

ONLINE MEDIATION GUIDELINES

TECHNOLOGY AND SECURITY

1. The Mediation will be conducted virtually using password-protected Zoom Video Communications, with WebEx as a backup.
2. All participants must have access to a computer with audio and video capabilities. Participants do not need to download the Zoom application.
3. The participants must have a secure internet connection (password protected)– **no public wi-fi**. All precautions will be taken to preserve the privacy of the data.
4. All Mediations will be password protected and will have a randomly created, unique Meeting ID. Do not share the password or the Meeting ID with anyone.
5. The Mediator will be the Host and in control of the Mediation. The Mediator will use the “Waiting Room” feature to ensure that only invited participants are allowed into the Mediation.
6. Unless agreed to in advance by all the participants, the Screen Sharing Function will be disabled.
7. On the attendance sheet, every participant should enter an e-mail address and a cell phone number. We will use the phones if there are technology issues or the connection is lost.
8. The Mediation **will not be recorded**.

CONFIDENTIALITY

1. The Mediation will be conducted under the **same strict rules of confidentiality as any other in-person Mediation**. All counsel and parties are expected to take the necessary precautions and actions to preserve confidentiality and the privacy of the Mediation.
2. The Mediation will be conducted with the **same level of attention and respect to the participants as if it were in-person**. This means that except when on a break, or related to the Mediation, participants should not be doing other work, or on their cell phones, etc.
3. The participants all must be identified and should be in rooms where there are no others, except those participating in the Mediation. **No eavesdroppers**, spouses, children, etc

JOINING THE MEETING

1. Prior to the Mediation, the Mediator will schedule a Mediation Management Meeting. At this meeting, the participants will agree on the date and time for the Mediation and will discuss the premediation statements and other details of the Mediation. This meeting also will allow time for any technology issues to be addressed, and to demonstrate to the participants how the process will work. The Mediator will confirm that each participant understands how to mute/unmute, how to disable the video, how to send a message or “raise a hand” to speak and similar functions. In some cases, the premediation technology review will be done 30 minutes before the start of the Mediation.
2. After the Mediation Management Meeting, the Mediator will send invitations to join the Mediation to each participant and counsel, which will allow them to be able to sign in.
3. When parties sign in, they will be placed in the “Waiting Room.” The parties will be muted and will not be able to talk with each other. The Mediator will grant access to all participants when all of the participants have assembled.

MEETING PROCESS

1. After an initial group session to talk about the case generally, the process and confidentiality, the Mediator will begin the caucus process. This will occur by assigning the parties to separate “breakout rooms.” These rooms will be private, allowing for attorney-client privileged conversations and for private conversations with the Mediator.
2. When the Mediator is in the other party’s breakout room, the other side will be able to talk among themselves. The Mediator will provide an estimate of the length of the caucus so that the party in the other breakout room might sign out of the Zoom meeting and rejoin at an appointed time. Before returning to a party’s breakout room, the Mediator will text the attorney or participant to make sure they are ready.
3. It will be possible to share documents with the Mediator and the other side during the Mediation, if agreed to prior to the Mediation. Counsel should identify and provide any documents they anticipate sharing in advance, if possible. This includes spreadsheets or other analyses.
4. As with in-person Mediation, if an agreement is reached, the parties will agree on a term sheet.