

## 7 Tips for Preparing for On-Line Mediations

By now, almost all litigators will have participated in some form of on-line proceeding, whether it is a motion, a pretrial or a mediation. This brief and non-exhaustive list provides some basic practical tips to consider before your next on-line mediation, to give you and your clients the best chance for success. In no particular order, they are:

1. Test of your clients' hardware. While most of you now have a designated location and set-up for conducting on-line proceedings, many clients do not. It is therefore important that you have a practice Zoom call, or WebEx meeting, or whatever platform is being used for your mediation. For the practice call, make sure your clients use the exact devices they will be using for the mediation and are in the exact locations they will be for the mediation. You need to identify any issues with devices or wifi signal strength before the morning of the mediation.
2. Test your own background and camera angle and lighting. Using the camera you will be using for the mediation, do your best to create a visual image for yourself that conveys competence and professionalism. It probably detracts from your presentation at the mediation if your camera is looking up at your chin or down onto your forehead. Or if your background looks like (or is) your garage. If need be, put your laptop on a pile of books so that the camera is more or less at eye level. And if appropriate, hang a plaque or piece of art on the wall behind you. Avoid sitting with a window behind you unless the window is covered and most of the light is blocked off.
3. Have charging cords for all devices. This goes for your clients too, particularly if they are using a phone or tablet to attend the mediation. Having a device run out of power during a mediation can be very disruptive, especially when it happens right near the end of the day.
4. Make sure you and your clients have cell phones with you. Cell phones are often used by mediators and counsel to share messages and information confidentially. And also, if there are major technical problems during the mediation, counsel and clients can always call into the meeting or participate by phone. Please make sure your cell phone is fully charged.

5. Have your screen share documents ready and open. If you will be screen sharing documents, make sure you have them open on your computer somewhere for ease of reference. If the document is page 124 of your 200 page, unbookmarked PDF brief, it can be cumbersome and slow to find.
  
6. Be ready with a first offer and a message to go with it. You can revise your offer at the mediation once you have heard openings, or after an opening offer from the other side but at least be ready with a plan. And discuss the plan with your client in advance so that there are no surprises.
  
7. Call on the mediator. If you or your client are encountering any issues with hardware or software before the mediation, or if you want pointers on how to make the process work more smoothly, most mediators now have a good grasp of the various on-line technologies and can help trouble shoot and answer questions. Feel free to contact your mediator for help. And it is of course most efficient and productive to do this in advance of the mediation rather than during.