

Ten Tips on Handling a Virtual Evidentiary Hearing Before a Regulatory Agency

“A virtual hearing can be challenging for any regulatory lawyer. It requires relying on technology more than ever to advocate for clients. It can feel like talking to an empty room, even if you’re on camera. Plus it requires attorneys to get results for our clients without the benefit of interpersonal contact with the judge, commissioners or staff. However, having survived my first virtual evidentiary hearing before a state energy commission in April 2020 – and with the benefit of hindsight – it’s like everything lawyers do for the first time in our practice: *It’s a challenge until you do it.* And like the first oral argument we made or the first hearing we ever litigated, we learn lessons and improve each time,” writes Tara S. Kaushik in Holland & Knight’s *Insights*.

“We will likely face more than a few virtual hearings given the current pandemic and shelter-in-place orders. Currently, many state regulatory agencies have postponed evidentiary hearings or scheduled briefs and telephonic oral arguments to narrow the issues requiring hearings. But that can only last so long, given that utilities, power grid operators, pipelines and other energy companies have to continue doing business as essential services.

The post provides some practical tips to manage the challenges of a virtual hearing.

Read the article.