



HOW DO I PREPARE FOR AN ONLINE MEDIATION WITH REAL ESTATE MEDIATION SERVICE?

For those of you unfamiliar with the process, we've prepared this short outline of things to consider to help you prepare for an On-line Dispute Resolution (ODR) mediation.

First, you should determine which platform is best for your case (see below for more information).

If you believe ODR mediation is appropriate, a REAL ESTATE MEDIATION SERVICE, LLC (REMS) Case Manager will provide you with the appropriate paperwork prior to your session. Parties will need to agree in advance on issues such as what additional party representatives (expert witnesses, and the like) will be allowed to attend and whether all participants must be on camera.

Just as you would with an in-person mediation or arbitration, confirm that all parties and representatives have blocked off time and are fully prepared to participate in the video-conference at any moment.

You should determine how you, and your clients or lawyers, will communicate if you are participating from separate locations.

You should determine what documents you intend to share and ensure that they are forwarded to the neutral before the session.

We have prepared responses to Frequently Asked Questions (FAQ) relating to Virtual ADR & Security, and a resource: Tips and Techniques for a Successful Video-conference, which accompanies this memo.

REMS Online Mediation with Zoom What are the technical requirements?

At REMS, we use Zoom as the preferred ODR mediation platform.

Download Zoom to your computer or tablet in advance of your session at zoom.us. (Though less optimal, you may also participate with your smartphone.)

Before the mediation session it is important that you confirm that:

- your computer audio is enabled
- you have a video-camera on, or attached to, your computer
- your internet connection is working
- you have a suitable backdrop and good lighting

Consider doing a test run, if possible, in advance of your scheduled conference in order to address any technical concerns.

How does the process work?

You will receive an invitation to a Zoom video-conference. This will include both the link and the password.

The REMS neutral will be the host of the meeting.

Depending on whether your video-conference involves a mediation or arbitration, the neutral may have you join parties in the main Zoom meeting room or go directly into a breakout session.

The neutral may use the mute button at various stages during the process to eliminate background noise.

If you are in the same location as your client, or your attorney, then you may also use the mute button (as appropriate) to have a sidebar conversation between yourselves.

During mediation sessions, you may also have a conversation with your client – and with the mediator – in one of the breakout rooms. Conversations in that room will be limited to invitees only.

We hope this helps create the environment for a successful mediation.

REAL ESTATE MEDIATION SERVICE, LLC

FAQ re ZOOM

What steps is REMS taking to protect security and privacy while using Zoom?

At every step of the proceeding REMS employs processes to help protect security & privacy:

Step One – Invitations and Joining the Proceeding:

REMS provides a unique meeting ID for each mediation session.

REMS begins every proceeding by using the “waiting room feature.” This feature ensures that only participants invited to the proceeding are granted access to the actual meeting.

Step Two – The Proceeding:

Once all participants have joined the session, the Mediator has the ability to lock the meeting to prevent anyone else from joining.

The Mediator has the ability to, and will, disable the recording function.

The Mediator will control the screen sharing function.

Step Three – Continuous Review and Training:

REMS provides ongoing training to neutrals and associates on best practices for virtual proceedings using Zoom.

REMS IT department monitors security developments regarding the use of virtual platforms such as Zoom and will update our processes as needed.

What alternative remote options are available for my case other than Zoom?

While REMS is not able to control Zoom security policies and procedures and understands some clients have concerns with this platform, we believe REMS neutrals and associates have been trained to make the best use of the security protocols provided by the Zoom platform. Parties to matters at REMS have reported good results using the Zoom platform because of its ease of use and the fact that it is cost-free to them. However, should clients prefer another virtual option, REMS can accommodate your wish.

Other Platforms

Should clients prefer another virtual platform, REMS will work with the parties to accommodate the request. There are several alternative platforms available, including the following:

Skype - Users can host audio and video conferences with anyone. This platform provides features such as meeting note taking, screen sharing, meeting recording, and instant messaging.

Conference Call (no video – please see below)

GoToMeeting™ –This platform includes features such as screen sharing, meeting recording, and instant messaging.

GtM provides each participant a password in order to enter the session.

The neutral has total control and can lock the room once the session begins to restrict others from accessing the video conference.

Audio Only

If the parties prefer not to use video conference, REMS can arrange for a mediation session telephonically through the use of a conference call.

What is REMS' reaction to the lawsuit(s) filed against Zoom related to security?

REMS periodically reviews updates and news related to various online platforms and making necessary adjustments to our procedures as needed. REMS attempts to take full advantage of security features in order for proceedings to be protected.

With any virtual platform or electronic medium, security is an important factor. REMS does not have an opinion on legal action by other parties, which is consistent with our position of neutrality. As with anything, there are no guarantees. If a client or party prefers any particular platform, REMS will do its best to accommodate the request. Attorneys are encouraged to reach out to us directly to discuss their options.

Disclaimer / Notice:

REMS is providing parties with top-quality Alternative Dispute Resolution services when in-person proceedings are not possible. Neutrals are available to conduct mediations, arbitrations and other matters via Zoom, Skype, GoToMeeting, conference calls and any other platform agreed to by the parties.

Zoom has become a particularly popular platform for REMS clients. While REMS is not able to control Zoom security policies and procedures, REMS attempts to make best use of the security protocols provided by the Zoom platform. Parties to matters at REMS have reported good results using the Zoom platform because of its ease of use and the fact that it is cost-free to them.

For questions or concerns related to the security or privacy of any platform, please visit the website for that particular platform.

TIPS AND TECHNIQUES FOR A SUCCESSFUL VIDEO-CONFERENCE

We have long used videoconferencing to meet, confer, attend court hearings, mediations and arbitrations of disputes of all kinds. Virtual ADR (ODR) allows REMS to bring counsel, clients, experts and witnesses from across the globe together to resolve complex, multiparty matters and keep business on track.

These tips focus on best practices in remote dispute resolution. Avoid technical glitches and delays.

A reliable, hard-wired (as opposed to wireless) connection to high-speed internet provides the best video and audio quality.

Optimize camera angles and lighting. Position your laptop camera or webcam at eye level and sit far enough back so that your head, shoulders and hand gestures are visible.

Place multiple light sources in the room and avoid having bright lights or a window behind you.

Minimize distractions. If you are working from home, choose a room that will afford you privacy and a lack of interruptions and background noise.

Set the stage. A glimpse into your work environment can reveal shared interests that enhance empathy and cooperation. Create a personal yet professional setting at your home or office or use a virtual background.

Get comfortable. Make sure you have beverages, a notepad and other essentials nearby so you don't have to leave the room.

Exchange contact information. It's important to make sure that the neutral and all parties are able to communicate with each other via email, cell phone and/or text.

Schedule a pre-hearing test run with a REMS staff member. We provide some limited tech support before and during your session. Familiarizing all parties with the process in advance can help build confidence and rapport.

Manage expectations. Begin the session by addressing how virtual communication may differ from in-person interactions. For instance, looking at the camera creates the illusion of eye contact, but you miss others' facial expressions. Taking notes or looking at other participants can be mistaken for a lack of attention.