

## VIRTUAL MEDIATION REQUIREMENTS

Case Name: \_\_\_\_\_ Case No. \_\_\_\_\_

In addition to any other agreements that may be required for this mediation, each party to the mediation must sign, date, and return these Virtual Mediation Requirements by email to [Scott@ScottMillerMediation.com](mailto:Scott@ScottMillerMediation.com). Counsel are responsible for ensuring that clients and client representatives understand and abide by these Requirements.

### **1. Virtual Mediation Using Zoom**

Scott Miller Mediation uses the secure online platform provided by Zoom.us to conduct your virtual mediation. To participate, you will need to take steps in advance of your scheduled mediation session to be able to use Zoom's free software or application, which may be used with a computer, a tablet or a phone.

### **2. Ground Rules for Virtual Mediations**

Mediations are confidential. To ensure the confidentiality of the session(s) is/are protected, and to maximize the ability of the parties to resolve the dispute, all participants in a virtual mediation must commit to following:

First, all participants must appear on camera. You confirm that, for the duration of the mediation session, only those appearing on camera are present in the room and no participant can be overheard by anyone who is not participating in the mediation.

Second, no person or party may record—by video, audio, stenographic or other means—any portion of the mediation session. You agree not to transmit a relay of any portion of the mediation session, live or delayed. In the event that you learn of any such recording or relay, you agree to take immediate measures to destroy the recording and/or stop the transmission.

Third, each party will be assigned to a private, separate breakout room, which allows for confidential communication among the attorneys and client representatives in that room. You agree that in the event that you are able *for any reason* to hear communication involving the other party that is intended to be private, you will IMMEDIATELY end the Zoom meeting and contact your mediator.

Fourth, you will need to use a secure WiFi or ethernet (hard-wired) connection for your device. You should NOT use a public access WiFi connection, such as those available in public spaces or businesses open to the public, as they are neither secure nor private.

### **3. Enhancing Your Virtual Mediation**

Although there are a number of benefits to conducting a mediation session remotely, it can be a challenge to replicate the active engagement and personal presence that results from face-to-face communications. There are a number of things you can do in order to increase the efficacy of your virtual mediation.

First, you should take all reasonable measures to ensure that you are not interrupted during the virtual mediation.

Second, apart from the computer or mobile device upon which you are conducting your online mediation session, you should turn off or silence any other phones, tablets or computers.

Third, you should refrain from multitasking during the mediation session, particularly when you are in session with the mediator.

#### **4. Communication During a Virtual Mediation**

Despite best efforts, technology may not operate as expected. If you are unable to join a scheduled mediation session, please contact your mediator to discuss how to proceed.

Once you are in a breakout room, the virtual equivalent to knocking on a conference room door to communicate with the mediator is found in the Zoom “request help” function, which will let the mediator know you would like him to return to your breakout room.

Counsel must make arrangements in advance of the virtual mediation to ensure that every client or client representative who is necessary to sign a binding settlement agreement has the ability to provide you with a signature. Documents may be printed and signed with a scan or photograph of the signature page returned through email. Alternatively, counsel may arrange for use of Docusign or another similar application to enable electronic execution of documents.

Each party agrees that electronic versions of signed documents may be transmitted electronically to counsel during the course of the virtual mediation and that such signatures will be deemed to be effective as if an original.

\* \* \*

By the signatures below, each party certifies that s/he has read these Virtual Mediation Guidelines and agrees to abide by them. This Agreement may be signed in counterparts.

Mediation Date: \_\_\_\_\_

\_\_\_\_\_  
Mediator

\_\_\_\_\_  
(Party Attorney)

\_\_\_\_\_  
(Party Attorney)

\_\_\_\_\_  
(Party Attorney)

\_\_\_\_\_  
(Party Attorney)

\_\_\_\_\_  
(Third Party e.g., insurance representative)

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