

## BEST PRACTICES FOR ONLINE MEDIATION

- 1. No interruptions.** You need to take all reasonable efforts to ensure that you are not interrupted when you are doing your online mediations. This includes arranging for appropriate childcare, notifying family and friends of your unavailability, and making appropriate scheduling choices. And, as indicated elsewhere, you **absolutely have to have a solid internet connection that is not public.**
- 2. Technology.** Other than your computer (or other mobile devices) upon which you are conducting your online mediation, you need to agree to turn off phones, tablets, computers, and disable any alerts, announcements or texts for the duration of your online mediation. Further, you agree to refrain from the use of social media, email, or other internet usage, other than may be necessary to conduct the mediation, during your online mediation session. While it is possible to use Zoom on your phone, Computer screens are much easier to see things on than phones.
- 3. Log on early.** You agree that whenever possible, you will log on to the scheduled mediation no less than 5 minutes in advance so that all technology issues (if any) can be resolved prior to the mediation and your mediation session can start on time.
- 4. Waiting room.** Prior to beginning the mediation, you will be in a waiting room. The waiting room is like a “cone of silence” and you will not know who else is in the waiting room, you cannot hear them, you cannot see them. You, and everyone else participating in the mediation, will be moved into another room after the mediation starts. Normally you will be in a virtual room with your attorney. If all parties are not signed into the waiting room by 5 minutes after the scheduled start time, the mediator will admit all parties who have signed in so a determination can be made as to how to proceed, given that there are missing parties.
- 5. Protocol for technology failures.** Despite everyone’s best efforts at times, technology may not operate properly, and a scheduled online mediation session may not commence on time or may be interrupted. If you are unable to join a scheduled mediation session, please immediately call or text the mediator at 503-781-6148 to discuss how to proceed. If, during the course of the mediation the connection is interrupted, please try to log in again before calling the mediator. If you are unable to log back in, call the mediator at the number above. In the event that technology issues cannot be resolved in a reasonable time, the online mediation session will be rescheduled. Please do not let technology issues frustrate you. We will handle them calmly and eventually successfully.
- 6. Caucus failure issues.** Quite often during the course of your mediation you will be put in caucus, meaning separated from the other side. In some mediations you will spend the entire mediation in a separate room with your attorney as the mediator

comes and goes between the party's rooms. The Zoom online platform allows the mediator to use different rooms for different parties and the effect is to mute the mediator to one of the participants while he continues to communicate with the other participant in a personal caucus, usually with the party and their attorney. You agree that in the event that you are the muted party during the caucus between the mediator and the other party, that if you are somehow able to hear the communication intended to be private, you will immediately terminate Zoom.US online mediation session and will call your mediator at 503-781-6148 to figure out how to proceed.

- 7. Respectful communications.** First, be aware that often Zoom does not allow two people to talk at the same time so that only one participant will be heard. Accordingly, it is especially important to allow each person talking to finish their comment or statement before commenting yourself. This is different than everyday speech where we interrupt each other often because we can anticipate the likely ending of the sentence, but it is extremely important not to do so online. Further, the online format can amplify and exaggerate sound, so maintaining a regular speaking voice is important. Please remember that the camera does not always transmit hand gestures or non-verbal cues. If you are trying to use your hands to talk, make sure they are showing up on the screen. Finally, when the parties are altogether, it is not useful to use derogatory terms or make derogatory comments about the other party as it gets in the way of a meaningful resolution and is not in anyone's best interest.
- 8. Mediator's physical location.** Unless otherwise indicated, your mediator is in the state of Oregon. If more detail is necessary, ask at the mediation.
- 9. Most Important!** Mediation requires effort, good faith and commitment to the process. The goal is resolution of the dispute. Mediation is a tool used in an effort to achieve that goal. Virtual mediation can and will present some challenges from time to time, but if parties keep in mind the goal and are truly motivated and committed to the process, we can continue to achieve the goal of resolution even with the current challenges.

Note that all participants in mediations with this mediator will be required to have read and signed this document in advance of the mediation.