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DON'T BE HESITANT TO TRY REMOTE MEDIATIONS

By Carla Cotropia

I admit I was hesitant at first since I love the in person interactions with people. However, once I got the technology down, it really is almost the same. As long as everyone is on the video screen, I can see facial expressions and body language. I am able to zero in on nuisances really just as effectively as in person, as hard as it may be to believe.

When I first started with remotes, I would have the plaintiff on one computer on one laptop in one room and the defense on another laptop in a different room. Each side had a separate zoom invite. With this method, I would go between the rooms just like an in person mediation. When the attorney wanted me back in their room, they would text my cell phone.

This was so “real” that at the conclusion of one mediation when we were discussing settlement documents and those types of details, I asked the attorney if she was ok with me bringing in the other attorney, and she said yes. When I left the room, I realized I couldn’t do that and went back. We both laughed because we had forgotten that it was remote.



Photo by Allie on Unsplash

The only problem with this method is it prevents the parties from talking together or having a joint session. So I got trained on advance uses of zoom and I learned how to put people in private breakout rooms. This way they parties can continue to talk privately away from the other side.

I control who is together in a private room so there is no way the other side could “sneak into your room”. Plus when you are in the breakout room you see exactly who is in there with you. I can move back and forth between the rooms as needed.

Recently I conducted a settlement conference for a dispute between two businesses. There were 12 people involved. The companies wanted to be in separate break out rooms but sometimes the owners of both companies wanted to talk privately together. I was able successfully to make this happen. I moved people back and forth and all agreed it worked well.

You have to take a leap of faith to try it with me and I understand this. I would rather be in person too, but I don't want you to feel you have to wait until social distancing is in our rear view mirror. Give it a shot. You will be pleased. I promise!

