



Mediator's Tips for Successful Virtual Mediation

By: Hon. Emil Giordano (Ret.)

- 1) Learn the technology
 - a) Loading *Zoom* onto your phone or computer is easy
 - i) Give it a test run with your family and/or officemates
 - b) Make sure the client has loaded *Zoom* and has a stable source of WIFI
 - c) Ask mediator for a run-through
 - d) Make sure no one records the mediation
- 2) Backup plans
 - a) Have two phones available
 - b) Get everyone's phone numbers
- 3) Do not schedule mediation unless you are ready to settle
 - a) If your client who is the defendant says, "there's no way I'm going to pay any money," don't go to mediation
- 4) The parties and all decision-makers must be present
 - a) Joint sessions vs. private sessions
- 5) Memos should be done well in advance and should be shared with the other side with plenty of time for evaluation of your claim
 - a) Pictures
 - b) Medical reports (not every piece of paper generated by the hospital)
 - c) Relevant portions of deposition transcripts (not the tiny print ones)
- 6) Negotiations
 - a) Prepare your client for a long day and they will feel insulted at times
 - b) Don't quit or lose your cool (this can be tedious at times)
 - c) Don't make outrageous demands
 - d) Don't make dinner plans or plane reservations
 - e) Bring other work
 - f) Do keep talking and no ultimatums

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