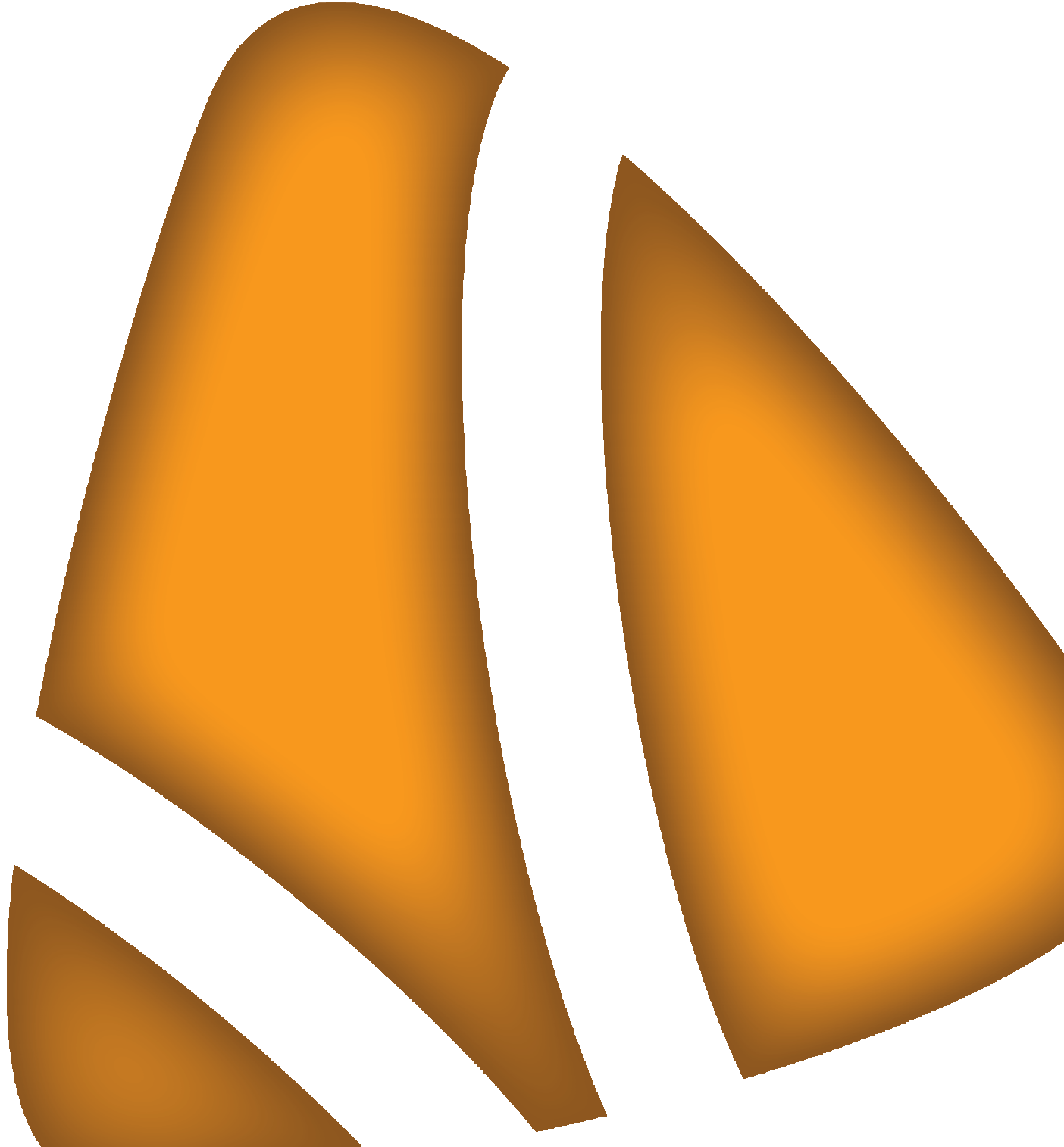


## Mediation using Virtual Conferencing





## What we provided

### Video conferencing mediation

One of CMP's most experienced mediators agreed to trial mediating by video conference for an international agency. The parties were both based in a developing country with a two-hour time difference from GMT. For the joint meeting, they were in the same room at the same time and shared one PC. The mediator did the mediation at the organisation's offices in London.

### The process used

The mediator did a 45 minute one to one session with each party via the VC which was comfortable and raised no issues. In his opening comments, the mediator also discussed the use of VC for the meeting; what would happen if it failed.

After 'meeting' both parties one to one, on one day, due to the time difference the 'joint' meeting took place the following day and lasted around 3 hours.

The mediation was a 'success'; the parties reached an agreement and felt more positive about their future working relationship. It is unlikely that a live mediation would have produced any difference in outcome.

What made this process fairly easy was that both parties had moved a long way from the initial points of conflict and were quite able to communicate with each other. They approached the process as a learning opportunity and neither had very 'hot' issues that they needed to address.

### Comparison with face to face process

	Set up time	Venue costs	Coordinator	Time scales
<b>Traditional</b>	1 hour admin (venue for meetings, scheduling meeting)	1 x room	Not present on day of mediation	One to one meetings 90 mins each party  Joint meeting – half day
<b>VC</b>	2 hour admin (venue for parties, venue for	1 x room for parties	May need 2 coordinators one at both locations	One to one meetings – 90 mins



	mediator, technology availability) due to liaison routes with the set up involving more people – more 'fiddly'	1 x room for mediator	on mediation day	each party  Joint meeting – 3 hours
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## The joint meeting issues

### Time lapse

Using a VC gives a slight delay so that although sound and lip movement is coordinated, there is a gap which means people are more likely inadvertently to interrupt. The mediator made this transparent and it didn't seem to present a problem, especially due the parties' ease using VC.

### Line-of-sight of parties

The parties were in the same room and naturally sat to face towards the same camera. The mediator asked them to move their chairs so they were facing each other, but so that he could also see their expressions. They both turned their chairs to point inward enough that they could choose to talk to each other as well as the mediator.

### Additional information at the opening stage

In his opening comments the mediator talked about technology failure, what happens if a fire alarm went off on either site, and toilet breaks. He addressed how he would manage separate meetings if they were needed. The reality of this was that the mediator would need to ask the parties to self-manage these situations, albeit with some guidance.

## Learning points

### Emotionally 'hot' mediations

These need to be assessed by the mediator during the initial sessions against criteria such as:

- Is it safe for these people to be alone together in a room, or alone in a room on their own



- ♣ Do the parties appear able and willing to comply with requests from the mediator, eg managing separate meetings and dealing civilly with each other away from the observation of the mediator
- ♣ Is a second neutral person needed at the location of the parties to 'be with them' during toilet or separate meeting breaks?

### **Technology**

- ♣ Is it reliable and of adequate quality?
- ♣ Is it available, and available in a private room?
- ♣ How familiar are the parties with using VC?

### **Co mediation**

- ♣ Co mediators should be in the same room.
- ♣ Mediators need to be sure to offer plenty of on-going attention to each other.

### **Skill and experience of the mediator**

- ♣ Does the mediator have sufficient experience to be able to be flexible and response to this different process
- ♣ Does the mediator have experience of using VC and online meetings and are they technologically competent to be responsible for the software

### **Coordinator on site with the parties**

- ♣ You may need a *local coordinator at the party site*, and someone to *host an external mediator* coming in to your site to use your VC, who takes responsibility for:
  - Rooms
  - IT support
  - Issues arising on site

### **Time zones**

- ♣ These may require mediators and parties to work out-of-hours and across two or more days