

## ON-LINE MEDIATION GUIDELINES

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### **REQUIRED:**

1. Schedule a pre-mediation meeting with mediator. The purpose of the meeting is:
  - a. To test log-in for Zoom and iron out technical issues;
  - b. Discuss security and confidentiality concerns regarding use of Zoom;
  - c. Discuss who should participate and any pre-mediation submissions;
  - d. Discuss method(s) for execution of settlement documents – Docu-Sign, scan and e-mail signatures or ??
2. Each party and each counsel attend with video.
  - a. If computer audio is problematic, it is possible when you log in to call-in and link the call to your video.
    - i. If you call in for audio You Must Link audio to video
3. A party will not be allowed to remain in conference unless identified on Zoom by name.
4. The Rules for Mediated Settlement conferences prohibit recording the meeting in any form.
  - a. It is not clear whether the DRC will allow recording the parties assent to the settlement agreement.
5. The parties must agree that everyone in attendance is announced and that only those people identified as attending are present in the room where the party's computer is situated for the duration of the mediation.
6. Multi-tasking is not permitted during general session or while the mediator is in your breakout room – it is important to be engaged AND appear engaged.

### **RECOMMENDED:**

1. Schedule a short zoom meeting with your client before pre-mediation meeting with mediator.
  - a. If you do not have a zoom account, you can sign up for a free account, which allows unlimited 1 on 1 calls and up to 40 minutes for multi-party meetings.
  - b. The purpose of this initial meeting is to test internet connections and zoom settings.
2. Log in 10 minutes before start of mediation; the meeting will start on time but you can log into the waiting room ahead of time.
3. Set your video to Gallery View (see everyone on the screen at one time).
  - a. Check lighting as backlighting is not conducive to the purpose of mediation.

4. If you are planning to present a PowerPoint or share other evidence in support of your position, practice screen sharing on Zoom
  - a. If you plan to screen share, we recommend closing all other windows/programs so that you do not inadvertently share information you do not want to share.
5. If you are remote from your client, we recommend having a secondary means of communicating with your client – the mediator can (and will) leave your room but you may be more comfortable muting Zoom and talking off-line.

#### **WHAT TO EXPECT AND EXPECTED CONDUCT:**

1. Mediation will ordinarily begin in general session – as usual;
2. The mediation will have breakout rooms for the parties and their counsel – you will know who is in your breakout room.
  - a. Only the mediator can enter your breakout room
  - b. Or allow others to enter.
  - c. If appropriate, the mediator can set-up a break out room for attorneys only or for the parties to discuss issues directly.
3. It is quite common to *politely interject* during physical negotiations, but because of the nature of video communication and the lag it can bring, polite interjections can be misconstrued as impolite interruptions.
  - a. It is important that the parties respect each other’s turn to speak and that mediation only works when all parties have the opportunity to have their say. It is difficult to ‘jump in’ mid-sentence during an online conversation, so please hold your responses/rebuttals.
  - b. You should expect that the mediator will be directing the order of comment more than in a face-to-face mediation.
4. If there are connection issues, the parties must identify them and NOT try to listen through broken connections.
  - a. If the connection degrades, the mediator will work through the issue or alternatively end the session and ask all parties to re-log in.