

Making the Most of Your Zoom Mediation

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Florida Bar CLE
Course Number:
2003144N

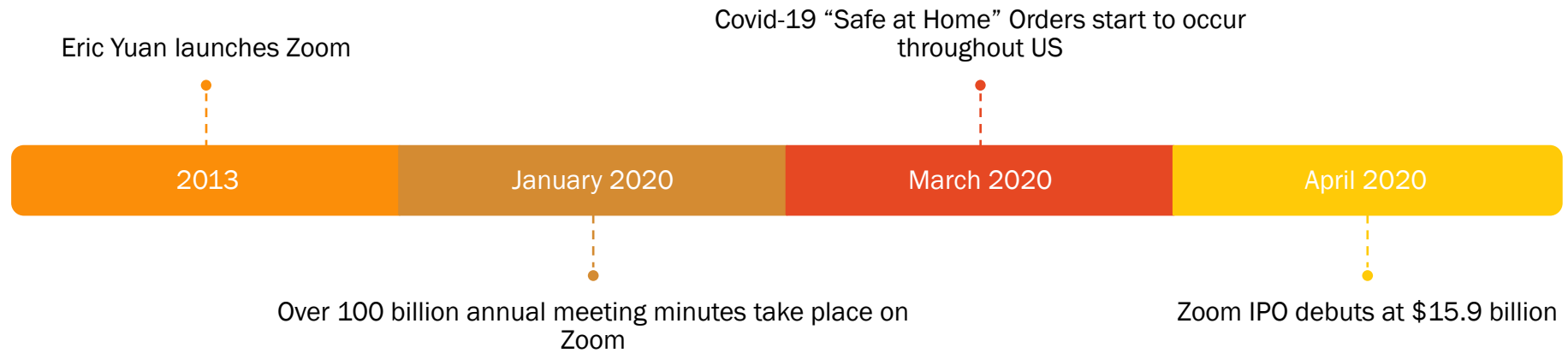
Learning Objectives

Necessary Features for an *effective* On-Line ADR session – Zoom and Others

Evolving “Best Practices” for On-Line ADR Proceedings

Settlement Obstacles – New Challenges and How to Resolve

Zoom – Then and Now



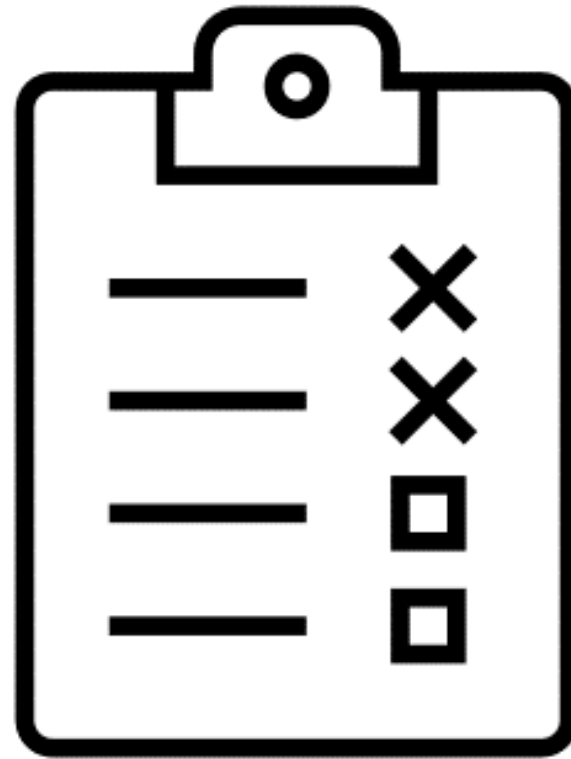
Evaluating an On-Line Platform

What is the purpose of your ADR proceeding?

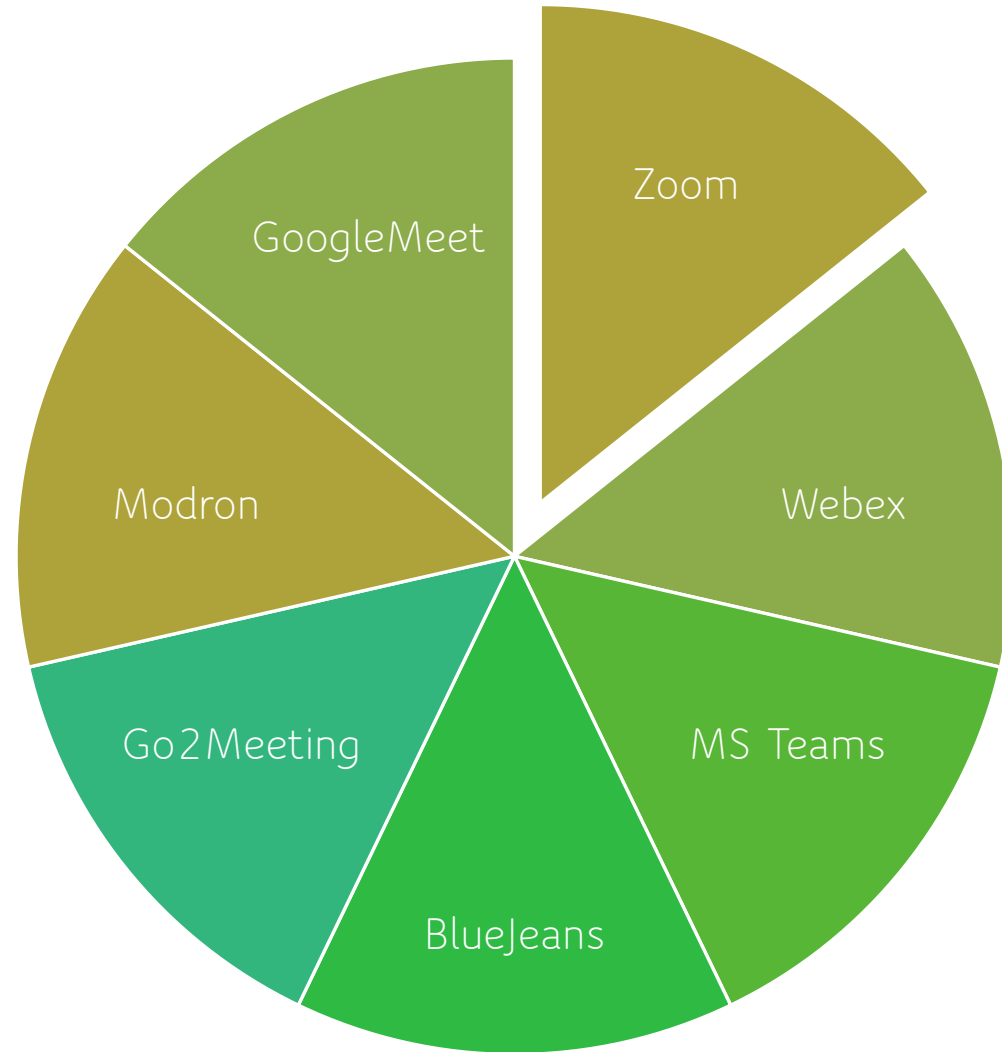
- Mediation
- Arbitration
- Neutral Evaluation
- Voluntary Trial Resolution

A QUICK POLL

Answer the question that
appears on-screen, please.



Popular Platforms: What Could Be Better



Must-Have Features

- Be able to include “external” users/guests/outside from “Enterprise” or Home organization

Must-Have Features

Robust security features

Must-Have Features

Ease of conference or breakout rooms

Must-Have Features

Ability to monitor and control who comes into or out of proceeding

- Financial planner/structures consultant
- Morale booster/"best friend"/relative
- Lifecare planner
- Ways to confirm* no non-participant attendance

Unique on-line settlement obstacles



PREPARATION



Impact on *Mediation Momentum*



Alienation



BURNOUT/FOGGINESS



Wearing down (in a bad way)

Unique On-Line Environment Settlement Obstacles

- On-Line Platform Fatigue

On-line Settlement Obstacles, Con't

PERFORMANCE
ANXIETY - ALWAYS
"ON"

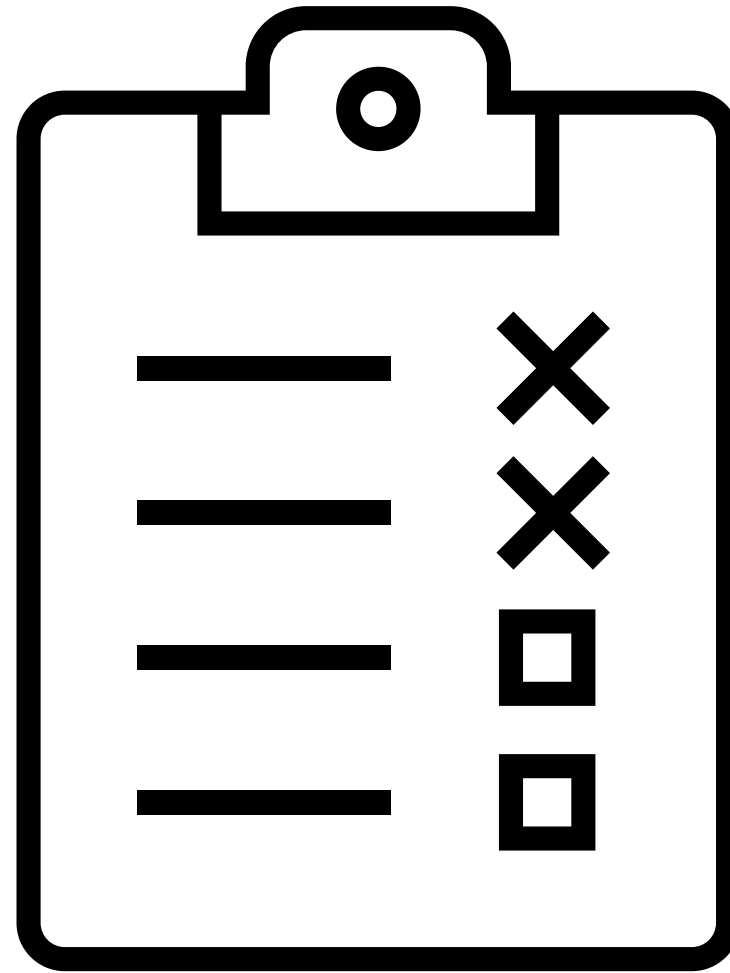
On-Line Settlement Obstacles, Con't

Neurological challenges presented by video-conferences that don't exist on the phone including:

- Users may not be adept and may have increased frustration and anxiety unrelated to substance of the dispute
- Users unable to decode video's digital encoding (Max Headroom problem)
- Users cannot get the same level or degree of empathy "through the glass" - either to provide to other side or to read the opposing side (lawyers and parties)
- Lack of communication cues - Hand raising (not always available); missed signals by Neutral when party tries to say something - no big red "Easy" button that all the parties can use

A QUICK POLL

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Obstacles, continued

Where to look problem

- Video depositions analogy

Solutions & Practical Tips

- Best Practices: Before, During, and Documenting the Deal

Best Practices, Part I -- Before

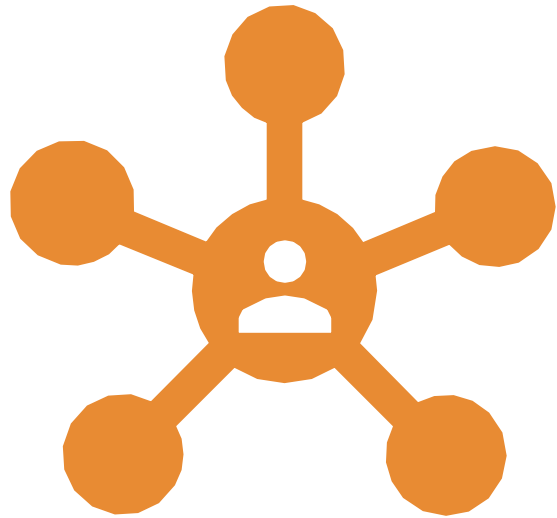
Modify preparation of parties and counsel

- Test runs for equipment issues
- Test runs to increase comfort levels
- Test runs (what is in your client's background and should this be on-screen?)

BEST PRACTICES, PART 2 - BEFORE

These are changing rapidly as the technology changes and will continue to do so

- Engagement Letters by Neutrals to address security issues and fact of on-line environment
- Guidelines/FAQ's/What to Expect information
- Get cell numbers or other contact means in advance of on-line mediation; get emails for participants



BEST PRACTICES - DURING

- Screen sharing and chat functions – when and how to use; who controls
- Confidentiality issues – who is present and how to monitor
- Breakout rooms – how to move between and among; how to not break into attorney-client conferences; set up in advance

BEST PRACTICES, PART III - AFTER

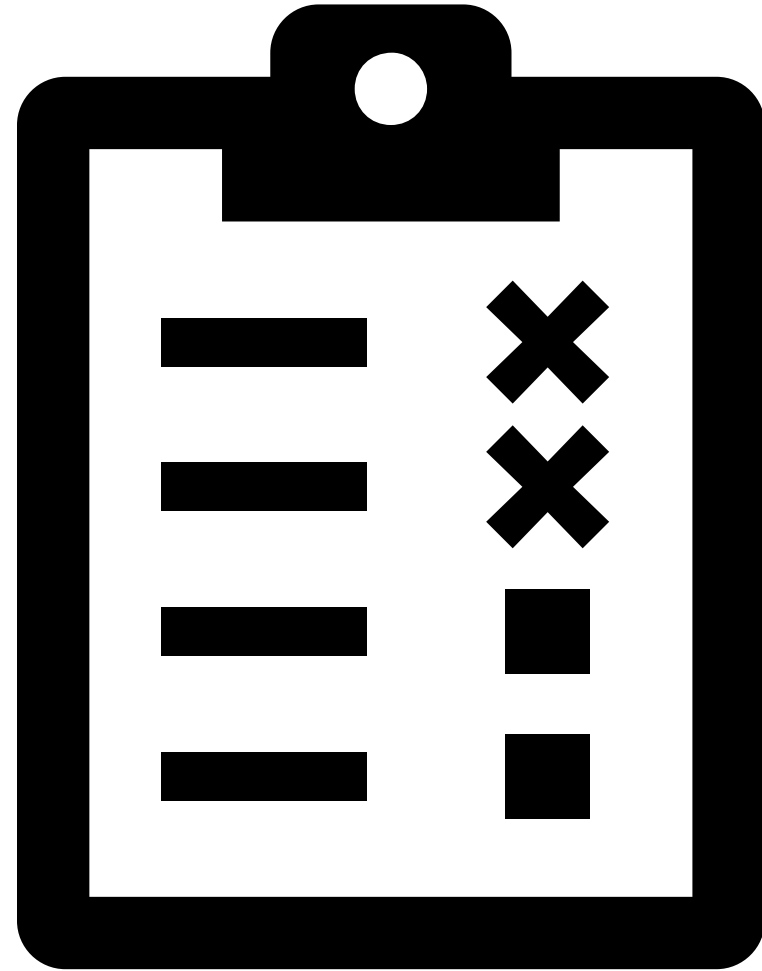


Documenting the Deal



Screen Sharing, Drafting Settlement terms and Releases, & DocuSign or AdobeSign

Last Poll!!



Questions or more information??



B R E V A R D
M E D I A T I O N
S E R V I C E S

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