

## PARTIES' CHECKLIST FOR HEARING PREPARATION



Case:

Venue:

Date(s):

WHEN	TASK	CHECK	NOTES
VENUE OF HEARINGS AND SCHEDULING			
At the occasion of the First Session, or as soon as the need for a hearing is established	Determine venue for hearing(s) (use of World Bank facilities is complimentary).		
	Reserve dates for hearing(s).		
	Determine whether hearing should be open to public.		
As soon as written phase is completed or at the direction of the Tribunal	Revisit the number of hearing days needed in view of the number of witnesses and experts testifying.		
TRANSCRIPTION			
As early as possible, at least 6-12 months before hearing	Unless already decided at the First Session, agree on transcription requirements (e.g. realtime with same day delivery) and the languages of the transcripts.		
	ICSID hires the court reporter.		
TRAVEL AND HOTEL			
6-12 months before hearing	Check if participants, including witnesses and experts, require visas to travel to hearing venue and apply for visas if necessary.		
	Check if visa applicants require travel certificates from ICSID in support of visa application. If so, inform Secretary of Tribunal.		

WHEN	TASK	CHECK	NOTES
1-3 months before hearing	Make travel arrangements.  [It is advisable to leave at least one day between the day of arrival and the first day of the hearing.]		
	Book hotels.		
INTERPRETATION			
As early as possible, if possible 3-6 months before hearing	Inform Secretary of Tribunal if any participants, in particular witnesses and/or experts, require interpretation.  ICSID hires interpreters.		
WITNESSES AND EXPERTS			
Following the agreement of the parties or at the direction of the Tribunal (usually after the written phase is completed)	Notify the other party of the witnesses and experts to be cross-examined.		
	If allowed under the rules governing the proceeding, notify the other party of the witnesses called for direct examination (who were not called for cross-examination).		
	Organize meeting of party-appointed experts in order to identify points of agreement and narrow the issues in dispute.  Prepare protocol for such meeting.		
	Prepare joint memoranda of party-appointed experts in order to identify points of agreement and narrow the issues in dispute, to be submitted to the Tribunal prior to hearing.		
PRE-HEARING ORGANIZATIONAL MEETING			
1-3 weeks before the Pre-Hearing Organizational Meeting	Comment on draft agenda received from ICSID and/or consult to reach agreements on the items of the agenda ahead of the meeting.		

WHEN	TASK	CHECK	NOTES
<p>At the Pre-Hearing Organizational Meeting (generally 4-6 weeks before the hearing)</p>	<p align="center"><u>Hearing Schedule</u></p> <p>Determine:</p> <ul style="list-style-type: none"> <li>- Daily schedule (start and end times, number and length of breaks);</li> <li>- Allocation of time between parties;</li> <li>- Allocation of time to the Tribunal;</li> <li>- Sequence of hearing (order of presentations, order of witnesses and experts etc.); and</li> <li>- Manner of time keeping (chess-clock or other).</li> </ul>		
	<p align="center"><u>Hearing Materials</u></p> <p>Determine:</p> <ul style="list-style-type: none"> <li>- Rules on the use of exhibits, including demonstrative exhibits (e.g. PowerPoint presentations) during hearing;</li> <li>- Rules on the submission of new evidence/exhibits into the record during hearing;</li> <li>- Use of visual aids (e.g. projector);</li> <li>- Whether joint or separate hearing bundles will be produced, as well as scope and format and timing of production (before or at hearing);</li> <li>- Whether USB keys with all briefs, exhibits, and authorities and hyperlinked indices will be produced, jointly or separately (provide USBs to Tribunal and Secretary of Tribunal (for ICSID, the court reporter, and interpreters) in advance of hearing); and</li> <li>- Whether other document management software should be used (e.g. OPUS)</li> </ul>		

WHEN	TASK	CHECK	NOTES
	<p align="center"><u>Witnesses and Experts</u></p> <p>Finalize interpretation requirements.</p> <p>Determine (unless decided in Procedural Order No. 1):</p> <ul style="list-style-type: none"> <li>- Order of appearance;</li> <li>- Scope and manner of witness examination;</li> <li>- Length and format for direct-, cross- and redirect examination of witnesses/experts;</li> <li>- Possibility of re-cross;</li> <li>- Witness and expert sequestration;</li> <li>- Protocol for confidentiality issues if needed.</li> </ul>		
	<p align="center"><u>Possible List of Questions from the Tribunal</u></p> <p>Fix date for the Tribunal's questions, to be addressed by the parties in their oral arguments.</p>		
	<p align="center"><u>Possible Preparation by the Parties of an Agreed Chronology of Events and/or Skeleton Arguments</u></p> <p>Fix date for the submission of the Parties' joint agreed chronology of events or separate skeleton arguments.</p>		
	<p align="center"><u>Post-Hearing Briefs and Statements of Costs/Submissions on Costs</u></p> <p>Fix date for the submission of post-hearing briefs and skeleton arguments, unless done at close of hearing.</p>		
<b>REPLY TO LOGISTICS LETTER FROM ICSID</b>			
2-4 weeks before hearing	Provide list of hearing participants.		
	Inform ICSID of specific technical requirements (e.g. videoconference) or equipment (white board, podium, easel, easel pads)		
	Inform ICSID of specific layout requirements for the hearing room (e.g. V-shape, classroom set up).		
	Determine set up date and time.		

WHEN	TASK	CHECK	NOTES
	Provide list of attendees for the set up.		
	<p style="text-align: center;"><u>Transcriptions</u></p> Inform ICSID of number of laptops required for realtime transcription and list of persons and email addresses to receive transcript by email. Determine if remote connections are necessary.		
	<p style="text-align: center;"><u>Loading Dock</u></p> Request access to loading dock. Provide details such as arrival time for set up, courier service messenger's name.  [Applies to hearings at World Bank facilities in Washington, DC only.]		
	Inform ICSID of number of lunches and any dietary restrictions.		
<b>OTHER LOGISTICS</b>			
2-3 weeks before hearing	Test video conference links.		
4-6 weeks before hearing	Check announcement posted on ICSID's website about hearings open to the public.		
<b>SET UP</b>			
At set up (1-2 days before hearing)	Carry photo ID to pick up security pass.  [Applies to hearings at World Bank facilities only.]		
	Set up party hearing materials in hearing room and party break-out room.		
	Set up printer in party break-out room.		
	Pick up keys to party break-out room.		
	Check attendees' name tents and security passes for accuracy and completeness.		

WHEN	TASK	CHECK	NOTES
	Inform ICSID of any changes in the requested services or list of attendees.		
	Test equipment for PowerPoint presentations and audio-video files.		
	Acquire Wi-Fi network access and any required passwords.		
HEARING			
First day of hearing	Carry photo ID to pick up security pass. [Applies to hearings at World Bank facilities only.]		
	Prepare empty boxes to collect documents distributed during hearing.		
	Distribute hearing bundles to Tribunal, Secretary of Tribunal, interpreters and court reporter.		
	Prepare extra labels for documents distributed during hearing (e.g. Claimant, Respondent, Witness, Expert, Cl. Ex. #, Resp. Ex. #).		
	Prepare one set of documents to be used during the examination of each party's witnesses and experts.		
	Ensure witnesses and experts are available according to the agenda.		
	CONCLUSION OF HEARING		
Last day of hearing	Agree on Post-Hearing time limits if not already agreed (e.g. for corrections to the transcript, statement of costs, post-hearing briefs)		
	Ensure removal of hearing materials from hearing room and individual party break-out rooms.		