



## **Request for Proposals—October 6, 2020 Virtual Hearings in Agency Adjudication**

The Administrative Conference of the United States (ACUS) is accepting proposals from individuals interested in serving as a consultant to produce a report on the issue of virtual hearings in agency adjudication.

### **Project Description and Consultant Responsibilities**

ACUS has undertaken several projects related to the use of video teleconferencing for hearings in agency adjudications, including two recommendations and a handbook designed to help agencies implement video hearing programs. Those projects focused on hearings in which participants appear in hearing rooms equipped by the agency with specialized cameras, microphones, video screens, speaker systems, lighting, noise insulation, and decor.

ACUS is now undertaking a project to study the use in agency adjudications of hearings in which one or more participants attend remotely using a personal computer or mobile device, often from their home or office. These “virtual hearings” have become increasingly common in agency adjudications, especially during the COVID-19 pandemic, but they can pose unique logistical challenges and raise questions of accessibility, transparency, privacy, and data security.

The project will address:

- due process and other legal requirements for conducting virtual hearings and using virtual hearing technologies;
- the costs and benefits of virtual hearings as compared with other hearing formats, especially traditional video hearings in which a video link connects agency hearing rooms;
- circumstances under which virtual hearings may or may not be appropriate as a matter of law or policy;
- the effects, if any, of using virtual hearings on decisional outcomes;
- the development and publication of procedures for conducting virtual hearings;
- training adjudicators, agency staff, and other interested persons on issues related to the use of virtual hearings;
- selecting virtual hearing software, including the selection or possible development of a virtual hearing program designed to specifically facilitate federal administrative adjudication; and
- soliciting feedback from virtual hearing participants to improve agency practices.

The study and resulting recommendations will identify best practices for improving existing virtual hearing programs and establishing new ones.

The draft report will be completed by February 2021, and the consultant(s) will thereafter be expected to work with Conference staff and committees as the Conference develops recommendations from the report in time for the Conference's June 2021 plenary session.<sup>1</sup> The Conference may select a single consultant or assemble a team of consultants depending on the proposals it receives. Consultants will receive between \$8,000 and \$25,000, plus a budget for related expenses, depending on the number of consultants and allocation of responsibilities. The total value of consulting fees for this project will not exceed \$25,000, to be apportioned in accordance with the number of consultants and division of responsibilities.

**Submitting a Proposal and Evaluation Criteria**

If you are interested in serving as a consultant for the report, send an email to Jeremy Graboyes (jgraboyes@acus.gov) with the phrase "ACUS Project Proposal" in the subject line. Attach your curriculum vitae to the email, along with a short (ideally no more than one page) statement identifying what you see as the primary issues that the report should address. **All responsible sources must submit a proposal by 5:00 p.m. Eastern Time on October 30, 2020, in order to be guaranteed consideration by the agency.**

Proposals will be evaluated based on quality, clarity, and the proposer's qualifications. The Conference has a strong preference for consultants who have previously authored scholarly work on the intersection of law, especially administrative adjudication, and technology.

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<sup>1</sup> Both the report due date and the date of the plenary session are subject to change in light of COVID-19 and related matters.