

## Regional Roundtables Discussion Topics

### ***General questions for consideration (across all protocols):***

- Whether the language should be mandatory or opt-in. Do users prefer (as currently drafted) leaving open a choice to adopt the Protocols as either mandatory provisions or as guidance?
- Do users agree that the Protocols should provide the possibility (as currently drafted) to be adopted in their entirety or alternatively only component parts thereof?
- Best environmental practices, including practices not considered in the protocol.
- Whether users see a benefit to the Protocol and can see the Protocol being adopted in their individual practice or by their organisation either in whole or in part.
- Any suggested additions to any of the Protocols.

*In relation to the **Green Protocol for Arbitral Proceedings and Model Procedural Order**, we welcome feedback on the content and measures included in the Protocol, in particular:*

- Whether our proposed default rule for electronic communications and correspondence should stand?
- Would users feel comfortable with the mandated use of shared technology platforms, case management systems, or electronic annotation of documents throughout proceedings?
- In relation to documentary exhibits, do parties feel comfortable with the requirement that only extracts of lengthy documents be exhibited, provided such extracts provide adequate context to the document?
- Is it feasible to mandate that the consultation, meeting, conferring of witnesses and experts (by Parties) and expert joint meetings be performed using video conferencing rather than by in-person meetings?
- Similarly, are users comfortable with the default requirement that pre-hearing conferences, procedural or substantive hearings be conducted remotely, in whole or in part, via telephone or video conferencing?
- Where hearings are conducted in person, do users feel comfortable with the requirement that attendance numbers be limited to what is strictly necessary (to avoid unnecessary travel)? In practice, would such a requirement discourage travel to hearings (e.g. for more junior members of the legal team, or clients)?
- Should the parties agree to use suppliers and service providers committed to reducing their environmental impact? Hearing venues? Are the Sustainability Measures included too prescriptive?
- Should paper filings be eliminated altogether?
- Are users prepared to agree that offsetting costs can be allocated as part of a cost award?
- Do users find the draft language proposed in the Model Procedural Order appropriate and drafted such that it is easy to incorporate into existing procedural orders?
- Would users/parties find it easier to adopt the Green Protocols directly into arbitration agreements if a model arbitration clause were to be included in the Framework?

*In relation to the **Green Protocol for Law Firms, Chambers and Legal Service Providers Working in Arbitration**, we welcome feedback on the content and measures included in the Protocol, in particular:*

- Have you attempted to implement any of the measures recommended in this Protocol? How easy was it to do so and what difficulties if any did you face? How did you monitor compliance and what metrics did you use to determine success?
- Whether we go too far in a number of sections where we specify recommended behaviours—for example, in the section on Limiting Single-Use Items/Eliminating Plastic, or whether it is helpful to have this degree of specificity on how to address unsustainable behaviours?
- How would you go about implementing this Protocol within your organisation and whether the Protocol would need to be adopted in order to do so?
- Whether you have any suggested incentive schemes/initiatives we might add to the Incentivisation and Social Responsibility sections, intended to prompt employers into considering how they could further encourage sustainable practices by their staff?

*In relation to the **Green Protocol for Arbitrators**, we welcome feedback on the content and measures included in the Protocol, in particular:*

- On the feasibility of the measures proposed therein, including the onus on arbitrators to advocate for electronic bundles, shared electronic platforms or virtual/hybrid hearings where appropriate?
- Whether the onus on arbitrators to recommend the adoption of the Green Protocol for Arbitral Proceedings in their proceedings could be further strengthened?
- Whether a more prescriptive approach to offsetting would be welcome?
- Ways arbitrators may be able to demonstrate compliance with the Protocol?

*In relation to the **Green Protocol for Institutions**, we welcome feedback on the content and measures included in the Protocol, in particular:*

- Which of the suggested measures affecting the proceedings should be made mandatory through the institutions' rules or through practice notes that are published externally?
- Which of the suggested measures should be mere recommendations put forward by institutions at the appropriate times during proceedings?
- Should institutions provide the Green Model Procedural Order to tribunals on each case upon appointment?
- Should virtual hearings be the default position in institutional rules?
- Should paper filings be eliminated altogether?
- Should the green practices of arbitrators be considered during the selection process?
- What else do you think institutions could do to be greener and at the same time more efficient and cost effective?

*In relation to the **Green Protocol for Arbitration Conferences**, we welcome feedback on the content and measures included in the Protocol, in particular:*

- Whether Organisers would agree to work with venue facilitators to implement the strategies recommended in this Protocol?
- Do you currently implement any of the suggested items in this Protocol?
- In post-COVID-19 times, would you (or your organisation) be willing to conduct some events via virtual platform rather than in-person?
- Should paper be eliminated from in-person conferences?
- Whether Organisers would commit to only hire providers such as caterers, etc. that adhere to environmentally friendly practices?

*In relation to the **Green Protocol for Arbitral Hearing Venues**, we welcome feedback on the content and measures included in the Protocol, in particular:*

- Whether Facilitators currently use any of the suggest energy-saving measures, and if not, which of these do you plan to implement?
- Whether it is feasible to request that venues limit the number of in person participants to what is strictly necessary?
- How easy would it be for you to conduct paper-free hearings and conferences?
- Are you willing to encourage the use of environmentally friendly long-haul travel and local transport options? And would you provide lists of local accommodation facilities that adopt or are aspiring to implement similar sustainability measures?