

The Video Conferencing Platform

I use the Zoom video conferencing platform, which I believe is the best platform for mediations. If all parties agree to another platform, I am amenable to using it if I am comfortable that it provides an adequate level of security settings and will allow the basic functions we are all used to in mediations, such as confidential breakout rooms.

How It Works

By now, most parties and counsel are comfortable with using Zoom. If you want me to walk you through the basics before your mediation, give me a call. If you or your client want to learn more, I recommend the short video tutorials available under the Resources and Support tabs at www.zoom.us.

Most of the work in managing a video mediation is on my end. As a participant, just click the link I sent you which has an imbedded Meeting ID and password. If a mediation attendee is new to Zoom, they should follow the prompts, clicking “download and run Zoom,” add their name, and choose “Join with Video.” I don’t recommend participating using a mobile device since the mobile app may not have all the helpful functions.

Once you’ve signed on, you will be in a Waiting Room. Think of it as a lobby. You won’t be able to see anyone else, but I get notice that you have arrived. I will move each participant either into a breakout room for the appropriate party and, once all have arrived, then to a main room for whatever opening session we may have. I create these secure breakout rooms, go in and out of them, move people from one room to another and generally run the mediation as I would if we were in-person. When you are in a breakout room, no one else can see or hear you other than those you see on your screen. Just about anything I can do in an in-person mediation, I can do virtually.

Throughout the mediation, you can mute your microphone, turn off your video, put any document on your computer up onto the screens of others in your room and even draw on a whiteboard. You will always know who is in your room by either seeing their video feed or clicking on the list of participants.

Security and Confidentiality

Zoom is an encrypted platform and its security and privacy settings are on its website. Zoom advises, though, that participation through a dial-in number may not be subject to all encryption protections because the connection is outside the Zoom program. I have also been trained to provide parties with a secure format in the way I set up and conduct the mediation. I also check for updates before every mediation. I also ask for assurance that no one is on a public Wi-Fi. I don’t guarantee the security of any platform but am quite comfortable with the security set-up for these mediations.

All rules and privileges associated with mediation and settlement discussions apply regardless of participation by remote means. But since laws can vary on mediation privileges and confidentiality, I urge counsel to consider, if necessary, how such laws may affect your mediation if parties may be appearing virtually from differing states.

What You Will Need

All you need is a secure Wi-Fi or Ethernet (hard-wired) connection. I encourage you to test the speed and dependability of your connection before our mediation. DO NOT use a public access Wi-Fi connection.

Some Special Rules and Agreements

There are a few rules unique to online mediations. Your participation constitutes your agreement to these rules:

1. **No Recording.** I have disabled the recording feature of Zoom for every participant, but no other audio or video recording will be made by anyone.

2. ***Disclosure of Other Persons in Room.*** Participants agree to disclose immediately when someone else is in their room off-camera and to assure no one else can overhear any aspect of the mediation.
3. ***Disclosure If Something Happens that Affects Confidentiality.*** Make sure when muting your microphone that it is, in fact, muted. But beyond that, if a participant overhears any statement made by anyone or views a document that a participant should reasonably believe was not intended for them, such participant agrees to immediately call attention to that fact to the other participants in the virtual room.
4. ***Interruption Free Zone.*** Interruptions happen, but you agree to take reasonable steps to ensure that you are not interrupted during our online mediation session, just as you would in a mediation center or law firm conference room. There are down times to be sure, but stay logged-in, placing your microphone on mute and video off if needed. Text me if you need to leave for lunch, take a call or the like—just as you always would.
5. ***Participation by Client Representatives.*** As with in-person mediations, client representatives are required to fully participate in the on-line conference, unless otherwise agreed by the parties. Agreeing to online mediation does not imply consent that any party's representative may just be available by phone to counsel.

Technology Issues or Other Reasons to Reach Me

As with all technology, sometimes there are glitches or inadvertent keystrokes that cause disruption. Don't panic. It rarely happens, but if that were to occur, please call or text me and I will get you back into the session and/or the correct room. My number is **(512) 413-0452**. You may also use it for private communications with me during our mediation if needed.

Document Execution and Drafting

If we need to execute any document, I use DocuSign. The parties agree that electronic signatures will constitute binding signatures. We also will use Microsoft Word to draft changes to any document, the editing of which all can view using the "Share Screen" feature of Zoom.

Best Practices and Tips for Effectively Mediating Online

Here are a few tips you might find useful:

1. ***Early Log On.*** Log on to the meeting a few minutes early just to make sure your connection works (you'll see my logo and welcome note in the Waiting Room) and test the operation of your video and microphone.
2. ***Reliable Connection.*** Make sure you'll have a reliable and fast internet connection, not just a secure one. Reportedly most problems arise from heavy simultaneous use of bandwidth to your office or home.
3. ***Don't "Leave Meeting."*** You'll see a "Leave Meeting" button on your screen. Don't push it when all you want is a break. It will cause you to disconnect and have to be readmitted and reassigned to your breakout room. Silence your microphone and turn off your video instead. Those buttons are on the lower left.
4. ***Eye Contact.*** Try to look at the camera when talking and not the video. Similarly, when listening remember that the speaker likely wants to see you looking at them. One thing I do is put a small Post-It stickie just above the camera lens and use the "Speaker View" on the screen and move it up under the camera.
5. ***Camera placement.*** For the best results, your camera should be at eye level. You should also face any light or have it be from the side. Sitting in front of a window darkens your face.
6. ***Background.*** Consider the background people will see and whether it conveys what you want.
7. ***Camera, Microphone and Speakers.*** Almost all built-in cameras, microphones, and speakers work just fine. If you are going to be doing a lot of online mediations, you might consider a webcam that sits on your monitor, separate speakers, or microphones. Bluetooth earbuds you use for your mobile phone can also work.