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Your On-line ADR Session: What to Expect

In most ways, your mediation or arbitration proceeding on-line will feel very similar to what takes place in an in-person environment. Of course, there are differences imposed by the technological aspects of the proceedings and this document is designed to point out those differences, explain them and make sure you understand what to expect when you sign on for our up-coming session.

1. The invitation. You will receive an invitation to your session via email. To participate, you will need a computer, tablet or other smart device (such as a phone) that has the Zoom application installed. You can reach Zoom on your computer at www.zoom.us.com. The invitation will contain a link that you can click on to join the session.
2. When you join the session, you will be placed in a waiting room with the other parties. Once all have arrived, we can begin the session. I will begin the session with everyone together, unless we have made a different arrangement in advance.
3. You need a secure internet connection (either wifi or ethernet) to use Zoom. You can test your connection to see if it is adequate for Zoom by going to the Zoom website at www.zoom.us.com and scrolling to the very bottom of the page. There is a column labelled "Support" and "Test Zoom" appears there. Click there to check your internet connection. The security of the connection matters because of the confidentiality and privacy concerns that are discussed below in this document.
4. Just as in an in-person ADR conference, your on-line session will include you and the other parties who are participating in this proceeding. Everyone has taken time out of their schedule to meet together on-line. Thus, to be courteous to all, I am requesting that you be in a quiet place where you will not be interrupted by others and where you can focus your attention on the proceedings at hand. When you are in sessions with the mediator or with all the parties, I will ask you to pay attention to what is taking place in that session, just as you would in an in-person proceeding. When you are not in session with the Neutral or other parties, then there is no difficulty with taking a break.
5. Your session will not be recorded by me because of the confidentiality protections provided by the Mediation Confidentiality and Privilege Act (Chapter 44 of the Florida Statutes). I do not

record arbitration proceedings. I typically do not retain any of my notes of the proceedings beyond the time I report the outcome to the court in mediation or when an award is rendered in an arbitration.

6. Confidentiality. Just as with in-person proceedings, your on-line mediation or arbitration proceeding will be private and confidential. (Arbitrations are governed by the administrative procedures selected by the parties or imposed by the Courts, depending on the nature of the arbitration, and the appropriate confidentiality procedures will be used as required). Under Florida's mediation procedures, no non-parties or undisclosed participants may attend without the agreement of all the other participants. For these same reasons, participants should find a quiet and secluded place behind a closed door for their session. Eavesdroppers are also not permitted in these proceedings, another reason that I request you attempt to find an undisturbed place for our session.

Under FL Stat. 44.406, mediation participants who violate the confidentiality restrictions imposed by the statute can be subject to equitable relief, compensatory damages, the costs and fees associated with the mediation from which the confidential information arises, and attorneys fees and costs related to a party's efforts to enforce the confidentiality restrictions. Please raise any questions or concerns you may have about this aspect of your proceeding with me in advance.

7. Please log on five minutes before the scheduled start of your session. As noted above, you will be placed in a "waiting room" until all the participants are on the line, and then I will admit everyone to the conference together. During our conference, there may come a time when we need to meet separately in what are referred to as "caucuses". Zoom provides breakout rooms for this purpose. I will place you and your representatives, counsel, adjusters, or other approved mediation participants together in a breakout room so that I can caucus with you separately. The confidentiality provisions of Chapter 44 still apply while you are in the breakout room. Before I return to the other parties in their breakout room, we will confirm what information you wish to keep confidential and what information it is permissible for me to share with the other parties.
8. If you have problems with your technology, please try signing on again or rebooting your computer. **If that doesn't work, please call my cell phone at 321-987-9198**, which is with me in mediation, and I will do my best to help you get connected in our session.
9. Mediation is a highly effective dispute resolution technique that enables parties to reach mutually acceptable outcomes. On-line formats enable us to achieve this goal over greater distances. If you have any questions about what will happen in our on-line session, I encourage you to raise them before our session is scheduled. You can reach me directly at 321-987-9198 or by email at cmagee@brevardmediationservices.com. I look forward to helping you resolve this matter.