ONLINE MEDIATION CHECKLIST

Scheduling the Mediation

- Communicate privacy and confidentiality expectations to all participants. Encourage parties to keep their meeting link and password secure.

- Confirm waiting room is enabled, “Join Before Host" is off. Consider setting up a personalized message with instructions to participants.

- Confirm breakout rooms enabled, consider naming for easy identification.

- Disable “Local” and “Cloud” based recording if not already

- Use a unique and private meeting number for each mediation. Require participants to use a password to enter the meeting.

- Provide a contingency communication plan with alternate methods of contact, e.g. conference line or parties’ phone numbers.

- Explain what a virtual waiting room is and agree to a window of time to wait for parties to join the session. Discuss what will happen if all parties are not logged on by the agreed time.

Before Session Begins

- Test audio and video on the devices. If using a mobile device, ensure it is fully charged and/or connected to a charging cable.

- Silence other devices, turn off notifications, and check your background.

- Secure your workspace from interruptions. Inform any persons in the vicinity that you will be unavailable and in a private/confidential meeting during the time scheduled.

- Prepare all materials you may need, including blank “Ground Rules” document.

- Confirm chat setting to allow parties to message each other privately is disabled.
Mediation Session

**Housekeeping.** Lock the meeting once all participants have joined. Confirm that all parties can hear and see each other. Ask the parties to have a pen and paper in front of them to jot down thoughts. Remind parties of Contingency Communication Plan and alternate methods of contact.

- Explain that with this Technology, there may be instances of lag. It is difficult to politely interrupt someone with lag, and lag may cause everyone to accidentally interrupt each other. Ask them to be patient and understanding should this happen. Instruct everyone to address one another by name, so that it is clear whom is being spoken to.

Review Confidentiality. State no one else may be in the room, or within listening distance. Have parties verify and confirm no one else is in the room or that could overhear the conversation. State no recording of the session of any kind is permitted.

- Explain Caucus and how it will work, what that process looks like, and what to expect: separate private virtual rooms, can still communicate with mediators via “chat” function, mediator will bring parties back together in the main session if and when appropriate.

- Use "Share Screen" to show the Agreement to Mediate document for all parties to review. Read the Agreement to Mediate aloud for all participants.

- Confirm Signatures prior to parties’ opening statements. If not received in writing, obtain verbal consent, one by one, that the parties agree to the terms of the Agreement to Mediate and sign “with verbal consent” for each participant on the form. Mediator(s) will write the parties’ name in each spot, and write “with verbal consent.”

Establish Ground Rules. Include all parties in creating the ground rules together. Share the screen so all parties can see the document as it is created in real time. Keep available to refer back to throughout the mediation as necessary.

- Begin Information Sharing with Petitioner and/or attorney. Restate and check for understanding with the Petitioner, then continue with Respondent. Move on through the mediation process: agreeing on the issues to be address; brainstorming options, selecting the best options, etc. Take notes off screen (not shared with parties) AND/OR use share screen/white board to capture points. Keep a running list of agreements on a separate document.

- Caucus with the parties and their attorneys by using the breakout rooms. The mediator (Host) will assign participants to the breakout rooms and can join the breakout rooms with the participants and move from room to room. Parties can be returned to the main session at the close of caucus.

- Settlement Agreement Writing. Share the template agreement on screen and enter the parties’ settlement terms. Continue working with the parties in the shared document to ensure that their terms are written into the agreement.

- Review Draft Agreement. Read the terms of the Mediated Settlement Agreement out loud for all participants. Ask for any corrections, updates or revisions to the language. Ask for consent from each participant to approve the terms of agreement.

- Remind parties of Method for Signing Agreement. Staff can facilitate the process determined by the center.

- Conclude the Session. Let participants know the next steps, such as sending documents to the court or scheduling a follow-up session. Thank the parties for participating and end the session. If an agreement was not reached, advise what other dispute resolution processes may be available. Finally, debrief the process with the center staff.