

Arbitrating in the Age of Zoom

“The new norm of social distancing, and a recent decision out of the Eleventh Circuit Court of Appeals, are changing the way arbitrations are conducted. Now is the time to update the arbitration provisions in your contracts to take advantage of these changes the next time you have to arbitrate a dispute,” writes Henry R. Chalmers in Arnall Golden Gregory’s *News & Insights*.

“The standard arbitration hearing has always involved the parties, attorneys, witnesses, and arbitrators together in the same room, similar to an informal trial setting. The COVID-19 pandemic may change that for the foreseeable future. Just as businesses are transitioning away from in-person conferences and towards Zoom meetings, so too are arbitration hearings.”

“The Rules for many arbitration tribunals—like the American Arbitration Association and JAMS—allow arbitrators to decide whether to hold hearings in person or via video conference, unless the parties have agreed otherwise. So, the next time you negotiate a contract with an arbitration provision, think about whether it would be to your advantage to require that disputes be arbitrated in person or remotely, then draft that into the contract.”

Chalmers provides a few things to consider in making this decision.

Read the article.