

# Online Mediation

## Practical Guidance for Mediators and Courts

Courts are turning to online mediation to resolve disputes without litigation and without the parties needing to be present in the same room, or even in the same country. Online mediation increases access to justice in terms of accessibility, costs (including travel time, which is sometimes billable), geographic challenges, and considerations such as protecting the health of the parties.

### GETTING STARTED

Web-based video conferencing facilitates traditional-style mediation with mediators, lawyers, and clients participating live in virtual video conference rooms. The main benefit of online mediation using video conferencing technology, rather than a teleconference, is the means to observe non-verbal communication, such as hand gestures, facial expressions, and posture.

Various platforms and apps make online mediation possible and easy to set up.

When doing so, consider the following:

- Ensure internet speed is adequate.
- Security measures, such as a password-protected room, are essential.
- Paid accounts often have more features.

Innovative features on these platforms may exist, enabling parties to conduct a successful mediation. Experiment to discover what will work best for your court.

Some valuable features include:

- Break-out rooms for caucus.
- Ability to present and share documents and exhibits.
- Chat rooms for one-on-one correspondence.

How do you get started? Practice to gain comfort with the new technology, offer trainings to attorneys and other stakeholders, and know that parties agreeing to participate in online mediation want this to be a success as much as you do.

### 10 TIPS FOR NEW TECH

#### APPEARANCE COUNTS

Dress for an online mediation as you would for an in-person meeting.

#### BACKGROUND

Choose a professional virtual background or ensure your surroundings are clean and not distracting. Keep children and pets out of the room.

#### PRACTICE SPEAKING

Using your lowest vocal resonance is typically most professional-sounding to listeners.

#### POSTURE

Sit up straight in a chair. Participating from home does not mean you can be casual.

#### PRIME YOUR PARTIES FOR SUCCESS

When sending an invitation, name the event “Mediation to Resolve Your Dispute” or “Collaboration Meeting” to put everyone in the right mindset from the beginning.

#### SOUND AND LIGHT

Make sure you can be heard clearly and use a microphone if needed. Are you back-lit? Can viewers see your face clearly?

#### CAMERA ANGLE

Keep a neutral angle so you are not “looking down” at the others. Do not sit so close to the screen that other parties feel uncomfortable.

#### EXCHANGE CONTACT INFO

Ensure participants can call you if they have technology issues.

#### BREAK-OUT ROOMS AND CHAT FEATURES

Consider that people may feel isolated if alone in a break-out room for too long. Introduce parties to the chat feature and let them know it is okay to communicate with you.

#### WARMTH

You can show respect and empathy through the online platform using body language and words. Your usual gestures may feel awkward to you in a virtual setting, but it will be worth your effort.