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Mediating Remotely During the COVID-19 Emergency

Getting the properly authorised parties physically into one place for a mediation and having face-to-face contact with the mediator and the other parties is a big part of most mediation practice. But it is clear this traditional approach is going to be increasingly difficult for some time to come.

Initially parties may choose to defer mediations until the outlook becomes clearer. In that event, cancellation fees will not apply where a fixture is lost for COVID-19 related reasons.

I am absolutely confident that I can continue to make mediation work for you in these difficult times and I am happy to answer any questions you or your clients may have - as we settle into the new normal and with the courts effectively closed to civil, online mediation is one of the few dispute resolution channels remaining open.

So, what are the options?

From a technical perspective I suggest using Zoom as the online best alternative to a face-to-face mediation (<https://zoom.us>). Of course, we also need to do things slightly differently online and I will usually talk to counsel about what it means to mediate remotely.

Why Zoom?

Zoom allows me to run mediations online by video and telephone with several parties using joint meetings and breakout rooms and it is a flexible platform that allows multiple people in remote locations to simultaneously see and hear each other. Zoom enables multiple break-out meetings, which can be limited to specific participants (permitting easy movement from joint sessions to caucuses and back). Participants can also collectively view a whiteboard, documents etc.

I have prepared **detailed guides** on joining the mediation and the online mediation process itself and I will send those to you once we have confirmed my appointment.

In the meantime, the following may be helpful if you are not familiar with Zoom.

1. What do I need to use Zoom?

You first need to download the free latest version of Zoom from the Download Center. <https://support.zoom.us/hc/en-us/articles/201362233>

After downloading Zoom, learn how to use it at; <https://support.zoom.us/hc/en-us/articles/201362033-Getting-Started-on-PC-and-Mac>

2. Do I need a Zoom account?

No, you don't need an account to use Zoom. I will simply send you a link which you will click on when it is time to join a meeting.

3. How do I join a Zoom meeting?

You can join a meeting by clicking the meeting link that I send you ahead of time and entering in the meeting ID. Learn more about joining a meeting here <https://support.zoom.us/hc/en-us/articles/201362193>

4. How do I join computer/device audio?

On most devices, you can join your computer/device audio by clicking Join Audio, Join with Computer Audio, or Audio to access the audio settings. More here <https://support.zoom.us/hc/en-us/articles/201362283-How-Do-I-Join-or-Test-My-Computer-Audio->

5. Do I have to have a webcam to join on Zoom?

While you are not required to have a webcam to join a Zoom Meeting, most devices do. If you do not have a camera you will not be able to transmit video of yourself, but you will still be able to listen and speak during the meeting, share your screen, and view the video of other participants. You will also want to ensure that you have your full name on your profile so that participants, including the mediator can identify you. This can be done during a call by clicking on the blue button in the top right of your image and selecting rename.

And finally, a few tips when you are online

- * One person speaks at a time. Allow the mediator to moderate the conversation. It is especially important to allow each participant to finish before responding. The online format can amplify and exaggerate sound so maintaining a regular speaking voice helps.
- * Keep your mediation team as small as possible – with only the essential players online.
- * Your face should be well lit. That usually means any light source should be in front of you rather than behind you. We do loose body cues when we are mediating online so seeing faces becomes even more important.
- * Agendas and visual aids help when people are not in the same room. Zoom has a screen sharing button – you will need to know how to use it.
- * Clarity and summary of concerns and/or agreements is vital. Use the mediator to assist.
- * Have facilities ready to draft agreements, take notes. Most programs allow sharing of files in some way.
- * Please be patient – we often take a while to get started because of various technical issues. Often that is because of unstable Internet – that is why it is so important that we have a dry run prior to the online session plus all participants should get familiar with the online platform (usually Zoom) in their own time before we meet. If you are not familiar with it, I suggest you practice with family or friends. Zoom tutorials are [here](#).

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