



# CADRE

the center for appropriate dispute  
resolution in special education

**May 7, 2020**

# Due Process in a Quarantined World: The Nuts-and-Bolts of Effective Virtual Hearings

*Facilitated by:*

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# Technical Notes

- This webinar is for participants on the CADRE State DPH Listserv and their invited hearing officers. Your lines are currently muted.
- You may submit questions to the question box, this will be monitored. I will be reading these questions to the presenters.
- Thank you in advance, for taking the time to respond to the brief survey at the end of this forum.
- This webinar will be posted and made available to the general public on CADRE's virtual meetings resource page (<https://www.cadeworks.org/virtual-meetings-strategies-tips-and-resources>)

# Disclaimer

*The information shared in this webinar is not intended to serve as, nor should it replace, legal advice. Opinions expressed by today's presenter are not represented to be an official or unofficial interpretation of legal guidance from the U.S. Department of Education or CADRE. Application of information presented may be affected by your state's statutes, regulations, departmental/local policies and practices, and unique fact-patterns of a particular case. The services of a duly-licensed attorney in your state should be sought in responding to individual situations.*

# DUE PROCESS IN A QUARANTINED WORLD: THE NUTS-AND-BOLTS OF EFFECTIVE VIRTUAL HEARINGS

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Jake McElligott, Pennsylvania Special Education Hearing Officer

Cathy Skidmore, Pennsylvania Special Education Hearing Officer

# BACKGROUND

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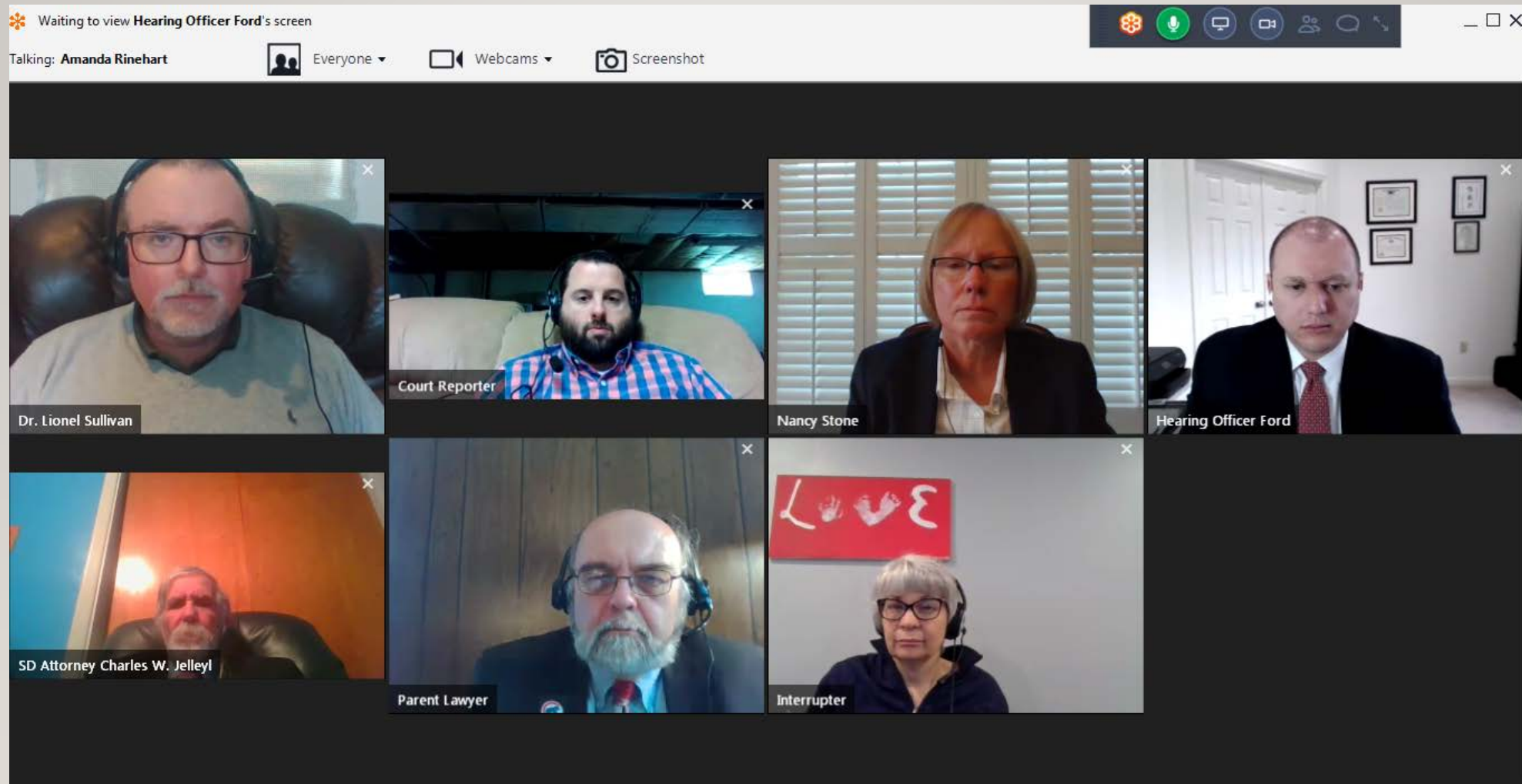
- Introductions
- Virtual Hearings in Pennsylvania
- Webinar Content for Represented Parties Only

# THE VIRTUAL HEARING ENVIRONMENT

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- Ubiquitous Number of Platforms
- Terms/Participants
  - ❖ Hearing Officer (Organizer)
  - ❖ Attendees
  - ❖ Witness
  - ❖ Counsel
  - ❖ Court Reporter

# VIRTUAL HEARING ATTENDEE WEBCAMS



# VIRTUAL HEARING ENVIRONMENT, CONT'D

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- Tour of Virtual Hearing
- Attendee Icons
- Attendee List
- Chat Feature
  - ❖ Default may be Yes?
  - ❖ Disabled!



# VIRTUAL HEARING ATTENDEE LIST

The screenshot displays a GoToMeeting interface for a virtual hearing. The main window shows a grid of seven video thumbnails, each with a name label at the bottom. The thumbnails are arranged in three rows: the first row has three thumbnails, the second row has two, and the third row has two. The thumbnails are: Dr. Lionel Sullivan (top-left), Court Reporter (top-middle), Nancy Stone (top-right), Hearing Officer Ford (middle-left), SD Attorney Charles W. Jelleyl (middle-middle), Interrupter (middle-right), and Parent Lawyer (bottom-left). The top of the window features a title bar with 'GoToMeeting Viewer' and a toolbar with icons for 'Everyone', 'Webcams', and 'Screenshot'. The right sidebar contains a 'GoToMeeting' title bar, a 'Talking: Court Reporter' indicator, and controls for audio, screen, and webcam. Below these are expandable sections for 'Audience view', 'Chat', and 'Attendees: 9 of 251 (max)'. The attendees list includes: Amanda (me, present...), Court Reporter, Dr. Lionel Sullivan, Hearing Officer Ford, Interrupter (highlighted), Melanie Reese, Nancy Stone, Parent Lawyer, and SD Attorney Charles W. Jelleyl. At the bottom of the sidebar are controls for 'All' (mute/unmute), 'Record', and 'Meeting ID: 576-234-789'.

GoToMeeting Viewer

Talking: Court Reporter

Everyone

Webcams

Screenshot

Dr. Lionel Sullivan

Court Reporter

Nancy Stone

Hearing Officer Ford

SD Attorney Charles W. Jelleyl

Interrupter

Parent Lawyer

GoToMeeting

Talking: Court Reporter

Audio

Screen

Webcam

> Audience view

> Chat

> Attendees: 9 of 251 (max)

Amanda (me, present...)

Court Reporter

Dr. Lionel Sullivan

Hearing Officer Ford

Interrupter

Melanie Reese

Nancy Stone

Parent Lawyer

SD Attorney Charles W. Jelleyl

All

All

Invite

Record

Meeting ID: 576-234-789

# VIRTUAL HEARING ENVIRONMENT, (3)

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- Tour of Virtual Hearing
- Attendee Icons
- Attendee List
- Chat Feature
  - ❖ Default may be Yes?
  - ❖ Disabled!

# VIRTUAL HEARING ATTENDEE CHAT BOX

The screenshot displays the GoToMeeting interface during a virtual hearing. The main window shows six participants in a grid:

- Top-left: Dr. Lionel Sullivan (man with glasses and headset)
- Top-middle: Court Reporter (man with beard and headset)
- Top-right: Nancy Stone (woman with glasses)
- Middle-left: Hearing Officer Ford (man in suit)
- Middle-middle: SD Attorney Charles W. Jelleyl (man with beard)
- Middle-right: Interrupter (woman with glasses and headset)
- Bottom-left: Parent Lawyer (man with beard and glasses)

The top of the window shows the GoToMeeting Viewer title bar with controls for 'Talking: Amanda Rinehart', 'Everyone', 'Webcams', and 'Screenshot'. On the right side, there is a chat box titled 'Talking: Amanda Rinehart' with controls for 'Audio', 'Screen', and 'Webcam'. The chat box includes a 'Chat' section, a 'Send' button, and a 'Record' button. The meeting ID is 576-234-789.

# VIRTUAL HEARING ENVIRONMENT - AUDIO

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- Audio Configurations
- Two Devices in One Room
- Platform vs. Conference Call
- Telephone Witnesses

# ATTENDEES & WITNESSES

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- On camera: HO, counsel, witness, court reporter (?)  
Other attendees “dark”
- No permission to record
- Instructions to Witness...under oath
  - ❖ Anyone with you?
  - ❖ Any document related to student?
  - ❖ No communication at any time with anyone

# COURT REPORTERS

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- CR in Pennsylvania
- Recording in the Platform
- As always, the CR calls the shots
  - ❖ Webcam active or dark
  - ❖ Audio preference (platform or CC)

# EXAMINATION / WITNESSES

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- Lack of non-verbal communication
- “Smooth out the rough edges”
  - ❖ Speak slowly
  - ❖ Don’t ask attorney question
  - ❖ Say “I’m done” or “That’s all”
- Wave hand for objection – say it twice

# EXHIBITS

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## Options: Paper or Electronic?

- Paper
- Electronic using file-sharing
- Electronic using screen sharing



# EXHIBITS, CONT'D

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## PAPER PROS

- Ease for Witness
- Witness Without Technology



## PAPER CONS

- Providing to Witness
- Destruction of Documents



# EXHIBITS, (3)

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## ELECTRONIC PROS

- Ease of Logistics
- Security of Exhibits



## ELECTRONIC CONS

- Witness Without Technology
- Ease of Access



# EXHIBITS, (4)

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## SCREEN SHARING PROS

- Ease for All (Access and Logistics)
- Security of Exhibit



## SCREEN SHARING CONS

- Witness Without Technology
- HO Navigation Acumen
- HO Attention



# COUNSEL & CLIENTS

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- Obviously, no communicating with a witness
- Calls during a break
- Text contemporaneously
- Breakout Rooms...not recommended

# MOCK VIRTUAL HEARING

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- Snippets of mock virtual hearing
  - Examples of examination, exhibits, interaction with court reporter, interruptions
- Return for Q&A – submit questions through the questions box

# Need More Information?

Visit CADRE online

[Website: www.cadreworks.org](http://www.cadreworks.org)

Contact CADRE via email

[Email: cadre@directionservice.org](mailto:cadre@directionservice.org)

[Sign up](#) for the CADRE Caucus Newsletter!

# Thank you for joining us!

*Please take a few minutes to respond to this brief survey about your experience:*

[Survey Monkey link: https://www.surveymonkey.com/r/6HF5N82](https://www.surveymonkey.com/r/6HF5N82)

