



Mediation Using Zoom

Practice Guide and Ground Rules

GETTING STARTED

- You can participate fully in the mediation with a desktop, laptop, tablet, or smartphone (if you are using a smartphone, you will need to download the **Zoom Cloud Meetings** app).
- **It is important that your device be fully charged and/or that you have charging accessories available so that nobody's device runs out of power during the mediation.**
- **You will need a strong, secure (not a "public" place) Internet connection.**
- You should have your cell phone available as a backup up means of communication.

SCHEDULING/JOINING THE MEDIATION

- You will receive an email invitation to the Zoom mediation indicating the date and time.
- Click on the Zoom meeting link 5–10 minutes before the mediation is scheduled to start.
- Click on **"Open Zoom"** in the prompt that will appear on your screen. **You do not have to have a Zoom account to do this or to participate in the mediation.**
- You will be admitted into a separate **waiting room** for just you. You may wait a few minutes in your waiting room until everybody has arrived before you are brought into the mediation.
- The Mediator will admit you into the **main session room** along with the others to begin the mediation. All participants will appear on the screen together. You will be prompted to turn your video and audio functions on by clicking **"Join Video" and "Join Audio."** There is a taskbar at the bottom of the screen that shows the functions that the participants can use.
- If a participant leaves the mediation due to a connection or power issue or by mistake, they can return to the mediation by going back to their email invitation and clicking the Zoom meeting link. They will enter the waiting room, where the Mediator can see them and bring them back into the mediation.
- The Mediator will have the participants' cell phone numbers for backup and troubleshooting communications.

GROUND RULES

Confidentiality: The entire mediation process is confidential, and the information presented and exchanged during the mediation cannot be provided or discussed with anyone who is not a participant in the mediation. It is therefore necessary that the participants do not allow anyone who is not a participant to be in the room or space where they are participating in the videoconference mediation, or to otherwise view or hear the mediation. By participating in this videoconference mediation using Zoom, all participants agree that the mediation is subject to the same legal and evidentiary confidentiality provisions as those that apply to in-person mediations.

No Recording: No audio or video recording of the mediation using any other device is permitted. The ability to record the mediation through the Zoom program has been disabled and removed for the participants.

JOINT SESSION

- The mediation starts with a **joint session**, where the Mediator explains the mediation process and the functions of Zoom that will be used.
- Each party will then have an opportunity to make an opening presentation in the joint session.
- There is a screen-sharing function the parties can use to show and mark documents and photographs for their opening presentations.

BREAKOUT ROOMS FOR PRIVATE SESSIONS

- After the joint session, the Mediator will separate the parties and their attorneys into what are called **breakout rooms**. The participants will only be able to see and hear those in their breakout room and will not have video or audio access to the participants in the other breakout room.
- The Mediator will meet separately and privately with each party and their lawyer in their breakout room, going back and forth from one breakout room to the other to discuss the case and guide the negotiation to attempt to reach a settlement.
- The parties can use the screen-sharing function to review documents and photographs with the Mediator privately and confidentially in their breakout room.
- As needed, the Mediator can leave a breakout room so the parties can confer with their attorneys privately. The parties can signal the Mediator to return to the breakout room when they are ready.

SETTLEMENT

- If the parties reach a settlement, the Mediator will help the parties prepare, review, and revise settlement documents and add signatures using the screen-sharing function to confirm the settlement.



This Practice Guide was Prepared by Peter Schroeter, Esq.

Peter Schroeter is a Mediator and Arbitrator with the firm of Shaheen & Gordon, P.A. He is a member of the National Academy of Distinguished Neutrals and has been recognized by Best Lawyers in America and New England Super Lawyers in Mediation. He is the chairperson of the Maine State Bar Association Alternative Dispute Resolution Section and past president of the Maine Association of Mediators.