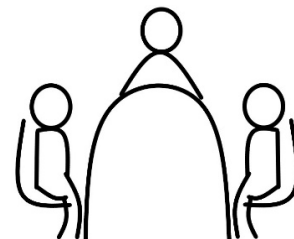
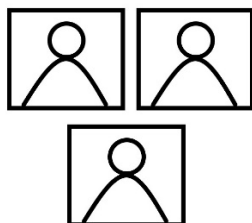


# ZOOM MEDIATION VS. ROOM MEDIATION



Presentation by Linda Scher and Katie Behel, Parting Waters Mediation LLC

For the Statewide Family Law Advisory Committee Family Law Conference

September 24, 2021

## Introduction

COVID-19 and its variants have changed the practice family mediation and law forever. Practitioners had to pivot to continue to serve clients in the best possible manner. We had to acquire new skills, purchase and learn new technologies, and educate our clients at the same time.

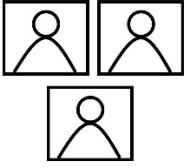
In this workshop, we will be debating the merits and limits of zoom mediation vs. room mediation using six different metrics:

- ❖ Mediator's Best Work/Personal Style
- ❖ Confidentiality/Child Protection
- ❖ Safety
- ❖ Educational Resources and Materials
- ❖ Accessibility/Convenience
- ❖ Client's Comfort/Client's Best Work

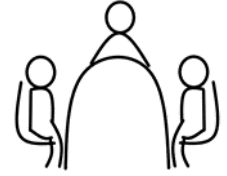
Each presenter will randomly take one side ("Team Zoom" or "Team Room") and will advocate for a preference in these areas. We will invite you to take sides and suggest benefits, and we will look to adaptations that bring the best features of zoom mediation into room mediation ("Bringing Zoom to the Room") and the best features of room mediation into zoom mediation ("Bringing The Room to Zoom").

Our goal in this workshop is to improve the practice of family mediation and related family services in whatever forum they are provided to clients.

What follows is our list of pros and cons and adaptations. It is intended to be a starting point for the conversation.



## MEDIATOR'S BEST WORK/PERSONAL STYLE



### **TEAM ZOOM**

Mediator can create the space that clients see (i.e. fun backgrounds, cultivate what is seen behind you)

Mediator controls the start and end of the session

Mediator can dress less formally

Mediator can get environmental cues about the client's attitude (how intentional and focused is their space)

Mediator may be more focused, less likely to drift

Mediator can be more intentional in speaking to one client or the other

Mediator can have a messy/spread out desk

Can use zoom tools: vary between joint and separate time, share the screen or see the people, use a timer, use the screen name of participant to remember preferred name (and pronoun)

### **BRINGING ZOOM TO THE ROOM**

Use a timer in person

Relax your dress code

It is ok to get right down to business

### **TEAM ROOM**

Conscious design of space (entry, waiting room, conference room) sets the mood, better chance for personality to come through

Mediator has a chance to casually greet clients in waiting room  
Clients can talk afterwards, continue working

Dressing professionally = authority to Mediator

All the senses are involved – can pick up energy

Mediator can tell if clients are paying attention

Mediator can ask open-ended/tossup questions

Mediator can use chart pad/white board  
Mediator can be more spontaneous

All have the same technology (i.e. Wi-Fi)

Other benefits of room:

- Co-Mediation works very well
- Transformational mediation better in person
- Hands on skill building (i.e. active listening)

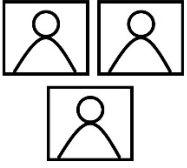
### **BRINGING THE ROOM TO ZOOM**

Co-Mediate on the same screen

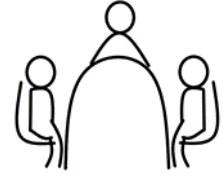
Adapt paper forms to screen share docs

Use separate time for casual talk

Practice where you look in zoom



## CONFIDENTIALITY/CHILD PROTECTION



### **TEAM ZOOM**

Able to see if clients or mediator is recording zoom

Documents can be shared on screen without hard copies falling into others' hands (left on desk, in copy machine, etc.)

People in waiting room can't overhear

Mediator is able to control separate time (move people in and out of the room)

Child care may not be required

Can ask parent to exclude child from room

### **BRINGING ZOOM TO THE ROOM**

Mediator can view sensitive documents on client's device without hard copy

Encourage clients to zoom from separate places whenever possible

Mediator can offer on-site child care (we can dream!)

### **TEAM ROOM**

May be able to see if clients are recording on phone or other device

Mediator can shred hard copies to make sure they aren't seen (vs. hacked online)

Clients able to bring hard copies to attorney/other professional consult

Client not able to screen shot or download document without consent

Mediator can verify/control who is in the room or able to overhear

Client waiting can communicate with mediator if needed

Children not accidentally exposed to mediation conversations (i.e. see other parent on the screen, overhear their voice)

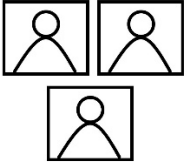
Can communicate and enforce policy not to bring child to appointment

### **BRINGING THE ROOM TO ZOOM**

Have system where client can text or email mediator if needs to communicate while in waiting room

Client on zoom can hold up hand to signify child in room, all stop talking or, child can wear headphones

Explain to clients that it is inappropriate for child to be present or overhear



## **TEAM ZOOM**

Client can participate from afar, or undisclosed location

Client can't be ambushed before or followed after session

Prevents inappropriate touching

Client and mediator are protected from physical outbursts

Mediator can mute clients, can prohibit client from secretly chatting with other client (via zoom setting)

One client can privately message the mediator

Client can turn off their video

Experience can be less intense, distance as a buffer

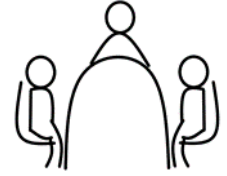
Easier to conduct entirely shuttle mediation

Mediator can operate from home office and keep address confidential

## **BRINGING ZOOM TO THE ROOM**

Can use a hybrid – one in the room, one on zoom

## **SAFETY**



## **TEAM ROOM**

Mediator can read the vibe between the clients

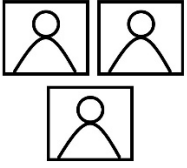
Mediator can observe physical signs of abuse (injury, body language)

Mediator can offer emotional support through a touch or hug, if appropriate

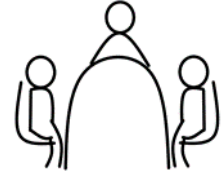
Mediator can control separation between clients

## **BRINGING THE ROOM TO ZOOM**

Strongly discourage clients from zooming in the same room or the same house



## EDUCATIONAL RESOURCES & MATERIALS



### **TEAM ZOOM**

All can edit documents on screen together

Mediator can send a link on the spot

Easier for client to find the resource later if sent as a link or attachment

Mediator may have an easier time locating a resource via online search

A client may get overwhelmed/triggered by resources in the room (i.e. with the word “divorce” or “abuse”)

Mediator has an opportunity to make another connection by sending materials after the session

### **BRINGING ZOOM TO THE ROOM**

Share your screen physically, cast onto a screen on the wall

### **TEAM ROOM**

Clients may be able to absorb materials better in person

Client has a tangible resource in hand

Mediator can create a positive space with the resources displayed

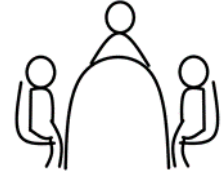
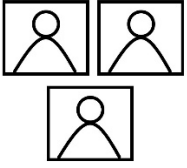
Mediator may remember a resource because it is displayed in the room

Client may review resources in private while in waiting room

If the client does not look at the resource outside of session, they might do so at the next session

### **BRINGING THE ROOM TO ZOOM**

Send out resources ahead of the zoom



## ACCESSIBILITY/CONVENIENCE

### **TEAM ZOOM**

### **TEAM ROOM**

No physical barriers to enter/exit space

Client does not need access to computer or high quality internet

Ease of attending

No driving, no parking

Can't get lost

Less extensive child care issue

Less tension from commute

The commute may allow a shift in head space

Session tends to start and end on time  
(mediator controls)

More intentional, dedicated time and space  
Client can be better prepared

Can use remote signature program

Physical document signing, notary is easier

Language:

Translator can be working from anywhere

Language:

ESL speaker may have easier time understanding in person

Translator might do better job in person

Hearing:

Computer adaptations may make hearing better

Hearing:

In person may be better for hearing aids than over computer

Vision:

Can enlarge a document on screen

Vision:

Can physically bring a document close to see

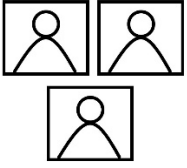
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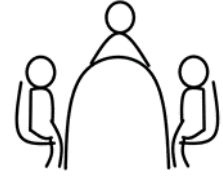
Can be more open to clients bringing their laptops, other technology into the room

Can offer assistance for client to access Wi-Fi, appropriate electronic device

Can offer hybrid – clients in person, interpreter via zoom



## CLIENT COMFORT/CLIENT'S BEST WORK



### **TEAM ZOOM**

Client controls their space  
Can have comfort items with them (i.e. pets)

Client can focus (headset/ear buds)

### **BRINGING ZOOM TO THE ROOM**

Allow clients to bring pets, or have resident therapy animal

### **TEAM ROOM**

Mediator can offer comfort items (i.e. tissues, pillows, tea, toys to occupy hands)

No screen fatigue/Increased attention

Client can turn off phone, put it away

Can control personal distance, not looking at self

Able to practice communication skills in person and see effect

### **BRINGING THE ROOM TO ZOOM**

Encourage clients to assemble comfort items before starting zoom

Mail clients a care package in advance

Help clients arrange their zoom time and space to be businesslike, focused

**TURN OFF SELF VIEW** on zoom!

Practice technology with client ahead of time