

Basic ODR using Zoom – Time to Rethink the Future - Again

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The online equivalents of mediation, med-arb and arbitration are very similar to offline dispute resolution techniques.

But they are not exactly the same.

ODR

- A new form of dispute resolution using the internet?

or

- ADR using specific communications technology?

or

- Both?

ODR

- ADR Meets Technology
- Online Dispute Resolution (ODR) is the use of information and communications technology to help parties find resolution to their disputes.
- Technology is another tool for your toolbox.



Alternative Dispute Resolution (ADR) practitioners
already use aspects of ODR in their daily practices.

We already use

- E-mail (like sending a postcard from a privacy perspective)
- Instant Messaging
- Online chat
- Video Conferencing

Why ODR?

- In today's crisis ODR may mean the only convenient and safe way to access dispute resolution services
- Offers choice to our clients

- Practitioners must have some idea of best practices
- Not just using Zoom or equivalent but think about why
- Be competent
- “Good enough” may or may not be “good enough”?
- A transition stage?

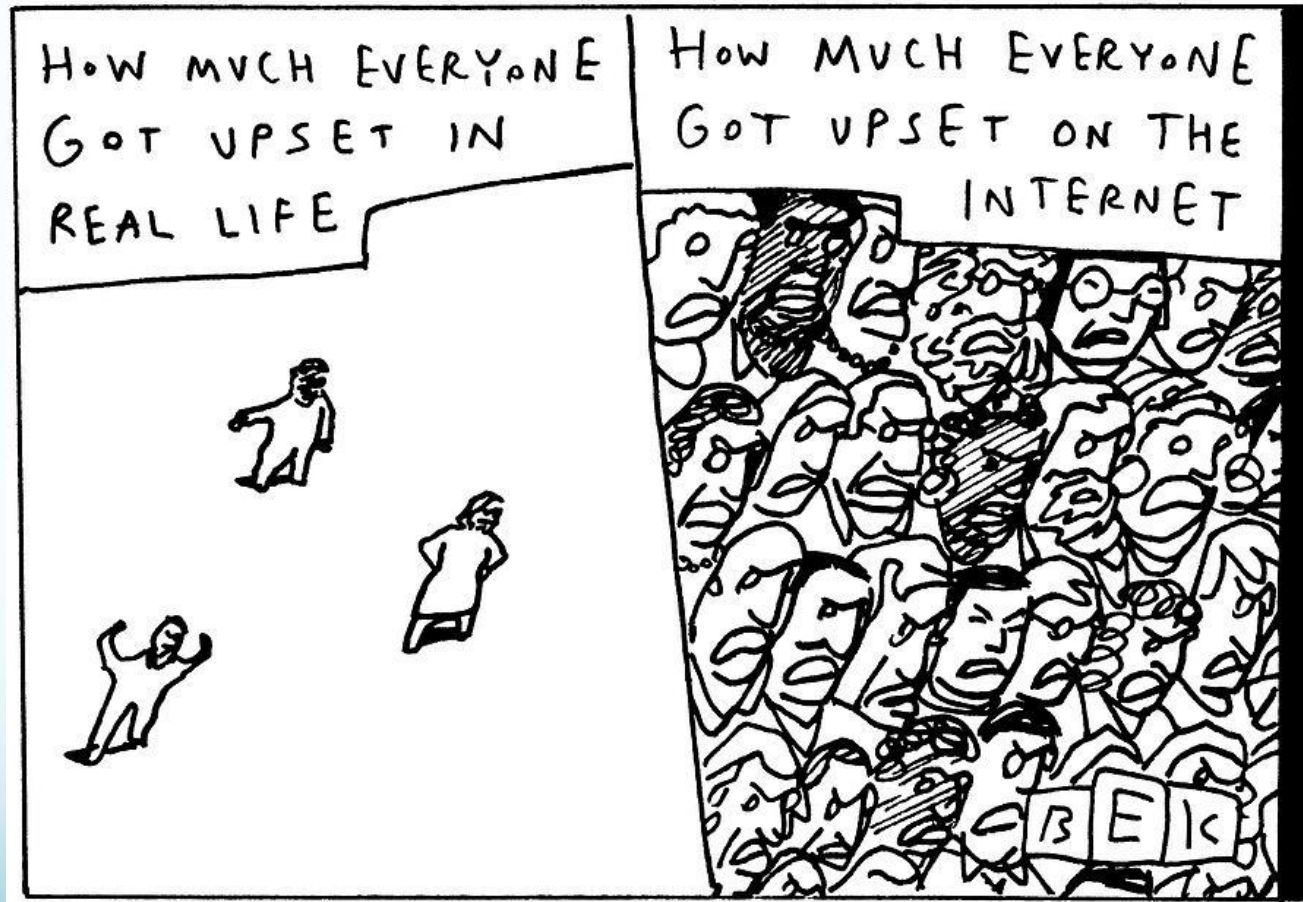
The Prime Directives of ODR

- First, Do No Harm
- Check Your Settings

ODR Challenges

- Technology
- Some people are still uncomfortable with technology
- Speed and capacity of internet connections
- People may behave differently online

Why Do We Need ODR?



Why Zoom?

- Easy to use and reliable
- Encrypted
- No need for participants to have a Zoom account

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Advantages

- Technology assisted ADR
- Can access by cell or landline, laptop, tablet or desktop
- Breakout rooms
- Screen sharing

Getting Your Zoom Account

- ADRIC members have access to Zoom Enterprise:
<http://adric.ca/membership/member-benefits/zoom-group-plan/>
- Minimum of Zoom Pro
- Overview of Zoom:
<https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting->

What do you need to use Zoom?

(The Basics)

- Laptop or Desktop Computer
- Large screen
- Secure WiFi or wired internet access

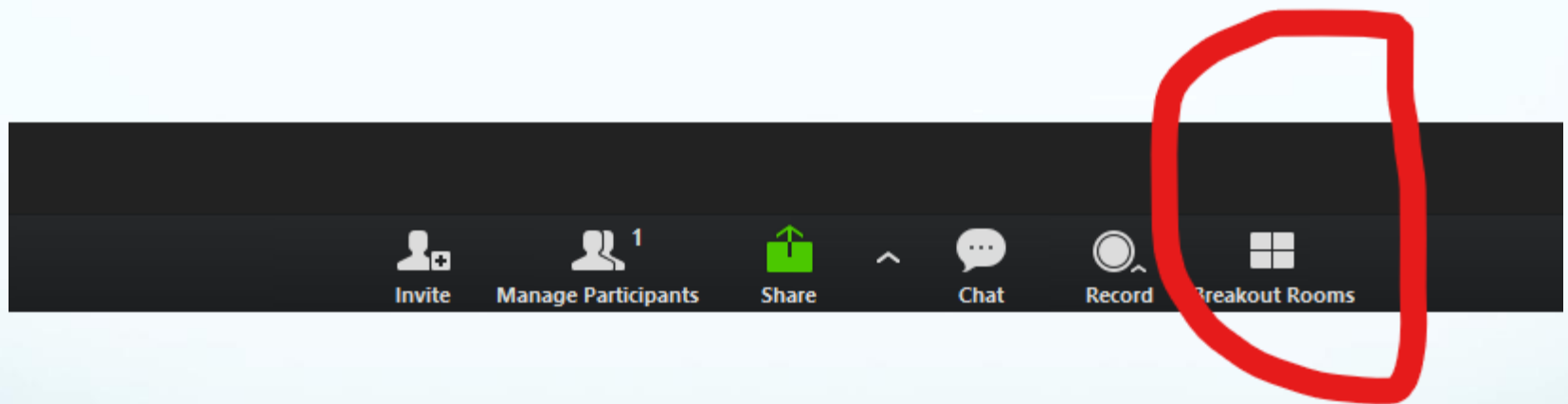
Continued...

- Microphone (External?)
- Camera (HD?)
- Headset (be careful with wired earpieces – noise)

Other Considerations

- Background
- Appearance and Lighting

Zoom Toolbar



Screen Sharing

Easy to share your screen with the mediation participants. This allows everyone who is in the meeting to see whatever is on your computer screen.

Settings

Meeting

Recording

Telephone

Schedule Meeting

In Meeting (Basic)

In Meeting (Advanced)


Email Notification

Other


Waiting Room

Waiting room



Attendees cannot join a meeting until a host admits them individually from the waiting room. If Waiting room is enabled, the option for attendees to join the meeting before the host arrives is automatically disabled. 

Choose which participants to place in the waiting room:

- ☒ All participants
- ☐ Guest participants only 

Customize the title, logo, and description 

Lock Meeting

- Click Manage Participants
- In the pop-up box, click Lock Meeting
- When the meeting is locked, no one else can join.

Recording

- Zoom can record sessions. This can be good or bad.
- Do you need the parties to agree not to use this or record on cell phone etc?
- Mediation agreement should identify everyone participating.
- What about people out of camera range

Recording 1

Recording

Local recording

Allow hosts and participants to record the meeting to a local file

☐ Hosts can give participants the permission to record locally

Save


Cancel



Recording 2

Cloud recording

Allow hosts to record and save the meeting / webinar in the cloud

- ☒ Record active speaker with shared screen
- ☐ Record gallery view with shared screen 
- ☐ Record active speaker, gallery view and shared screen separately
- ☒ Record an audio only file
- ☒ Save chat messages from the meeting / webinar

Recording 3

Advanced cloud recording settings

- ☐ Add a timestamp to the recording ?
- ☒ Display participants' names in the recording
- ☒ Record thumbnails when sharing ?
- ☐ Optimize the recording for 3rd party video editor ?
- ☐ Save panelist chat to the recording ?

Automatic recording

Record meetings automatically as they start

Breakout Rooms


- Is the mediation primarily joint session or separate?
- Breakout Rooms can have more than one person in them so you can set up as many as you need
- You can move between rooms.

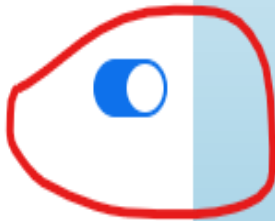
Breakout Rooms

In Meeting (Advanced)

Breakout room

Allow host to split meeting participants into separate, smaller rooms

☐ Allow host to assign participants to breakout rooms when scheduling 



Personal Meeting ID

Personal Meeting ID

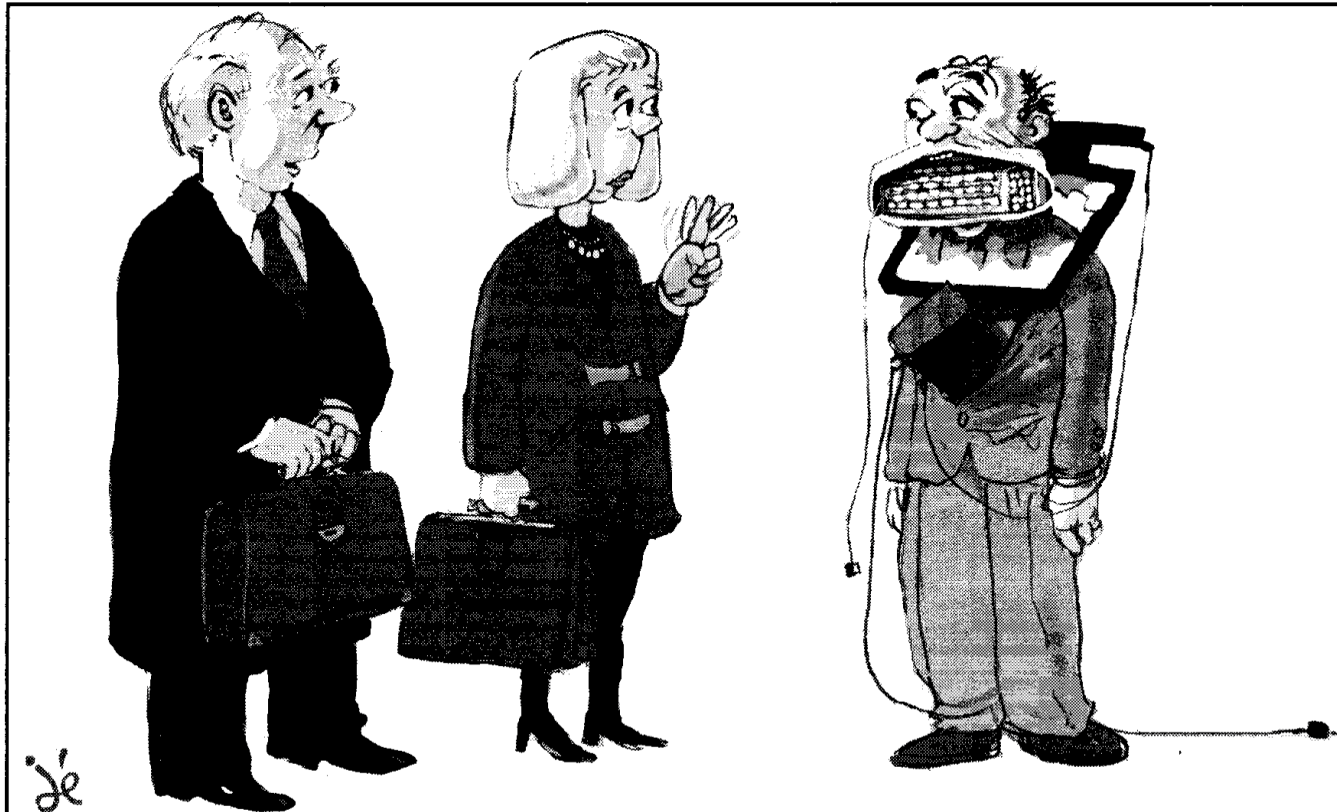
905-840-9882

<https://zoom.us/j/9058409882>

✓ Use this ID for instant meetings

Practical & Ethical Considerations

- The online environment is different
- Not in the mediator's control
- What does this mean for privacy and confidentiality?
- Parties have right to choose, but need to give informed consent
- Insurance coverage? May be an issue if parties in different jurisdictions



"I believe we did advise you that online dispute resolutions are not without their occasional problematic outcomes."

More than Zoom?

- Sharing and storing of documents
 - Signing documents
 - Paying your fees

Your Settings

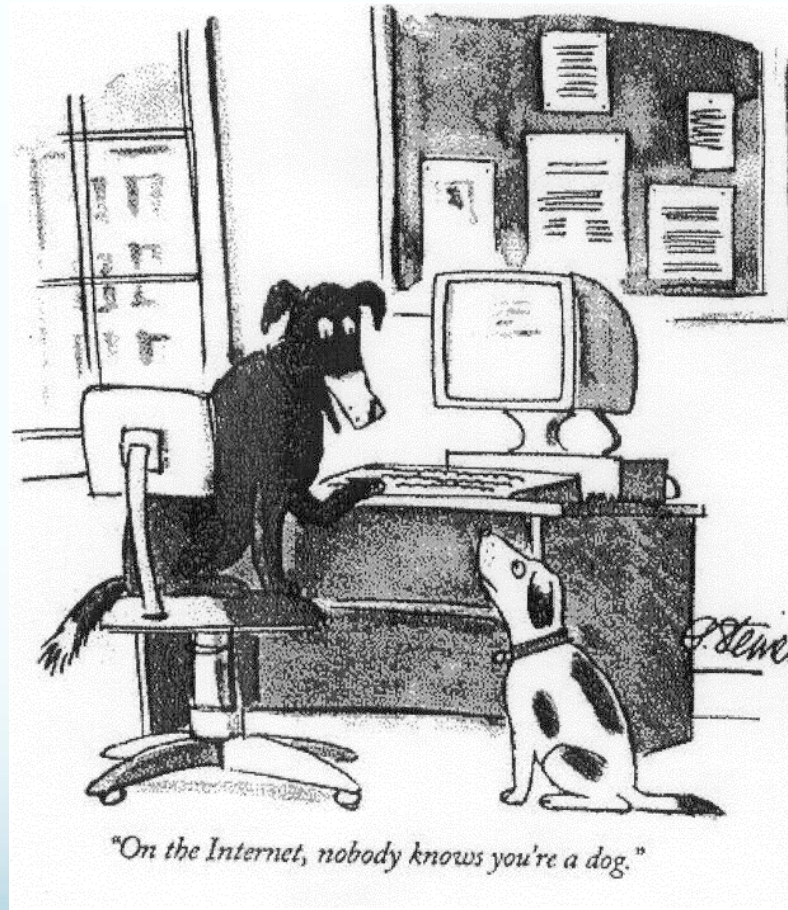
- Turn off Notifications
- Turn off your phone
- Clean up your desktop and browser bookmarks
- Importance of Lighting facing you
- Do Not Disturb
- Check background (Zoom can set custom background)

- **Interruption Free Area**
- **No other Technology**
- **Online Communication is different**

Agreement Issues

- Privacy – key in mediation
- Privilege – legal issue but settlement privilege or is there specific legislation?
- Address in Agreement

From 1993 & Still True?



Crisis = Opportunity

- There is an opportunity to innovate, to provide the types of services that our clients need and can afford.
- Whether we like it or not, ODR is here to stay and not just because of the Corona Virus

Tech Challenges

- Tell your clients that problems may and often do happen
- Let them know what to do if something goes wrong such as to log back in and/or call
- Do this before it happens, there is no panic
- Provide written Guidelines

Zoom Help



Further Info

- Mediate BC Guidelines:
https://www.mediatebc.com/sites/default/files/Guidelines_Mediating-from-a-Distance-%28Second-edition%29_0.pdf

The Future of ODR - Today

- British Columbia Civil Resolution Tribunal
<https://civilresolutionbc.ca/>
- Ontario Condominium Authority Tribunal (CAT)
<https://www.condoauthorityontario.ca/en-US/tribunal/>
- The International Council for Online Dispute Resolution <https://icodr.org/>

Technology = Convenience



Practice Makes OK

Take the time to learn how to use Zoom:


<https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>

Provide information to your clients and suggest they practice using it

Practice with colleagues, friends, family

Try to keep calm when something goes wrong.





**Let your clients know that you are offering ODR
through Zoom**