

## GUIDE TO ONLINE DISPUTE RESOLUTION WITH ZOOM

by

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### **PREPARING FOR ZOOM**

- 1. Download the App:** Before the date scheduled for mediation, download the free Zoom meeting client. It can be found at <https://support.zoom.us/hc/en-us/articles/201362033-Getting-Started-on-Windows-and-Mac>. To participate in the video mediation process your computer will need a camera and external audio capability. If your computer is not so equipped, consult with your counsel about how to proceed. Once at the Zoom website, download the desktop client. It's free. <https://zoom.us/support/download> (PC/Apple/Android).
- 2. Install the App:** Follow the instructions to install and troubleshoot Zoom on your computer.
- 3. Getting help:** If you are still having trouble, visit the Zoom Help Center for assistance. <https://support.zoom.us/hc/en-us>
- 4. Maintain confidentiality:** All participants in the mediation are committed to the confidentiality of the process. Accordingly, your mediation location must be private, free of interruption or interference and the discussion cannot be overheard by third parties. DO NOT USE PUBLIC WI-FI FOR THE MEDIATION AT LIBRARIES OR COFFEE SHOPS, FOR EXAMPLE.
- 5. No recording:** Mediation is a confidential process. Recording the mediation is therefore strictly prohibited. Taking notes is allowed. No one has permission to make an audio or video recording, however. The Agreement to Mediate you will sign or have signed already does not allow recording.
- 6. Authorized persons only:** No one can be present during any portion of the mediation unless their presence is known by all other mediation participants and that person has also signed the Agreement to Mediate. Do not permit your spouse, friend or significant other to "listen in" without permission. If you use a relative or friend's wi-fi, explain to them that they cannot listen in because the rules of confidentiality prohibit them from doing so.
- 7. Confirmation:** At the start of the mediation, you will be asked to confirm that you're alone.
- 8. Lighting:** Check out your video image before the mediation begins to consider the lighting in the room where you will be sitting. Avoid sitting with a window behind you, if possible. Otherwise, participants may not be able to see your face clearly.
- 9. Signing the Agreement to Mediate:** Be sure you sign the two-page Agreement to Mediate and return it to your counsel. Among other things, this Agreement provides for

confidentiality of the process, prohibits recording, and sets forth the rules governing the process. Everyone who participates in the mediation MUST sign. If you have questions, ask your counsel.

### **GETTING STARTED**

- 10. The invitation:** You will receive an email inviting you to a Zoom meeting. It will probably come from your attorney or someone in your attorney's office. Open the invitation. **DO SO AT LEAST 10 MINUTES BEFORE THE SCHEDULED START OF THE MEETING.** Joining 10 minutes early will avoid delays, ensure your connection is working, and give you time to deal with any issues or glitches with the software.
- 11. Open Zoom:** You will be asked, "Open Zoom?" Click Open Zoom!
- 12. Join the Meeting:** Choose "Join with Video" and "Join with Computer Audio." If you are asked to "Allow" Zoom, choose Allow. You will be given the option of testing your microphone. You should run the test.
- 13. IF YOU ARE UNABLE TO CONNECT:** Close your browser. Re-open it and start over by returning to the email with the invitation. If that doesn't work, use your telephone to call 734-417-0287 for assistance.

### **THE MEDIATION PROCESS**

- 14. Your private "waiting" room:** When you first join the meeting, you and other participants will be admitted to a virtual private "waiting" room for up to 5 minutes – longer if another participant is late. The "waiting room" provides a "Zone of Silence." You will not be able to hear or see anyone else temporarily. Please be patient. Once everyone "arrives," you will be admitted one by one into a joint meeting room also temporarily. The purpose is to make certain you can see and be heard, make certain you can see and hear me as well as each other, and otherwise get things kicked off. Once the technology is in order you will be transferred to your own private virtual conference room.
- 15. The "caucus" room:** A private and secure conference room has been set up and reserved for you, your attorney, and anyone permitted to attend along with you. This is called a "caucus" room. The mediator will place you in your caucus room. No one from the other side can see or hear what happens in your caucus room. It is completely secure and confidential. If a lawsuit has been started, there will be a private caucus room for the "Plaintiff" and a private caucus room for each "Defendant" or "Defense" group. If your matter is in arbitration, the rooms will be designated "Claimant" and "Respondent." You and your counsel will be able to see and converse with one another privately in the caucus room. When anyone "enters" your room including me, you will be able to see them.
- 16. Introductory private meetings:** Once everyone has been transferred to their own Plaintiff or Defendant caucus room, I will join you privately for a formal "get acquainted" session. I generally start with the plaintiff side as they brought the claim; followed by a parallel meeting with the defense team or teams. These introductory sessions typically

take from 20-30 minutes. I cannot promise to spend the same amount of time in each room. Every dispute is different. What I can promise is that if I meet with one side, I will meet with the other.

### **PARTICIPATING IN THE MEDIATION**

- 17. Place cell phones and pagers on Silent Mode:** During the mediation, please set all cell phones, pagers, unused iPads or other electronic devices to silent mode or vibrate. The point is to minimize the number of distractions to insure a smooth-running mediation process.
- 18. Respectful online communication:** Due to the nature of the online forum, it is especially important to allow each participant to finish their comments or statements before responding. Significantly, audio technology allows only one person at a time to be heard. The microphones cannot pick up two or more voices simultaneously. As a result, the person to whom you are speaking may not hear all or part of your comments if you don't wait until they have finished speaking. Common courtesy also dictates that every person be allowed to finish speaking without interruption. Treating everyone with respect and hearing them out contributes importantly to building a productive atmosphere which increases the likelihood the mediation will result in resolution.
- 19. Dress code:** There is no specific dress code for mediation. Keep in mind, however, that mediation is a process for getting to know, learning about and gaining a better understanding of one other. It's important, therefore, to make the best impression possible on the mediator and the other side. You should want to appear as your best self, a credible and realistic reflection of who you are. First impressions are as important in mediation as any other significant interaction. If you normally dress up for business meetings and are comfortable doing so, by all means do so for the Zoom mediation. If you choose to dress casually, consider business casual – at least above the waist where the camera will show it.
- 20. Hand gestures:** The camera does not always transmit your hand gestures or other non-verbal cues especially if you hold your hands below the camera level. It is important, therefore, to verbalize all communication as much as possible during an online session.
- 21. Use a regular speaking voice:** The online format can amplify and exaggerate sound so maintaining a regular speaking voice is also important.

### **MANAGING THE ZOOM CONTROLS**

- 22. Zoom window:** To enlarge the Zoom window, move your cursor toward the upper right corner. Click on the box to create a full screen experience. Any time you wish to exit full screen you can press escape or click on the "exit full screen" box in the upper right corner. Other icons in the upper right corner are "speaker view" and "gallery view". Gallery view provides small windows so you can see everyone participating in the session at once. Speaker view places the speaker's image in the center of the screen in large format with everyone else in thumbnail views. Which view you choose is a matter of personal preference.

- 23. Bottom Bar:** On the bottom left is a microphone icon and an arrow which will allow you to mute or unmute your microphone. The little up arrow opens a submenu to select a headset, speakers or your computer's internal speaker. Test your speaker and microphone to be sure they are working. To the right of the microphone icon is the camera icon which has its own submenu. You may select which camera to use, but usually the integrated web cam that's part of your computer is best.
- 24. Action Bar:** In the center of the bottom bar are some additional tools:
- a. **Invite:** This allows inviting additional people to the meeting. You will not be using this button.
  - b. **Share screen:** This button will allow you to share any documents on your screen with the mediator or other participants.
  - c. **Chat:** This is an internal email system that allows all participants to send email notes to one another individually or to the entire group. The option of sending a message is available only for individuals in your same room. Once you are in your caucus room, you will be able to chat only with other individuals sharing your room.
  - d. **Reactions:** This allows you to post a few basic emojis to the screen.
- 25. In case of a technical glitch or failure:** In the event of any technical problems, do not panic. Panic is not your friend. Shut down your browser and restart the meeting from your email invitation. That should solve any problem. If it does not, you can text me at 734-417-0287.
- 26. Worst Case Scenario:** In the event you are not able to reconnect, we can try completing the mediation via telephone conference call. If that becomes necessary, the call-in number and passcode are as follows:
- a. 712-432-3447
  - b. 752649#