

SBWC – ADR DIVISION

We are providing teleconference and videoconference mediations while COVID-19 health concerns persist. Please observe the following guidelines to make these processes run more smoothly.

MEDIATIONS:

Mediations will be held by teleconference unless a Zoom mediation is requested beforehand – **Zoom arrangements are first come, first served.** All ADR mediators and ALJs have Zoom Pro licenses. Each mediator is scheduled for only one Zoom mediation at a time. Being available for the scheduled mediation on time is important because the mediator often will have more than one mediation per day.

If you know your mediation will require an extended time, it is possible to “special set” the Zoom mediation with a specific mediator. Special set arrangements must be made ahead of time. Contact the mediators directly to request their availability for “special set” mediations.

Zoom participation requires a smartphone, tablet, or computer with a camera and a secure internet connection. Public wi-fi is not secure, and mediation cannot proceed when confidentiality cannot be maintained. Additionally, parties can participate by telephone if videoconference participation is not possible.

Zoom is our primary mediation process at this time. No party or party representative should report for mediation in person to any Board office or any other location unless the notice specifically directs you to do so.

While currently we are offering in-person mediations, these are available on a very limited basis by special arrangement only and must meet certain guidelines and safety protocols.

Pay attention to your mediation notice. It contains detailed information regarding how your mediation will be conducted.

THE PROCESS:

- On the business day prior to the scheduled mediation, an ADR Legal Secretary will contact the attorneys to collect updated contact information. **PROVIDE A PRIMARY TELEPHONE NUMBER AND A SECONDARY NUMBER SUCH AS A CELL PHONE NUMBER FOR THE ATTORNEYS WHO WILL BE HANDLING THE MEDIATION to ensure the mediator can reach you when necessary.**
- Do not provide a partner's number if an associate will be handling the mediation. Do not provide merely your firm's general number or switchboard number – we need a *direct contact number* for each person who will participate in the mediation. *If at any time during the mediation you cannot be reached, at the mediator's discretion the mediation may be suspended.*
- Either the business day prior to the mediation or early in the day of the scheduled mediation, the mediator will send you a Zoom meeting invitation. The invitation will include a link for joining the scheduled videoconference, as well as a Meeting ID and a Passcode. The Meeting ID and Passcode combination is specific to your scheduled mediation and prevents other persons from gaining access to your Zoom meeting. **Do not share the Zoom invitation email with unnecessary and/or non-participating parties.** The mediator, as host of the Zoom conference, retains control of who is admitted to the conference. Make sure you have notified ADR of who will be participating – unrecognized parties will not be admitted to the conference.
- **For Zoom, attorneys are responsible for forwarding the emailed invitation to their clients.** The mediator will contact attorneys and unrepresented parties.
- **If you are requesting a Zoom mediation, you must respond early to the legal secretary's email and provide accurate contact information, including an email address.** Since these are first come, first served, delayed confirmation and contact information provision can mean your request comes too late for us to accommodate.

- **Make sure your client has the technology necessary to participate – have your client in your office if necessary.** Zoom requires a device with a camera and a high-speed secure internet connection sufficient for two to three hours of online connectivity.
- **On the day of the mediation, be ready 15-30 minutes ahead of the scheduled time for the mediator to reach out with preliminaries.** The mediator will go over the process and address any questions or concerns you have before the formal mediation begins. This pre-mediation window will allow any connection or log-in issues to be resolved in time for the mediation to begin.
- **If at the appointed time, a party is not available at the number provided, or fails to log into the Zoom mediation session, the mediation may be removed from the calendar as a “no show.”** Again, make sure we have a way to contact you directly.

GROUND RULES:

In addition to the customary ground rules for in-person mediations, there are some special ground rules which must be observed for teleconference or videoconference mediations:

- The mediation process is confidential:
 - ABSOLUTELY NO RECORDING.
 - Be in a quiet room, without interruptions or distractions.
 - Only the parties to the mediation should be present.
 - Your mediator will ask if you are in a secure and private location. If this changes at any time during the process, let your mediator know. If privacy cannot be maintained, your mediator may reset the conference to another date to meet this need.
 - All persons in the room with any party must be disclosed. If at any time a party enters or leaves the room, let your mediator know. **Clandestine participation or observation by any party, including but not limited to family members, additional attorneys, adjusters, supervisors, or employer representatives, is prohibited.** The mediator may request that all persons be

within camera range. If these requirements are not met, at the discretion of the mediator the mediation may be suspended or terminated.

- **Attorneys have the same duties when communicating with their clients by telephone or video as exist in an in-person mediation.** These duties include conveying all offers and counteroffers to your clients and allowing the mediator to speak to your client when necessary. **Remain engaged throughout the mediation. You cannot cede communication duties to the mediator.**
- If at any time communication cannot occur (call drops, internet goes down, etc.) let your mediator know. There should be a plan in place to re-establish contact; make sure you have given the mediator a phone number at which you can be reached.
- The time required for a teleconference or videoconference mediation should be approximately the same as an in-person mediation. To the extent possible, be prepared to give the mediation your undivided attention.
- **Please block out appropriate time in your schedule and be respectful of the other parties' time. Please be respectful of your mediator's time as well – they're often handling more than one mediation per day and their time is not unlimited.**

We're in business, just not quite business as usual.

We look forward to helping you reach resolution.