-in-place, and, if so, is there any risk they will be violated by a participant?
- Do the virtual hearing arrangements comply with the standards issued by the institution administering the proceedings?
- For non-parties such as reporters, interpreters and technical support staff, do the virtual hearing arrangements comply with safety standards applicable to each of them?
- If the hearing is ad hoc, should the tribunal follow published standards from an institution?

During a pandemic, participants and service providers from different jurisdictions might be subject to different safety protocols that can change during the course of the proceedings. For example, if a mandatory shelter-in-place order takes effect in a participant's jurisdiction, a procedural order requiring that a participant connect through a local virtual hearing center (e.g., because of technical standards for video and audio quality) will become impracticable. Verifying that a home connection will serve as an adequate backup for each participant may be a needed redundancy in planning for a hearing.

II. Selecting an Adequate Virtual Hearing Platform and Securing a Robust Connection



- Can the hearing be hosted by the tribunal or one of the parties through a conventional video-conferencing platform (“self-help”), or will it be outsourced to a dispute services provider?
- Will each participant be able to connect to the hearing either from a videoconference room or from a personal device? If the latter, is the virtual hearing platform compatible with the device’s operating system?
- Are there multiple connection methods available, such as video, internet audio and telephone audio, and what level of redundancy is needed should a video or audio connection method fail?
- For virtual hearing platforms needing an internet connection, what data speeds are required? Do the relevant users have access to the required data speeds? Is a test appropriate to verify functionality and facility of use?⁴

Many practitioners and arbitrators have embraced the use of videoconferencing programs like Skype and Zoom in the wake of COVID-19 societal disruptions. These programs can be used by the parties or arbitrators themselves to host videoconference hearings. Many of these platforms support screen sharing so that participants may show slides and exhibits. These services also offer multiple connection methods⁵ so that participants can connect and participate across multiple devices. Currently, hosting limits are frequently adequate for nearly all arbitration hearings—even the basic editions of Skype and Zoom support up to 50 and 100 users, respectively.

Some hearings are more complex. They may demand a combination of (i) witness examinations, (ii) extensive use of exhibits, (iii) “live note” real-time transcription, and (iv) simultaneous translation services. Here, parties should consider using a specialized virtual hearing platform with features that cover these needs.

Users should also establish back-up or redundant connections to the hearing for each participant. Tribunals should also develop a protocol in the event a connection is lost and cannot be restored expeditiously or technical difficulties arise that threaten the orderly administration of the hearing, taking into account as well any applicable law of the arbitral seat. A protocol should be established for alerting the tribunal—or technology coordinator, where applicable—of technical difficulties occurring during the hearing. Users should have redundant contact methods (e.g., telephone and email) in advance should they be needed. A tribunal always has the authority to determine whether a hearing should be rescheduled, but in the case of a virtual hearing, it may be prudent for the tribunal to discuss with the parties a checklist of what can go wrong and what the reaction should be in each such event.



III. Audio and Video Hardware and Connection

- Where participants are able to operate together in a conference room, does each room have a sufficient number of speakers and microphones to accommodate all participants?
- Will screens be able to clearly display documents and other information, such as demonstrative exhibits or live transcripts, for counsel and the tribunal?
- Are the cameras able to broadcast high-definition video?⁶ Should minimum standards for hardware be set?⁷
- Do the cameras support tilting, panning and zooming by the tribunal or lead technician?
- If the cameras are static, are they showing the “whole room” of certain participants appearing by video link, such as witnesses?
- Should a live technician be available to help each participant establish an adequate connection?

Ideally, groups of participants (e.g., the arbitral tribunal, counsel teams) would benefit from broadcasting from a conference room or virtual hearing room outfitted with wide-angle cameras and an audio system providing ample speakers and microphones for the group. Of course, geography or pandemic safety measures may prevent certain participants from accessing conference facilities, so the tribunal and the parties should be prepared to plan equipment contingency plans for homebound users.

For virtual hearing arrangements that feature movable cameras, the presiding arbitrator or case manager typically controls camera adjustments in the virtual hearing room. When only static cameras are available, the parties and tribunal may insist on an additional wide-angle view of any room used by a testifying witness to ensure that they are not communicating with anyone other than the tribunal and the examiner. The default close-up camera angle for witnesses should be set to allow the tribunal and counsel to evaluate the demeanor of the witness.

If a lead technician is available during the virtual hearing, the technician will typically oversee the audio-visual needs of the proceedings, including camera placement and movements, at the direction of the tribunal.



IV. Document Sharing

- ❑ Does the platform allow for sharing slide presentations (e.g., PowerPoint) with participants?
- ❑ Does the platform allow sharing of the record with hearing participants?
- ❑ Does the platform allow participants to make annotations or use a “pointer” on documents on the record as they are displayed?
- ❑ Have all non-party witnesses signed a confidentiality agreement (if applicable)?

Most of the major self-help videoconferencing platforms provide participants with the ability to share their screen, so counsel can broadcast presentation slides or display exhibit pages. Demonstrative exhibits and presentation slides may be circulated to the tribunal and opposing counsel in advance for ease of reference.

In hearings involving witness examinations, the parties and tribunal may require support for document sharing where there is not a case management order in place that requires identification of documents that are going to be used in each examination. Whether impeachment exhibits are listed pre-hearing or are allowed to be used without previously being listed has an impact in a virtual hearing, where the witness and the examiner are in different locations. Certain non-party witnesses may also not be privy to the joint record shared by the parties and the tribunal. For these situations, many litigation service providers offer proprietary document management overlays that allow examining counsel (or a technician at counsel’s direction) to present the witness with an exhibit file electronically.⁸ Unlike the more limited screen-sharing feature, witnesses are able to review the entire exhibit—a common practice to familiarize themselves with the document and understand its context before answering questions. They may also offer “telestrator” options so that counsel can visually direct the witness’ attention to certain portions of the text.

Tribunals routinely include confidentiality provisions in their procedural orders, which govern how information will be identified and exchanged to avoid public distribution. Arbitration clauses may also require all third parties to agree to be bound by those restrictions. Witnesses may enjoy increased access to confidential documents when they are shared digitally, as compared to a private in-person hearing. Virtual hearing participants should ensure that all non-party witnesses consent to the operative confidentiality terms before they first receive these materials, whether at the hearing or during pre-hearing preparation.



V. Special Considerations for Fact and Expert Witnesses

- Where oaths are to be administered, can the oath be administered remotely under the governing law and consent of the parties?
- Where sequestration has been ordered, are measures in place to ensure that witnesses are sequestered during examination?
- If more than one expert is testifying at the same time, can the platform enable such dual testimony?

In response to the pandemic, several U.S. states and numerous jurisdictions worldwide have authorized court officials and reporters to swear-in witnesses by video or teleconference, even if the reporter is not in the same room as the witness.⁹ If an oath is to be administered in the arbitration for each witness, counsel should research oath administration rules in force at the time and whether they can be administered in a virtual setting or waived by the parties.

As referenced above in section III outlining audio-visual concerns, the treatment of witnesses demands extra attention from the tribunal and counsel. The threat of witness tampering or feeding answers is a concern for virtual hearings, especially for proceedings under pandemic-related safety measures. These concerns can be ameliorated if the witness is physically located in a remote hearing room or conference room with multiple cameras without access to a mobile device or any other communication hardware other than the monitor used for the hearing. If the parties anticipate that one or more witnesses will be testifying from a remote “solo” location, they can agree to supply the witness with additional hardware such as a digital camcorder or laptop so that the surroundings of the witness are established to the satisfaction of the tribunal. The hardware can be provided by counsel, the administering institution or a legal services provider. Having a disinterested third party (e.g., a local notary) verify the surroundings of the witness is another mechanism to consider.

Concurrent expert witness examinations can be easily accommodated under most virtual hearing platforms. The tribunal and the parties may prefer that the experts testify from the same physical location, if geographical considerations and local pandemic safety guidelines allow it, to facilitate discussion, document review and information sharing.

VI. Communications Between Participants



- Does the platform allow for private communications between individual participants? If not, is there a backup?
- Does the platform allow for breakout “rooms” during breaks?
- Is there an agreement on a speaking protocol?

Counsel teams and the tribunal members must be able to converse privately amongst each other during the virtual hearing. Proceedings held under quarantine-like safety measures require that parties consider private channels of communication.

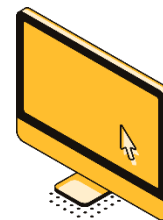
For self-help videoconference proceedings, the groups may communicate by using a text-based “group chat” program or email. The tribunal can also facilitate intra-team communications by scheduling more frequent breaks, during which the parties may mute or disconnect from the virtual hearing to converse privately by teleconference or videoconference.

Some proprietary legal services platforms offer integrated “group chat” channels that can be restricted to certain participants,¹⁰ though some participants may prefer the added privacy of using their own devices or services.

The tribunal should consider including a speaking protocol clause in the procedural order to establish a practical method for participants to signal certain verbal interjections (e.g., objections from counsel, questions from the tribunal) in order to minimize cross-talk. The desire to create a clean record is an evergreen concern for hearings featuring transcription and translations. These challenges are magnified in virtual hearings when participants are inhibited by connection lag between the audio and video feeds. For example, the parties can agree on using a raised hand gesture or a software-based alert before speaking. The speaking protocol can also help participants communicate when someone is speaking too quickly or if they need an unscheduled break.

VII. Transcription

- Do the parties desire a live transcript to be shown on screen for hearing participants?
- Which language(s) should be shown on screen?
- Which participants should see live transcripts?



Many transcription vendors either offer virtual hearing services themselves or can easily integrate their efforts with a third-party provider. They can offer a split-screen real-time transcription that can be displayed next to the video feed of the speaking participant. The tribunal and counsel may independently pause their personal text stream, scroll through the transcript and annotate portions of the record for later review.

In dual-language proceedings with dual transcriptions, screen-size limitations may hinder a participant’s ability to actively monitor more than one transcription feed. Tribunals and counsel seeking to review two transcript streams should ensure that their display hardware is sized to accommodate this option.

VIII. Translations



- Is the platform better suited for simultaneous or consecutive translation?
- Should the hearing allow for sight translation of documents?

The parties and tribunal must decide on an agreed translation methodology. Determining the best method for a given virtual hearing depends on two factors: (i) whether the proceedings require dual transcripts, and (ii) whether the witness and translator can be located in the same physical space.

For dual-language proceedings mandating separate transcripts in each language, simultaneous translation will be the most efficient method, whereby the interpreter translates the message in the target language while the speaker is still speaking and the translation is delivered with a slight delay to the target listener. At in-person hearings, the translator usually sits in a soundproof booth and listens to the speaker through headphones and delivers the translation via microphone to the listener's earpiece.

However, this configuration may be challenging to replicate in a self-help virtual hearing. The arrangements would need to be such that the translation team can listen to the hearing and emit a separate translation audio feed. Each hearing participant that wishes to hear the translation feed will have to connect separately to that feed, while being connected to the main hearing at the same time. To be sure, this could be achieved in theory (for example, by using two conferencing platforms at the same time), but it will require coordination, a reliable connection and sufficient hardware.

Consecutive translation—when the interpreter waits for the speaker to finish before translating the speaker's words into the target language—might be better suited where simultaneous translation is not possible. Although consecutive translation works best when the translator is in the same room as the witness, this method can also be used during pandemic safety measures when the translator must remain separate from the witness. Consecutive translation is also more forgiving of connection lag and is more straightforward to set up in a virtual hearing—but it will be more time-consuming.

Sight translation of documents, where an interpreter translates a document for participants during the hearing, should be avoided because they may extend the duration of the hearing significantly and can be less reliable than translations prepared before the hearing. The tribunal should encourage parties to provide translations of relevant portions of documents as part of their pre-hearing submissions. This is a good practice in any case to avoid argument over the accuracy of the translation.

IX. Recording, Transparency and Post-Hearing

- Will the hearing be recorded?
- Will recordings include video or audio only?
Will video recordings use a “feed director”?
- Do recordings need to be published subsequently, and if so, how and for how long?
- May the parties record the hearing on their own?
May a witness use a recording device?
- Must hearings be made available to the public? If so, must they be broadcast online or can they be transmitted to an overflow room?
- If using an overflow room, does that method comply with applicable pandemic-related safety norms?
- For any post-hearing submissions and corrections, will recordings of the hearing be made available to the parties? If so, how?
- Will copies of materials presented during the hearing be made available to the public? If so, how?



Transcription providers typically provide counsel with audio recordings of the proceedings to verify the accuracy of the transcript. Users’ reliance on video cameras to broadcast a virtual hearing will consequently make video recording a viable option, including in self-help arrangements, as the option to record a session is included in several conventional videoconferencing programs. In any event, the parties should confirm recording arrangements with the tribunal.

Video recordings provide greater detail, information and context, but the file sizes are large. File sizes will be even greater if they include all audio data and every video feed of the proceedings. Alternatively, parties and tribunals can consider using a “feed director” who would select the feed to be used at a particular time in the hearing for the final video record.

Some international arbitrations, particularly public international law disputes involving states, are subject to transparency rules that mandate public access to hearings.¹¹ For ordinary in-person proceedings, overflow rooms allow members of the public to observe the hearing in real time from a pre-determined location. They are an alternative for parties and tribunals that prefer not to (or are unequipped to) broadcast a livestream of the hearing video feed(s). In a virtual hearing setting, an online broadcast can serve the same function as a traditional overflow room.

Typically, recordings of hearings are provided to the parties in audio format only. However, when video copies are to be provided to the parties, users should consider making available only copies as shown by the feed director. This could help make the recordings not just more manageable in size but also easier for parties to use for their post-hearing submissions.

For the same reasons, users should consider making audio-only copies available to the public. Where video copies are to be made available, users should consider making available only a “directed” video copy instead of recordings of multiple video streams of the same hearing.



X. Security and Privacy

- Are the connections to the virtual hearing secure?
- What kinds of security standards should be established?

Connections to virtual hearing platforms are prone to security breaches. Password protection and data encryption are two sample methods to prevent such security breaches. Security breaches can compromise client and participant information as well as the devices used to connect to the hearing. Users should consider enacting safety protocols for connections to virtual hearings.¹² For example, institutions or legal services providers can opt to disable allowing participants to join a meeting before a host joins and prevent a malicious user from taking charge before the meeting has even started. Administrators can also require all participants to enter a password (sent by separate cover) to prevent unwanted interlopers. For users interested in learning about additional security controls, Shook’s data privacy group has published a best practices guide for users of videoconferencing platforms.¹³

XI. Due Process



- Do the virtual hearing arrangements comply with any applicable due process standards? Do the parties have the necessary tools to address any potential due process concerns?
- What is sufficient consent to hold the hearing virtually? Should the tribunal obtain the consent of all parties to hold the hearing virtually? Under the governing due process rules, are in-person hearings mandatory? If so, can parties waive their right to an in-person hearing?

Parties and the tribunal must be sensitive to the due process concerns unique to virtual proceedings.¹⁴ Users must ensure that each party has access to the technology needed to protect due process rights, such as the right to be heard and to examine witnesses.

Tribunals can protect against technology-related due process challenges by seeking confirmation from counsel at the commencement and conclusion of each session that the party was able to be heard. Moreover, the procedural order may impose an obligation to each party to raise an objection immediately if any due process issues arise during the virtual hearing.

When a witness’ ability to participate is affected and the issue cannot be resolved expeditiously, the tribunal will have to adapt the process or schedule to obtain the witness’ testimony unless the parties agree otherwise. If a witness is ultimately unable to participate virtually (or travel to a location where the witness can connect to the hearing) and telephone testimony cannot be agreed upon, then the tribunal will have to consider the application of rules governing the unavailability of witnesses.

Parties and tribunals may also need to consider parties’ rights to have a timely resolution of the dispute. Under the governing due process principles, it is possible that it would be improper to suspend a hearing indefinitely until the end of a pandemic. Also, in a pandemic, parties should expect to see jurisdictions

develop an increased predisposition to virtual hearings.¹⁵ This could help tilt the analysis in favor of holding a hearing virtually. In cases where neither the parties nor the tribunal contemplated a virtual hearing and one of the parties refuses to participate in a virtual hearing, the analysis will likely need to delve deeply into the facts and applicable law, with the above principles serving as a starting point. •

Contacts

Reach out to us for more information on international arbitration matters.



Carlos F. Concepción
*Chair, Global Arbitration
Practice Group*
305.755.8975
cconcepcion@shb.com



Ricardo Ampudia
Of Counsel
305.755.8949
rampudia@shb.com



John Barkett
Partner
305.960.6931
jbarkett@shb.com



Giovanni Angles
Of Counsel
305.755.8997
gangles@shb.com

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² See, e.g., *Travel Health Notices*, CENTER FOR DISEASE CONTROL (U.S.), (last accessed 1 April 2020) available at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notices.html#travel-1> (advising that “most” foreign nationals who have been in China, Iran, “most European countries,” the United Kingdom and Ireland will not be allowed to enter the United States); *EU Coronavirus response - latest updates*, EUROPEAN COMMISSION (E.U.), (last accessed 2 April 2020) available at https://ec.europa.eu/commission/presscorner/detail/en/FS_20_552 (stating that there will be a temporary restriction on non-essential travel to the EU for 30 days with exemptions for specific categories of travelers and for the repatriation of citizens stranded abroad); *Guidelines to be taken by Ministries/Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities for containment of COVID-19 Epidemic in the Country*, MINISTRY OF HOME AFFAIRS (India), (last accessed 2 April 2020) available at https://mha.gov.in/sites/default/files/Guidelines_0.pdf (suspending all transport services for 21 days, including air, rail and roadways except for essential goods and emergency services and listing strict punishments for violations); *Social, preventive and compulsory isolation*, MINISTRY OF HEALTH (Argentina), (last accessed 2 April 2020) available at <https://www.argentina.gob.ar/coronavirus/aislamiento> (stating that all citizens must remain in their homes from 20 March 2020 to 12 April 2020 and may not go to work, circulate on routes, roads and public spaces, and may only make minimum and essential trips to stock up on cleaning supplies, medicines and food); *Visitor and Travel Advisory*, MINISTRY OF HEALTH (Kenya), (last accessed 2 April 2020) available at <http://www.health.go.ke/covid-19/#1585094540951-3782f3e2-8e8373d1-981a> (instituting 14-day quarantine requirements for incoming travelers).

³ See, e.g., A Brief Guide to Online Hearings at ICSID, ICSID, available at <https://icsid.worldbank.org/en/Pages/News.aspx?CID=362> [hereinafter A Brief Guide to Online Hearings at ICSID] (offering features such as real-time transcripts visible to hearing participants, chat with groups or individual hearing participants, and document sharing); JAMS Virtual Conference Room, JAMS, (last accessed 2 April 2020) available at <https://www.jamsadr.com/virtual-conference/> (offering web browser-based conferencing ideal for motion hearings and witness testimonies, which requires no installation and can accommodate 16 users at a time); AAA-ICDR Video Conferencing for Hearings, AAA, (last accessed 2 April 2020) available at <https://go.adr.org/aaa-icdr-video-conferencing.html> (offering videoconferencing for hearings and audioconferencing for audio hearings).

⁴ For sample internet connection standards, see, e.g., Seoul Protocol on Video Conferencing in International Arbitration, KCAB (Republic of Korea), (hereinafter **Seoul Protocol**) (last accessed 2 April 2020) available at http://www.kcabinternational.or.kr/user/Board/comm_notice_view.do?BBS_NO=548&BD_NO=160&CURRENT_MENU_CODE=MENU0025&TOP_MENU_CODE=MENU0024 (stating that internet connections should be secure and stable throughout the proceeding and safeguarded against unlawful interception); DRAFT GUIDE TO GOOD PRACTICE ON THE USE OF VIDEO-LINK UNDER THE EVIDENCE CONVENTION, HCCH, (Mar. 2019) available at <https://assets.hcch.net/docs/eobee1ac-7aab-4277-ad03-343a7a23b4d7.pdf> (hereinafter DRAFT GUIDE) (recommending that an IP [Internet Protocol] network be used, which uses a data connection for transmission. The Draft Guide also recommends that, where available, an ISDN [Integrated Services Digital Network] connection be reserved as a back-up, which uses a telephone line for video transmission instead.”).

⁵ Such connection methods can include toll-free telephone numbers, internet audio and internet video.

⁶ High-definition video usually requires at least a 720p resolution with 30 frames per second. For sample camera standards, see, e.g., Seoul Protocol, *supra* note 3, (stating that cameras must allow a reasonable part of the interior of the room in which the witness is located to be shown on screen, while retaining sufficient proximity to clearly depict the witness); DRAFT GUIDE, *supra* note 3, (recommending that to the extent possible, cameras should be equipped with functions for panning, tilting and zooming).

⁷ For sample microphone standards, see, e.g., Seoul Protocol, *supra* note 3, (stating that microphones must have echo-cancellation with a frequency range of 100-7,000 Hz, capable of muting, with an on/off switch and full-duplex audio).

For sample earpiece and speaker standards, see, e.g., Seoul Protocol, *supra* note 3, (requiring audio coding standards G.711 (3kHz audio-coding within 64 kbit/s) or G.722 (7kHz audio-coding within 48 or 56 kbit/s)); DRAFT GUIDE, *supra* note 4, (encouraging states to install an additional audio system to enhance the sound quality of the existing video-link equipment).

For sample screen standards, see, e.g., DRAFT GUIDE, *supra* note 3, (recommending that cameras and screens be able to broadcast high definition video (720p), supporting a resolution of at least 1280x720 pixels).

⁸ See, e.g., Veritext Exhibit Share, VERITEXT LEGAL SOLUTIONS, (last accessed 2 April 2020) available at <https://www.veritext.com/services/veritext-exhibit-share-intro> (describing how the service allows for electronic introduction of exhibits from a secure private repository and the option to share exhibits with all participants whether local or remote); TLS Video-Link and Exhibits App, TRANSPERFECT LEGAL SOLUTIONS, (last accessed 2 April 2020) available at <https://www.transperfectlegal.com/services/deposition-trial-support> (offering similar functionality).

⁹ See, e.g., Supreme Court of Florida Order for COVID-19 Emergency Procedures for the Administering of Oaths Via Remote AudioVideo Communication Equipment (Mar. 18, 2020), available at <https://www.floridasupremecourt.org/content/download/632105/7182680/AOSC20-16.pdf>; Civil Justice in England and Wales Protocol Regarding Remote Hearings, JUDICIARY OF ENGLAND & WALES (U.K.), (20 Mar 2020) available at <https://www.judiciary.uk/wp-content/uploads/2020/03/Civil-court-guidance-on-how-to-conduct-remote-hearings.pdf>; HMCTS telephone and video hearings during coronavirus outbreak, HMCTS (U.K.), (27 Mar. 2020) available at <https://www.gov.uk/guidance/hmcts-telephone-and-video-hearings-during-coronavirus-outbreak>.

¹⁰ See, e.g., A Brief Guide to Online Hearings at ICSID, *supra* note 2, (stating that the virtual chat function allows participants to communicate both individually amongst each other or with the entire group).

¹¹ See, e.g., Dominican Republic-Central America-United States Free Trade Agreement, art. 10.21.2.

¹² For sample security protocols, see, e.g., DRAFT GUIDE, *supra* note 3 (encouraging states to ensure appropriate security measures are in place and recommending that encryption of signals be the industry standard).

¹³ Palak Shah, Maximizing Teleconferencing Privacy, SHOOK, HARDY & BACON COVID-19 PRIMER SERIES, available at <https://sites-shb.vuture.net/69/911/april-2020/covid-19-client-primer---april-2020---issue-9.asp>

¹⁴ Depending on the law governing the arbitration, due process tenets relevant to virtual hearings could include the right to present one's case, the right to defend against the case of the opponent, the right to confront and examine witnesses, and the right to be heard. See, e.g., Arbitration Act (U.K.), §33(1)(a); UNCITRAL Model Law, Art. 18 (2006). Parties and tribunals should also be mindful of any requirements in the law of the seat pertaining to hearings and ensure that virtual arrangements comply with such requirements.

Arbitral tribunals should also be sensitive to due process standards governing challenges to the award. The New York Convention allows refusal of recognition and enforcement of an arbitral award if a party was not given an opportunity to present its case. United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, Art. V.1(b) (1958).

¹⁵ See, e.g., Coronavirus and N.Y. State Courts, available at <https://www.nycourts.gov/>; Court Operation Guidance (Texas), available at <https://www.txcourts.gov/media/coronavirus-covid-19-court-operation-guidance/>; Statewide Emergency Order (California) available at <https://www.publicjustice.net/wp-content/uploads/2020/04/California-Statewide-Emergency-Order-issued-March-30-2020.pdf>; Supreme Court of Florida Order for Comprehensive Covid-19 Emergency Measures for the Florida State Courts (Apr. 6, 2020), available at <https://www.floridasupremecourt.org/content/download/633282/7195631/AOSC20-23.pdf>.