

Video Mediation Info and Consent

Using Zoom

I will have you all in a waiting room and will invite you in so we will all connect for my introduction criteria for the first few minutes. At that time, you will all be muted and I will request we unmute for confirmation of understanding of mediation steps. After, I have assigned break out rooms for you. When placed in the waiting room, you will be seeing a screen that says waiting on the host. Please do not leave or close the screen out. I will do my best to switch in and out of the sessions. If you are disconnected you will be able to re-join and I will have to admit you into the room.

We use Zoom for our Video Mediations because we believe it has the best combination of necessary features and ease of use that are crucial to making the Video Mediation experience most closely resemble the traditional, in-person mediation experience. Among other benefits, Zoom allows the mediator to have all participants start in a single “room” together; and then, if necessary, break into separate “rooms” for individual/private meetings with each side.

Confidentiality and Privacy: Who May Attend?

The named mediation party (parties), their attorneys (if any), required insurance professionals (if any), and the mediator are all considered mediation participants, and are the ONLY persons allowed to attend mediation without the express consent of all the parties. Thus, ALL sides must pre-approve attendance at mediation of any “non-party” (including, e.g., the spouse, relative, friend, etc. of a party.)

Best Practices and Troubleshooting

Interruption Free Zone. All participants should take reasonable measures to ensure each is not interrupted during the mediation. This includes arranging for appropriate child or elder care (if applicable), notifying family, friends, and colleagues of unavailability, and making other appropriate scheduling choices.

Technology Hiatus. Except for the computer or mobile device upon which you are conducting your online mediation session, you agree to turn off or silence any phones, tablets, or computers and disable any alert announcements and/or texts for the duration of your online mediation session(s). Further, you agree to refrain from the use of social media, or the unnecessary use of email and/or internet search engines, during your online mediation session(s).

Early Log On. Please sign-in (whether video conference or telephone conference) to the scheduled mediation session at least 5 minutes in advance of the scheduled start time, so that any technology issues can be resolved and the mediation can start on time.

Respectful Online Communication. Due to the nature of the online forum, it is especially important to allow each participant to finish their comment or statement before responding. In addition, the online format can amplify and exaggerate sound so maintaining a regular speaking voice is important. Finally, please remember that the camera does not always transmit hand gestures or non-verbal cues, so it is important to verbalize all communication during an online mediation session.

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Document Execution

If, as is often the case, mediation results in the parties reaching an agreement, that agreement has to be signed by the parties (and, sometimes, their counsel) to be enforceable. To facilitate the signing process, documents for execution will be transmitted to appropriate participants for print and signature or to electronically sign and return via email. Parties are then responsible for returning the appropriately executed copies to the Mediator and/or other parties.

Paying the Video Mediation Fees

Please note that all mediator fee payments are due at the conclusion of the mediation session, and will typically be processed electronically. We use Square or PayPal for the processing of all credit card payments.

Alternative arrangements (such as check) with prior approval.

Security

Like all online videoconferencing platforms, Zoom has some weaknesses. Principal among these are publicized concerns about unwanted interlopers “Zoombombing” the meeting. While Zoom itself works on increasing its end-to-end security, there are already several things in place that we can – and we do – use to maximize the security of any Zoom Video ADR meeting we host.

First, we require a password to join the meeting (according to several articles, most “Zoombombers” randomly input 10-digit Zoom Meeting IDs until they find a meeting they are able to join. With the password required, such random-input folks cannot get in).

Second, we use the “Waiting Room” feature, so that, whenever someone first joins the meeting, s/he is kept isolated until we specifically let the person in. Note: this requires a specific, intentional act by the ADR Neutral, rather than just happening automatically. That intention adds another layer of security; if the Neutral does not recognize the person, that person is not let in.

Third, after all expected attendees have been admitted to the meeting, the ADR Neutral (as host) can lock the meeting, preventing anyone else from joining without an invitation from the Neutral.

Fourth, we configure the in-meeting Chat feature so that only the ADR Neutral may send chat to everyone; all other participants may only send chat to the Neutral.

Even with taking these steps, there is no guarantee that can be given (**nor is one made here**) of absolute communication security; we hear every day of data breaches by determined bad actors. We simply believe taking these steps makes the Zoom Video ADR experience the best combination of benefits and mitigated risks.

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Having said that, if you would prefer to use another Video ADR platform, which you believe would be more secure, just let us know; we're happy to accommodate, with agreement of all parties.

Participation Requirements

Equipment Requirements: All participants in a video mediation must have access to an electronic device with a camera and microphone: most newer laptops, mobile phones, and tablets have these built in. Accessories such as a USB plug-in camera and/or microphone are typically used with desk top computers.

Free Software/App Requirements: All participants agree, well in advance of the mediation session, to download and install either the free Personal Use software or App from Zoom.us (as required based on the equipment you intend to use) necessary to participate in the mediation session. Once downloaded, please familiarize yourself with the operation of Zoom.us, to enable you to operate the system and participate in your mediation session. Tutorials are available at [Zoom.us](https://zoom.us)

Secure WiFi or Ethernet Connection: All participants need a secure WiFi or Ethernet (hard-wired) connection for your computer or electronic device. Do NOT use a public access WiFi connection, such as those available in public spaces or businesses, as they are not secure and your information may be at risk in that situation.

Print Name

Signature

Date

Print Name

Signature

Date