



ZOOM MEDIATION BEST PRACTICES GUIDE
UPDATED JULY 2021

(WITH THANKS TO MAEGAN GORMAN, MEAGAN T. SCHANTZ, SEAN McLAUGHLIN, AND RENISHA RICKS
FOR THEIR ASSISTANCE COMPILING THIS DOCUMENT.)



TABLE OF CONTENTS

PREPARING FOR THE MEDIATION	4
SETTING UP YOUR EQUIPMENT	4
CHOOSING YOUR LOCATION.....	4
PREPARING YOUR PARTICIPANTS	5
SCHEDULING AND SENDING MEETING INVITATIONS.....	5
MEETING SETUP	7
VIRTUAL WAITING ROOM	7
CAUCUS AND BREAKOUT ROOMS.....	8
AUDIO.....	10
TESTING YOUR AUDIO PRIOR TO JOINING A MEETING	10
VISUAL.....	11
TESTING YOUR CAMERA PRIOR TO JOINING A MEETING.....	11
TESTING YOUR CAMERA DURING A MEETING	12
LOOK YOUR BEST	12
VIDEO LAYOUT.....	14
MESSAGES/CHAT/FILE SHARING	15
CHAT	15
FILE SHARING.....	15
SCREENSHARING/ANNOTATION	15
SHARING YOUR SCREEN.....	15
ANNOTATION.....	17
HOST CONTROLS IN A MEETING	17
PARTICIPANT CONTROLS	17
VIDEO CONTROLS	20
PRIVACY AND CONFIDENTIALITY	20
CONFIDENTIALITY	20
PRIVACY	21
MEETING PASSWORDS	21
RECORDING	21
LOCKING THE MEDIATION	22
TWO-FACTOR AUTHENTICATION.....	23
SHARING DOCUMENTS AND FINALIZING AGREEMENTS IN REMOTE MEDIATION.....	23
FORMALIZING IN PDF WITHOUT A PAID ACCOUNT	24
FORMALIZING IN ZOOM	26
FORMALIZING IN GOOGLE DOCS	28
FORMALIZING IN DOCUSIGN	30
USING DOCUSIGN THROUGH ZOOM	34
BIBLIOGRAPHY	35

**Note: All embedded hyperlinks can be found in the Bibliography section of this document in a format that can be copied and pasted into your Internet browser.*

Preparing for the Mediation

SETTING UP YOUR EQUIPMENT

- In order to host mediations on Zoom, you will need a desktop computer. The Zoom tablet app will not support the creation of breakout rooms. iPads and tablets may be used to participate in a mediation with breakout rooms but cannot be used to host such a mediation.
- Download the Zoom desktop app and encourage your invitees to do the same.
- Zoom download can be found at: <https://zoom.us/download>.
- Decide whether you will use one monitor or two. Using two monitors may be useful to view documents or take notes while in a mediation.
 - If you are using Zoom and decide to use two monitors, follow the setup instructions for Zoom's dual-monitor display feature at: <https://it.umn.edu/zoom-using-two-monitors-dual-monitor>.
- Make sure you have strong and secure WiFi connection or Ethernet cable.
- Close unnecessary tabs in your browser and turn off all notifications for email, Slack, Calendar, Music, and Phone/Messages.
 - Windows users may silence notifications by navigating to "Settings." Click on "Notifications & Actions" on the left panel. Under "Get notifications from apps," toggle Notifications to Off.
 - Mac users may silence notifications by clicking on the Apple icon in the top left corner of the screen. Select "System Preferences," then "Notifications." Select the app you wish to silence on the left panel. Change "Message alert style" to None.
- Use a headset and microphone if you have them to reduce background noise and for added privacy.
- For more tips on Set Up and Equipment, click [here](#) and [here](#).

****Remember:*** Set your phone to vibrate and remind others to do the same.

CHOOSING YOUR LOCATION

- Choose a location to conduct the mediation without additional foot traffic. This helps protect privacy and avoids the risk of derailing a conversation because of interruptions.
- Make sure it is as quiet as possible. Consider potential unobvious distractions like the sound of an air conditioning unit turning on, the buzzing of a fan, a washing machine beeping, or a phone ringing, when choosing your location.
- For more information on location, click [here](#).

PREPARING YOUR PARTICIPANTS

- As a mediator, you should know how to operate Zoom, or your preferred online resolution tool, prior to hosting sessions, or you should be sure to have technical support available.
- There are numerous ways you can set your participants up for success:
 - Arrange a 15-20 minute technical rehearsal with the participants to ensure their audio and video are functioning. Many participants prefer to schedule this technical rehearsal a week in advance;
 - Exchange telephone numbers so that participants may contact each other, and you, in case of disconnection;
 - Explain the importance of taking steps to maintain confidentiality and privacy;
 - Emphasize the value of participating within an interruption-free zone;
 - Describe Zoom’s security features (and the limits of those protections); and/or
 - Lay out your ground rules for effective communication during the session.

For more information on setting effective ground rules, click [here](#).

- If you are working with a technical assistant, it is recommended that mediators exchange contact information with technical assistants prior to the mediation. If you connect in advance, you can establish an alternative method of communication in case something happens with Zoom (e.g., text, phone) and you can provide the assistant with participants’ names so they will know in advance who should be in which breakout rooms.

For more information on preparing your participants, click [here](#).

SCHEDULING AND SENDING MEETING INVITATIONS

ZOOM’S WEBSITE

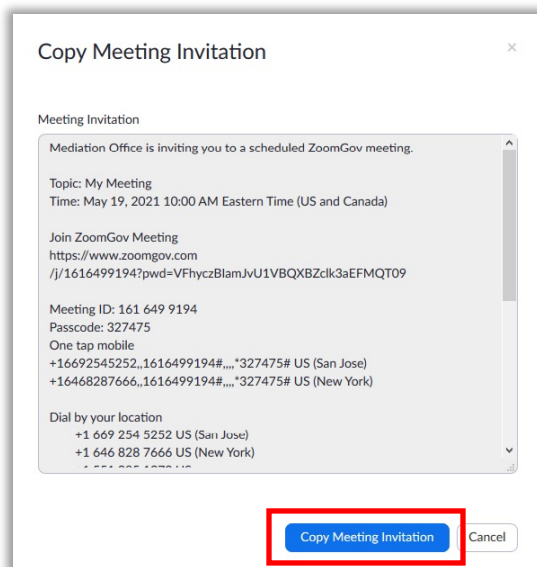
- It is easy to schedule a meeting on Zoom’s website. Click on “Schedule a Meeting.” Name the meeting in the “Topic” field and insert the date and time by clicking on the calendar icon and the time field.

The screenshot shows the 'Schedule a Meeting' form on the Zoom website. The 'Topic' field is highlighted with a red box and contains the text 'My Meeting'. The 'When' section is also highlighted with a red box, showing the date '05/19/2021', a calendar icon, the time '10:00', and a dropdown menu set to 'AM'. The 'Duration' is set to 1 hour and 0 minutes.

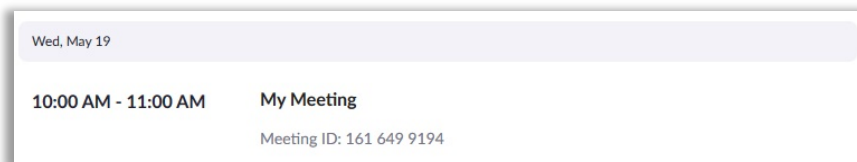
- Next, click the blue “Save” button. Once the meeting is saved, you will see that the Invite Link has been generated. You may copy and paste this link in an email to send it to all participants.



- To send participants a copy of the complete Meeting Invitation, which contains dial-in and passcode information, click on “Copy Invitation” and then “Copy Meeting Invitation.” You may then paste this invitation into an email and send it to all participants.



- View your scheduled meetings by clicking on “Meetings” on the Zoom app or on Zoom’s website.



- If participants are having a difficult time accessing the original Zoom invitation, you can share a new invitation once the mediation has started. To do so, select “Participants,” and scroll to the bottom of the window. Click on “Invite” and select “Copy Invite Link” or “Copy Invitation.” This will populate a new invitation that can be sent via email.

OTHER MEETING SCHEDULING OPTIONS

- No matter what online resolution tool you choose to use, it is helpful to add the scheduled meeting to a new or existing calendar (e.g. Outlook, Google Calendar, etc.).

- Zoom offers multiple methods for a host to schedule a meeting.
 - [Outlook Add-In](#) – The Zoom Scheduler Add-in allows you to easily add a Zoom meeting to any new or existing calendar event.
 - [Google Calendar Add-On](#) – The Zoom for Google Calendar Add-In allows you to seamlessly schedule, join, and manage meetings right from Google Calendar.
- View the full guide to scheduling meetings on Zoom’s support site to learn more about all scheduling options by clicking [here](#).

Meeting Setup

VIRTUAL WAITING ROOM

- The “Waiting Room” function allows you to control who has access to the mediation session. Set up the meeting for the participants well in advance and let them know that they will be in a virtual waiting room until they are admitted into the main session.
- You can customize the waiting room settings for additional control and personalize the message participants see when they enter the Waiting Room, so they know they are in the right place.

ADMITTING PARTICIPANTS FROM THE WAITING ROOM

- To admit participants from the waiting room into the main meeting, click on the “Participants” icon at the bottom of the screen. The names of participants in the waiting room will appear in the newly opened Participants window.
 - Hover your mouse over a participant’s name and select “Admit” to admit participants one by one.
 - If you wish to admit all participants at the same time, select “Admit All.”
- If appropriate in a given case, particularly where parties do not want to interact, the mediator may admit one side first, put them in a breakout room, and then admit the other side.

COMMUNICATING WITH PARTICIPANTS IN THE WAITING ROOM

- You may send a message to all participants in the waiting room by clicking “Participants” at the bottom of the screen. You will see a list of participants in the waiting room. To communicate, click “Message.”
 - If the mediation is delayed for any reason, the Message Waiting Room function is a useful tool to communicate with all waiting participants about the delay.
 - Be advised that participants in the waiting room cannot respond to you, and you cannot contact participants individually while they are in the waiting room.
 - Unlike breakout rooms, participants in the waiting room cannot communicate with each other.

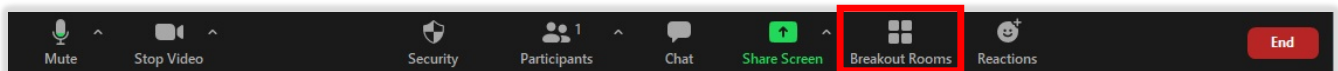
- Zoom easily allows for putting one or more participants back in the waiting room if participants have been admitted too early.
 - To return a participant to the waiting room, click on “Participants” and then hover your mouse over the participant’s name. Click on “More” and then select “Put in Waiting Room.”
- For instructions on setting up a virtual waiting room, click [here](#).

CAUCUS AND BREAKOUT ROOMS

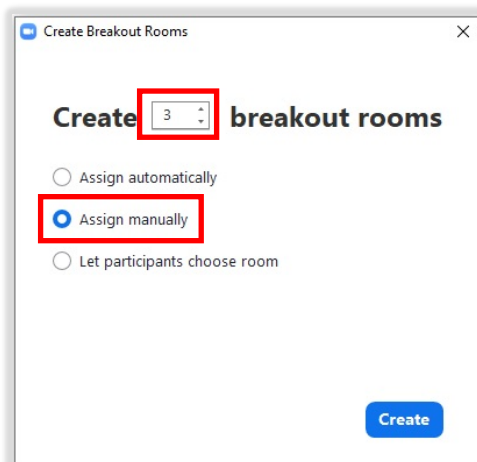
- Zoom Breakout Rooms are ideal for caucusing with participants separately.
- Breakout Rooms can have more than one participant in them, such as a client and their attorney.
- You can have as many Breakout Rooms as needed. The host can move between rooms and can move people into different Breakout Rooms.
- For instructions on setting up Zoom Breakout Rooms, click [here](#).

INSTRUCTIONS FOR ZOOM BREAKOUT ROOMS – SET UP


1. Click on "Breakout Rooms" at the bottom of the Zoom window.

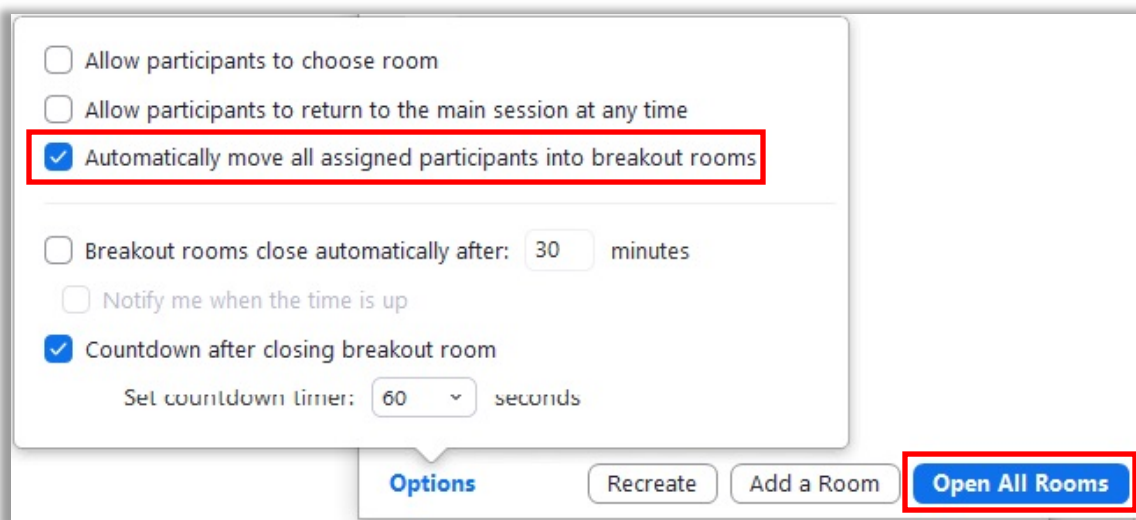


2. Manually enter the number of breakout rooms you would like to create. At least 3 rooms should be created: one room each for Plaintiff, Defendant, and Mediator.
3. Select "Assign manually."



4. Press the blue "Create" button in the "Breakout Rooms" window.
5. Rename each room by hovering your mouse over each room’s name and selecting "Rename."
6. Click on "Assign" to assign participants to their respective breakout rooms. Once participants are assigned to a room, their names will appear under the heading of the respective room.

7. To assign participants to a different room, hover over their name and click on "Move To."
8. To move all assigned participants into Breakout Rooms, click on the "Options" button or  in the bottom left corner of the Breakout Room window. Select "Automatically Move all Assigned Participants into Breakout Rooms."
9. It helps to make sure that the following two options are unchecked: "Allow participants to return to main session at any time" and "Breakout Rooms close automatically after __ minutes." You may also set the "Countdown after closing breakout room" to 10 seconds, to avoid a long delay in participants re-entering the main room after closing the breakout rooms.



10. When you are ready and all the participants have been assigned, select the blue "Open All Rooms" button.
11. To join a room, hover over the room and select "Join." Depending on the version of Zoom, you may need to click on the number next to the room's name and select "Join."
12. To move participants to a different room, click on the Breakout Rooms icon at the bottom of the screen. Hover over the participant's name and click on "Move To."
13. When you want to close all the breakout rooms, select the "Breakout Room" icon on the bottom of the Zoom screen, and choose "Close Breakout Rooms." Participants will automatically return to the main session. The rooms should remain set up, even after you close them.
14. If a participant accidentally leaves the mediation and attempts to rejoin while you are in the Breakout Rooms, you will receive a notification that someone is attempting to join the meeting at the top of your screen. To re-admit the participant, click "Admit to Main Session." You may then return the participant to their breakout room by clicking on the Breakout Rooms icon, where the participant's name will appear in the "Unassigned" section. Hover your mouse over the participant's name, click "Move to," and select the correct breakout room. The participant will then return to their breakout room.

INSTRUCTIONS FOR ZOOM BREAKOUT ROOMS – COMMUNICATION

Be advised that you cannot see or hear participants in other breakout rooms, nor can they see or hear you. Also, Zoom's chat function will only work with individuals in the same breakout room.

- If you would like to broadcast a message to all participants in all breakout rooms, select the "Breakout Rooms" icon on the bottom of the Zoom screen. Once the pop-up appears, select "Broadcast Message to All" and type your message into the text box. Be advised that participants cannot respond to you, nor can you contact individual participants.
- If a participant is trying to reach the host while the host is in a separate breakout room, they can select the "Ask for Help" icon at the bottom of their screen. This will notify the host that the participant would like the host to join them in their breakout room.

**Tip:* At the beginning of the mediation, advise participants to text, call, or email you if they have become disconnected from the platform.

Audio

TESTING YOUR AUDIO PRIOR TO JOINING A MEETING

TESTING: MICROPHONE

- The microphone can be easy to forget until you are on the call being told "we cannot hear you," which gets your mediation off to a rocky start.
- Avoid this by having a colleague help you test the audio by completing a dry run of the video conference between two different computers or devices to make sure everything is working properly.

**Tip:* For more information on conducting a dry run video call, click [here](#).

TESTING: SOUND, FEEDBACK, AND BACKGROUND NOISE

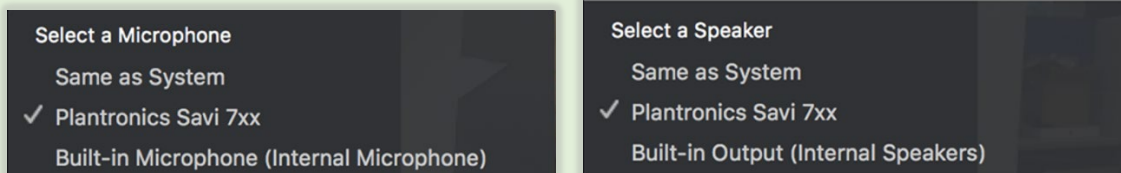
- During the dry run, ask your counterpart to listen for background noise, including any buzzing or hissing, and to identify echoes or interference (e.g. caused by input and output devices such as a microphone and speaker that are too close together).
- If you do not use headphones, make sure that there is no feedback coming from your speakers when your counterpart is speaking on the call.
- You may also want to confirm your speaker volume before getting on the call. For more information on audio settings, visit Zoom's Help center [here](#).
- Avoid interruptions by closing your office door and letting others know that you are on a video call.

**Tip:* If for some reason something should go technically wrong, it is always okay to acknowledge it. Briefly acknowledging a technical issue helps keep the audience focused on the message you are trying to deliver.

- With Zoom, you can ensure your audio is ready by selecting “Automatically join audio by computer when joining a meeting.” For more information on testing computer audio with Zoom, click [here](#).



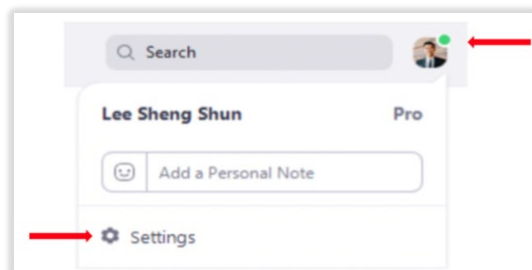
**Tip:* If you are wearing a headset, make sure your audio input and output are connected to the headset and not your computer’s built-in microphone or speakers:



Visual

TESTING YOUR CAMERA PRIOR TO JOINING A MEETING

- Test your video camera prior to joining a meeting to ensure that the camera is working correctly and that the lighting is appropriate.
- To test your camera using Zoom:
 1. Log into Zoom.
 2. Click on your Profile picture, then select “Settings.”



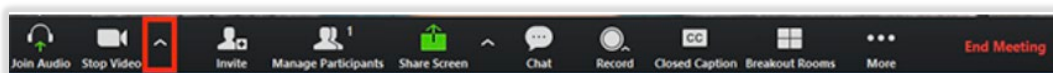
3. Click on the “Video” tab.



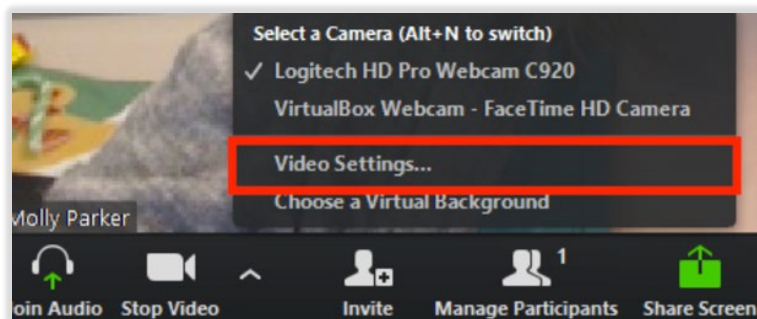
4. You will see a preview of your video camera and can choose a different camera source if needed. For further instruction on choosing a camera, click [here](#).

TESTING YOUR CAMERA DURING A MEETING

- Zoom also allows you to test your camera during a meeting, if necessary.
- To test your video while in a meeting with Zoom:
 1. Click the arrow next to Start Video/Stop Video.



2. Select “Video Settings.”



3. Zoom will then display your camera’s settings.

LOOK YOUR BEST

- For more information on successful lighting, background, camera angle, and dress, click [here](#) and [here](#).
- The best lighting setup will use a combination of natural and artificial lighting.
- Lighting should come from in *front* of you or from the *side* in order to best light your face. Do not sit with a bright light source (e.g., a window or fluorescent light) behind you. Avoid overhead lights too, as they can create dark under eye shadows.
- For more tips on lighting, click [here](#).

**Tip:* Test your video camera prior to joining a mediation to ensure that it is working correctly and the lighting is appropriate.

BACKGROUND

- Choose a neutral, uncluttered, and professional background.
- Remove objects that may distract the person on the other side of the camera.
- Avoid using “fake” backgrounds during a mediation. If you would like to “hide” your background, select “Background Settings” and choose the option to “blur” your background. This will set a filter to blur your background and surroundings.
- For more tips on background, click [here](#).

CAMERA ANGLE

- The camera should be placed at your eye level.
- If you are using a laptop, place something beneath it to raise it until your eyes are at the same level as the camera lens.
- The camera should capture your face and part of your upper body. Try keeping yourself centered in the image without moving around too much, as this will distract the person(s) you are talking to.
- When talking, you should always look at the camera—not the screen.
- For more tips on camera angle, click [here](#).

*Tip: In a physical setting, you are used to having the ability to acknowledge individuals by turning to address them and making eye contact. Be mindful that directing questions towards your screen or pointing will likely create confusion. Rather, you should call each participant by their first or last name.

DRESS

- There are four best practices to keep in mind when you are considering what to wear during a video conference.
 - Pattern – no stripes, checks, polka dots or other patterns or noticeable textures.
 - Color – try to wear neutral tones; bright colors, metallics, and fluorescents may not translate well on camera.
 - Contrast – make sure there is definition between your face, your background, and your clothing.
 - Shape – check how it looks with your lighting setup.
- For more tips on dress, click [here](#).

EYE CONTACT

- Look directly into the camera or at the face of the person(s) you are interacting with.
- Resist looking at your own video and avoid distractions elsewhere in the room.

- As a reminder to maintain eye contact, it may help to put something above your webcam (e.g. a sticker or colored note).

You may “hide” your own video if it becomes too distracting by hovering over your video and clicking the three dots in the upper right-hand corner. Select “Hide Self View.” You will then no longer see yourself, though other participants in the mediation will still see the video of you. To restore your view of your own video, move your mouse to the upper right-hand corner of the screen and select “View” and “Show Self View.”

VIDEO LAYOUT

- When using Zoom, select a video layout that allows you to see all participants on the screen at once.
- Zoom has two video layouts when no one in the meeting is screen sharing: Speaker View and Gallery View.
- Gallery View is the video layout allowing you to see all participants on the screen at once:



- Click on Gallery View in the upper right corner of your Zoom window to enter Gallery View.
- Speaker View displays the person speaking at that time, as well as the other participants above.



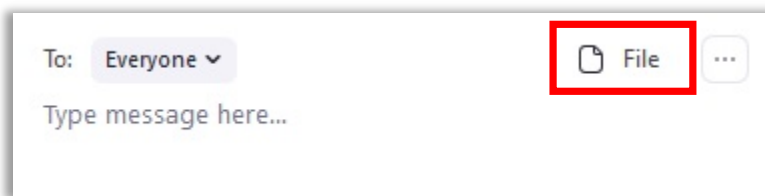
- To learn more about displaying participants in Gallery or Speaker View, click [here](#).

CHAT

- Zoom has an in-meeting chat that allows messages to be sent publicly to everyone in the session or to individual attendees privately, depending on your chat settings.
- If you have enabled the chat function, you should advise participants at the beginning of the mediation that they can use the function to communicate with you and/or with others privately, or that it has been disabled for anyone but the host.
- You can also advise participants that text or email may be more secure than the private chat option.
- As the host, you can disable the private chat feature to restrict participants' abilities to chat amongst themselves during the session.
- For instructions on controlling and disabling private chat, click [here](#).

FILE SHARING

- On Zoom, it is easy to share files through the Chat function, as long as that feature is enabled in your settings. Click on the "Chat" icon at the bottom of the screen. Next, click on "File."



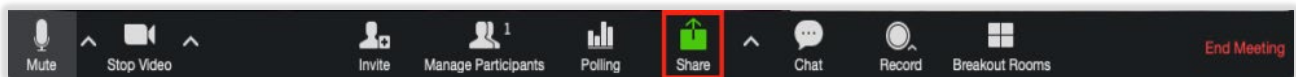
- You may select a file from your computer and click "Open." The file will then appear in the chat. To save the file, participants must click the file and download the file to their computer.
- Be advised that all files sent on Zoom will disappear when the Zoom meeting is closed, unless participants have saved the files to their computer.

Screensharing/Annotation

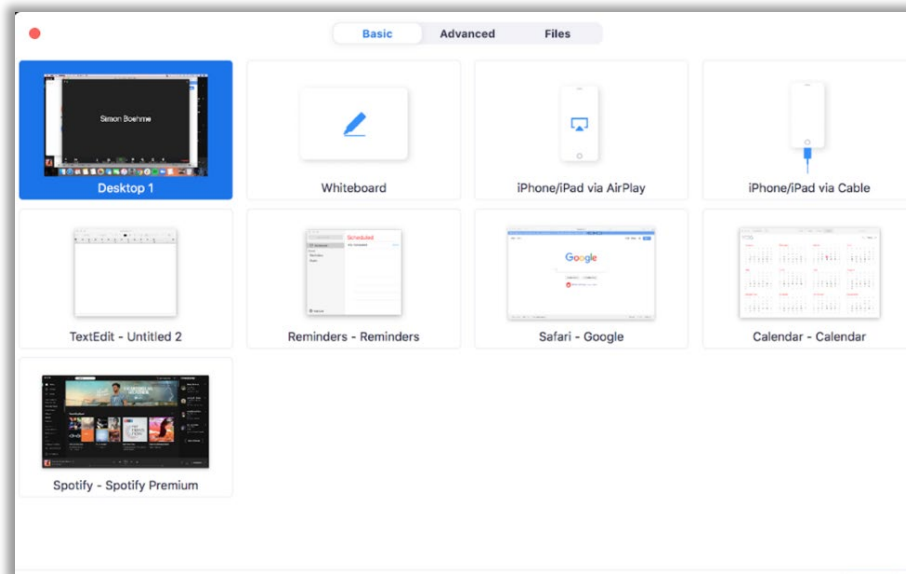
SHARING YOUR SCREEN

It is very easy to share your screen on Zoom with participants. This allows everyone who is in the mediation to see whatever you bring up on your computer screen (e.g. agreements, calendar, whiteboard, etc.).

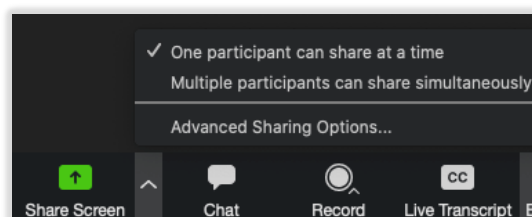
- If you want other participants to see what you are working on, you can share your screen by clicking on the “Share” button in the Zoom toolbar:



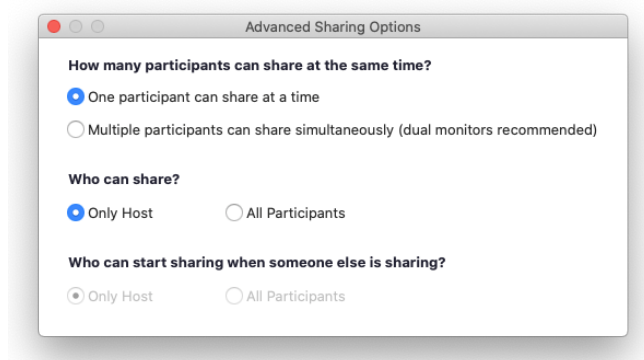
- When sharing your screen, ensure that you are selecting the appropriate window that displays the information you would like to share. For example, selecting desktop will share everything on your computer’s desktop. However, selecting “Safari” or “Calendar” will only share the information open and available in those apps.



- As the meeting host, you can:
 - Lock the screen share, so no attendees can screen share without your permission; or
 - Allow multiple participants to share simultaneously.
- As a general rule, do not give up control of your screen. Not locking the screen share allows any participant to take control of the screen and share content with the group. You can restrict this—before the meeting or during the meeting—with the host controls menu. This means that you are the only one who can screen share.
- To select one of these screen sharing permissions:
 - Select the screen sharing arrow in the host controls menu in order to choose screen sharing option; or



- Select “Advanced Sharing Options” to lock the screen share so only the meeting host can share.



- For further instruction on screen sharing and screen sharing permissions, click [here](#).
 - The Screen Sharing Function has a Whiteboard as well as the ability to share the screen of your iPad, cell phone or Tablet. For more information on the Whiteboard function, click [here](#).

ANNOTATION

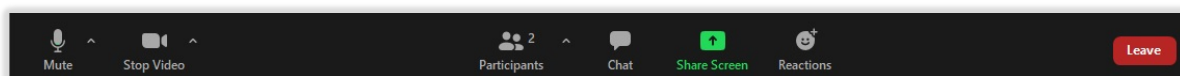
- Zoom allows meeting participants to annotate on a shared screen whether they shared the screen themselves or are viewing another participant’s shared screen.
- The meeting host can disable attendee annotation in the Zoom settings to prevent participants from writing on the screen.
- For instructions on enabling or disabling annotation for yourself (as the host) or for attendees, click [here](#).

Host Controls in a Meeting

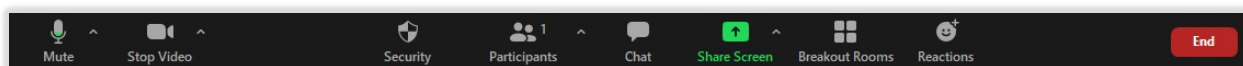
PARTICIPANT CONTROLS

- If you host the session, your Host Toolbar will appear different from the Participants’ Toolbar.

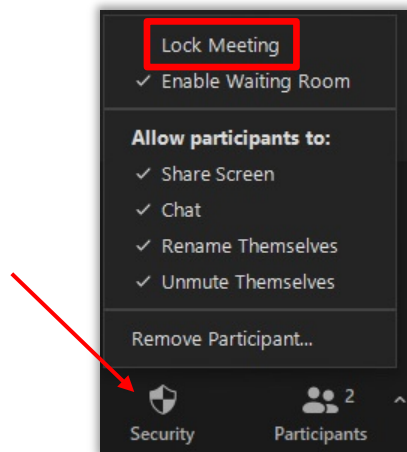
The Participants’ Toolbar



The Host’s Toolbar



- The Host's Toolbar also contains a "Security" icon. This can be accessed to lock the meeting and prevent anyone else from entering.

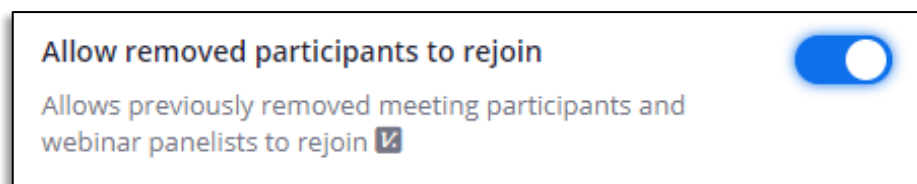


REMOVING UNWANTED OR DISRUPTIVE PARTICIPANTS FROM THE MEDIATION

- On Zoom, you may remove unwanted or disruptive participants from a mediation.
- In the meeting, click on "Participants" at the bottom of your Zoom window. If you hover your mouse over a participant's name, several options will appear, including Remove. Clicking on "Remove" will disconnect that participant from the meeting.
- For further instruction on removing participants, click [here](#).

ALLOWING REMOVED PARTICIPANTS TO REJOIN

- Removed participants cannot rejoin the mediation. However, if you would like a removed participant to rejoin, you can click on "Account Settings," navigate to the Meeting tab, and then select "Allow removed participants to rejoin."



- For further instruction on allowing removed participants to rejoin, click [here](#).

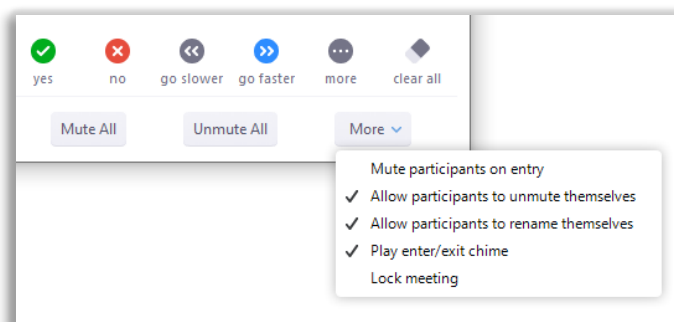
USING "PUT IN WAITING ROOM" DURING MEDIATIONS

- Zoom allows you to temporarily remove someone from the conversation by selecting "Put in Waiting Room." When this tool is used, the participant will be removed from the main session and their video and audio connections will be disabled momentarily.

- To do so, click on an attendee's video thumbnail and select "... " and then "Put in Waiting Room" to activate this feature.
- When you are ready to bring them back in, click on "Participants" and then "Admit."

MUTING PARTICIPANTS

- Zoom allows hosts to individually mute unwanted, distracting, or inappropriate noise from other participants. You can also enable Mute Upon Entry in your settings to achieve the same result.
- Hosts can mute individual participants or everyone at once.
 - To mute an individual participant:
 - Move your mouse to the upper right-hand corner of a participant's video. Click on "Mute;" or
 - Click on the Participants icon at the bottom of the screen. Hover your mouse over the name of the participant to be muted, then click "Mute."
 - To mute all: Click on the Participants icon at the bottom of the screen, then click "Mute All" at the bottom of the Participants window.
 - Be advised that muting all does not mute yourself.
- If a participant is muted, hosts may not unmute them but may ask participants to unmute themselves:
 - To ask to unmute an individual participant:
 - Move your mouse to the upper right-hand corner of a muted participant's video and click "Ask to Unmute;" or
 - Click on the Participants icon on the bottom of the screen. Hover your mouse over the name of the participant to be muted, then click "Ask to Unmute."
 - To ask all to unmute: Click on the Participants icon at the bottom of the screen, then click "More" at the bottom of the Participants window. Select "Ask All to Unmute." All participants will then be prompted to Unmute.
- Be advised that hosts cannot force participants to unmute; participants must consent to unmute on their own screens. You may verbally ask participants to accept the prompt to unmute.
- You will have access to enable or disable these options at the bottom of the participants list:



- For instructions on muting participants, click [here](#).

VIDEO CONTROLS

- Hosts can turn participants' videos off. This allows hosts to block unwanted or distracting images in a participant's video.
- To stop a participant's video:
 - Move your mouse to the upper right-hand corner of the participant's video and click "More." Select "Stop Video;" or
 - Click on the Participants icon on the bottom of the screen, hover your mouse over the participant's name, click "More," and select "Stop Video."
- If a participant's video is stopped, hosts may not directly restore the video, but may ask the participant to restore the video:
 - Move your mouse to the upper right-hand corner of the participant's video and click "More." Select "Ask to Start Video;" or
 - Click on the Participants icon at the bottom of the screen, hover your mouse over the participant's name, click "More," and "select "Ask to Start Video."
- For further instructions on disabling video, click [here](#).

Privacy and Confidentiality

KNOW YOUR PLATFORM'S SECURITY

- You should be able to communicate to participants the reasons why Zoom (or your preferred platform) is safe, but also be sure to acknowledge that no one can guarantee that any platform cannot be breached.
- By default, Zoom encrypts in-meeting and in-webinar presentation content at the application layer using TLS 1.2 with Advanced Encryption Standard (AES) 256-bit algorithm.
- If you are not using Zoom, check the security software of your preferred platform.
- For more information on Zoom's platform security, click [here](#).

CONFIDENTIALITY

- The same confidentiality rules apply to online mediations.
- This means you must explain the confidentiality provisions for mediation and provide the Confidentiality Agreement to be signed by the participants before or at the beginning of the mediation as you normally do.
- The *S.D.N.Y. Mediation Confidentiality Agreement* can be found [here](#).

- To see a copy of the *Mediation Program Procedures*, click [here](#). More information can be found on the S.D.N.Y. website [here](#).

PRIVACY

- Privacy is one of the main benefits of mediation. It is also one of the most vulnerable during remote mediations since participants are in their own environments instead of all together.
- Explain to the participants prior to the mediation session that there can be no unannounced observers/parties, no eavesdroppers, no recording of the session, and that each participant should be using a secure WiFi connection (e.g. instead of public WiFi).
- Consider using a headset for added privacy when conducting your mediation from home or other location that is shared with other occupants.
- Choose an interruption-free zone.
- Virtual backgrounds may compromise privacy because they obscure the background and anyone else who may be in the room. Therefore, encourage the participants to “blur” their backgrounds, instead of utilizing a virtual image.

MEETING PASSWORDS

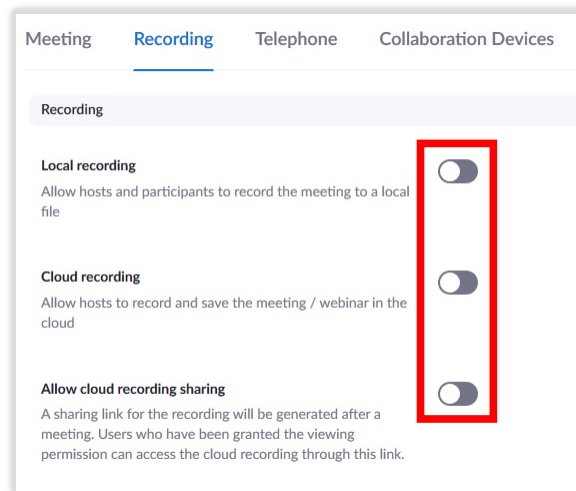
- For an added layer of security, you can require passwords when scheduling your meetings.
- Participants will be required to input this passcode before joining your meeting.
- Passwords are case sensitive and are alphanumeric by default. You may configure your minimum meeting password to require symbols.
- For instructions on configuring Meeting Passwords, click [here](#).

**Note:* Do not share the meeting link to a public forum or anywhere other individuals aside from the participants can see it. ANYONE with the link to your meeting can join. Avoid using your Personal Meeting ID (PMI) to host events—your PMI is one continuous meeting and sharing this will allow individuals access to your personal virtual space even after the meeting is over. For more information on how to prevent disruptions from uninvited participants, click [here](#).

RECORDING

- Zoom allows for the Host and/or participants to record a meeting.
- DO NOT RECORD MEDIATIONS.
- It is critical in your opening statement you make it clear that mediations must not be recorded.

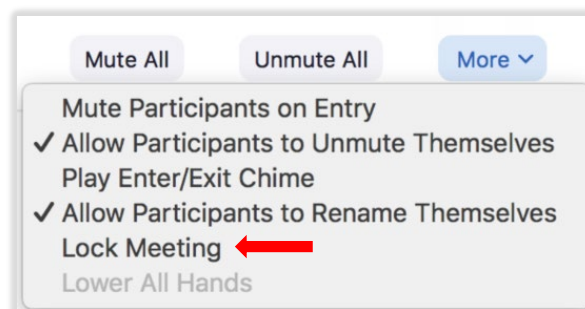
- Allowing participants to record sessions is under the control of the Host. On Zoom’s website, go to “Settings” and then “Recording.” Turn the Recording features off to avoid participants using it.



**Note: Zoom will always notify meeting participants that a meeting is being recorded, so no participant can record without your knowledge. It is not possible to disable this notification.*

LOCKING THE MEDIATION

- On Zoom, you may lock the meeting to ensure no one else can unexpectedly join after all participants have joined.
- When you lock a Zoom meeting that has already started, no new participants can join, even if they have the meeting ID and password (if you have required one).
- In the meeting, click on “Participants” at the bottom of the Zoom window. In the Participants pop-up, click on “More” and “Lock Meeting.”



- If a participant becomes disconnected, you will need to unlock the meeting to readmit them. Be advised that participants will not show up in the waiting room until the meeting is unlocked.
- For more information on locking a Zoom meeting, click [here](#).

TWO-FACTOR AUTHENTICATION

- Generating a random Meeting ID when scheduling your event and requiring a password to join is recommended.
- This adds an extra layer of security and avoids having to share the actual meeting link.
- For more information on generating a Meeting ID and password settings, click [here](#).

Sharing Documents and Finalizing Agreements in Remote Mediation

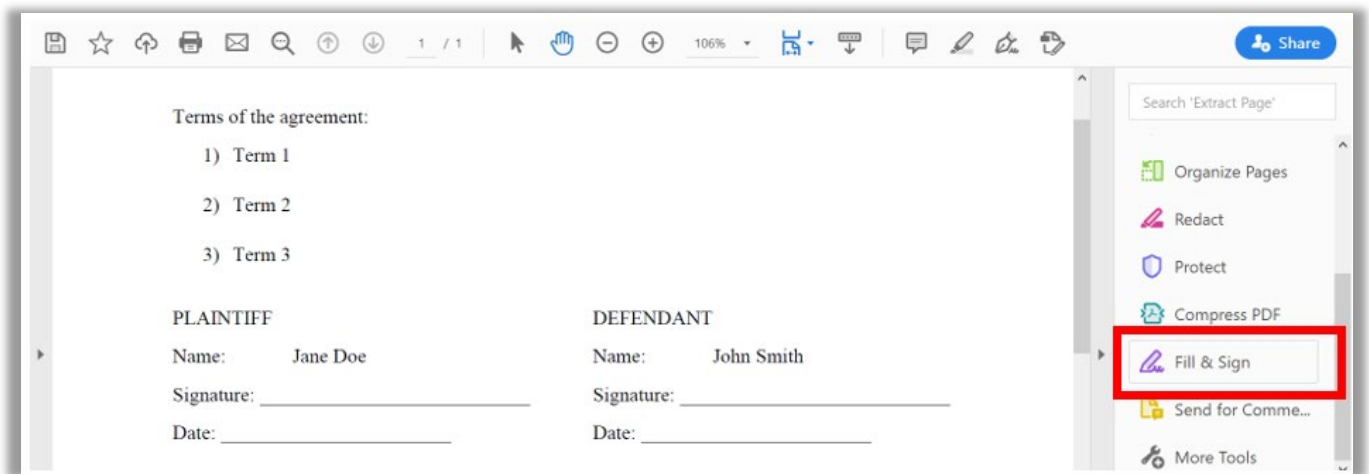
DECIDING THE METHOD: GENERAL INFORMATION

- There are several options for finalizing the terms of settlement at the end of a virtual (phone or video) mediation. The most common ways are through:
 - PDF;
 - Zoom Screensharing;
 - Google Docs; or
 - An electronic document signing app, such as DocuSign or PandaDoc.
- The primary differences between the above options are security, accessibility, and ease of use.
- The mediator should coordinate with the participants to determine which method all participants are most comfortable with.
- Using a PDF is easy and accessible, but the method will not be encrypted as strongly as other methods discussed below. If you are comfortable with PDFs and email, this is the most efficient method, and is similar to what you may already do when collecting signed confidentiality forms from participants.
- Using Zoom Screensharing is as secure as the application itself. Each Zoom meeting is password protected, and security features such as Waiting Rooms, Locking Rooms, and Removing Participants all increase the security of Zoom. If you have basic Zoom experience, this method will feel familiar.
- Google Docs is as secure as using Gmail. This means that it is secure by industry standards, but it still can be hacked. Additionally, the encryption protections are not as strong as they are for applications such as DocuSign or PandaDoc. Finally, sharing access to a Google Doc opens the document up to being shared to a wider array of people. The more people a Google Doc is shared with, the less secure it will be. However, the Google Docs interface makes it easy to use and accessible. If you are comfortable with Google Docs, learning how to finalize agreements will not be challenging.
- Using an electronic signing app, such as DocuSign or PandaDoc, is the most secure method due to the high level of encryptions protecting each signed document. Such applications must be purchased and learned like any new computer application. (The SDNY does not currently provide training in these applications.)

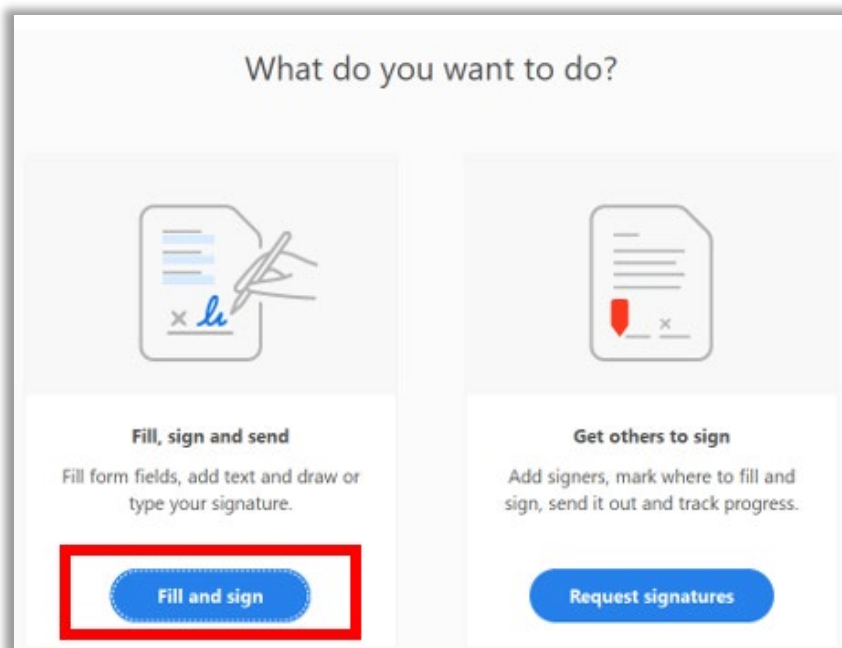
**Note:* Credit for the Zoom screenshots in this section goes to the Mitchell Hamline School of Law Mediation Clinic.

FORMALIZING IN PDF WITHOUT A PAID ACCOUNT

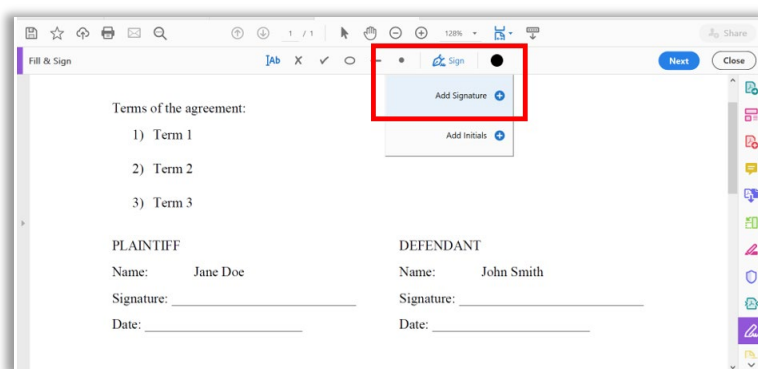
- You do not need a paid Adobe PDF subscription to formalize an agreement in PDF. However, the paid subscription will have more features, be more customizable, and enable additional encryptions and protections.
- The first step is to memorialize the terms and save them as a PDF. This can be done by saving a Word document as a PDF, or by adding text directly to a PDF agreement template.
- To sign a PDF document, start by selecting “Fill & Sign” on the right-hand side.



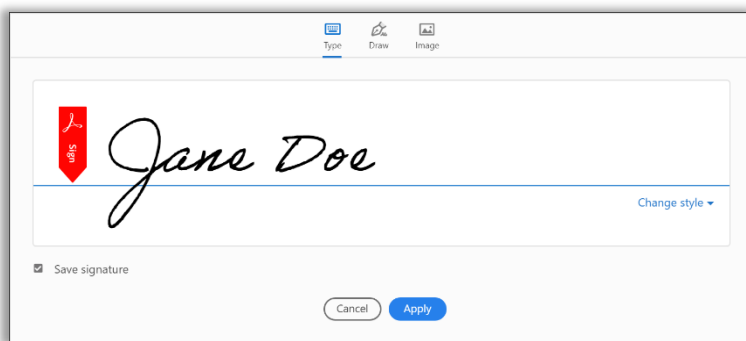
- Next, select “Fill and sign.”



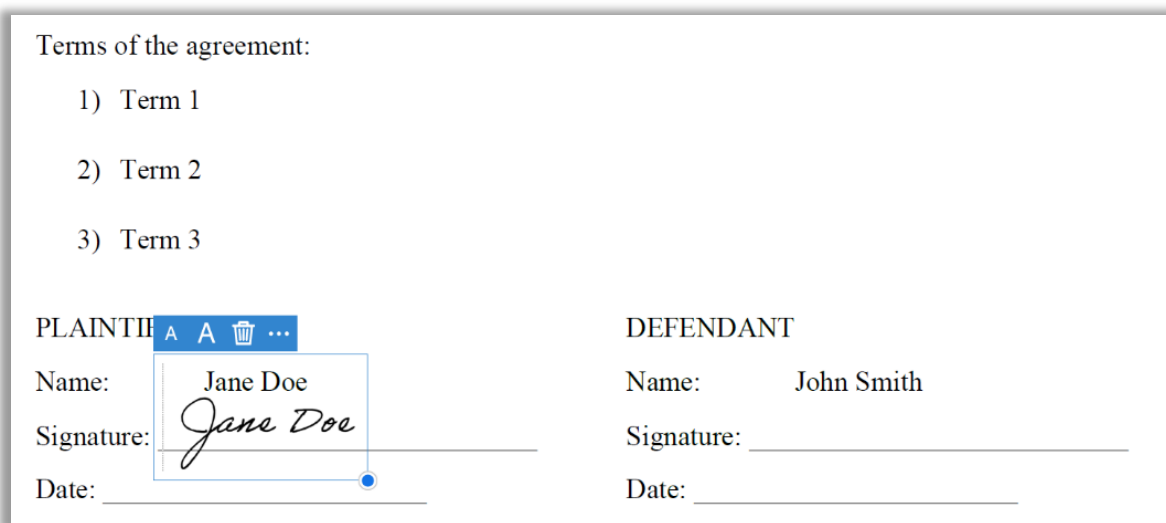
- Now, click “Sign” at the top center of your document, scroll down, and then select “Add Signature.”



- The participant signing will then type their name in the box provided and click “Apply.”



- A box with the signature will appear. You will need to drag the box with your signature over to where you need it to be. To drag the box, hover your cursor over the border line of the box and left click. Four pointing arrows will appear. Drag the box, then release your mouse, to place the signature where you want it.



- To add a date, click “IAB” at the top left of your document.



- Now, left click on the location where you need to drop the textbox and type the date in. Finally, save the signed and dated document.

Name: Jane Doe

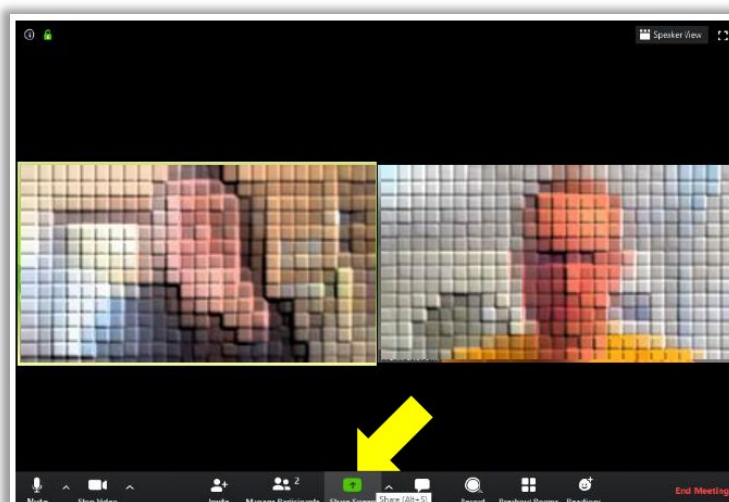
Signature: _____

Date: July 20th, 2020 _____

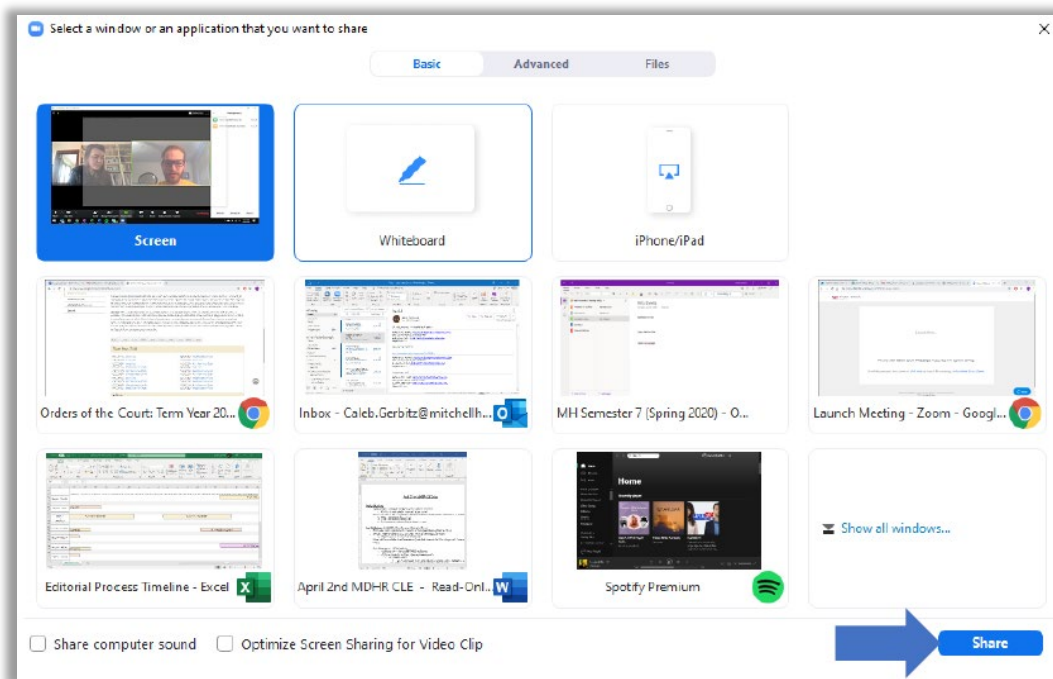
- The terms sheet may be executed in counterparts. This is similar to how the Confidentiality Form is typically signed in mediation since the advent of remote mediation. Each participant can sign their term sheet via PDF as shown above and provide it to the mediator, or counsel, to combine and circulate.
- A round-robin style sharing of the same term sheet for all participants to sign is an alternative method.

FORMALIZING IN ZOOM

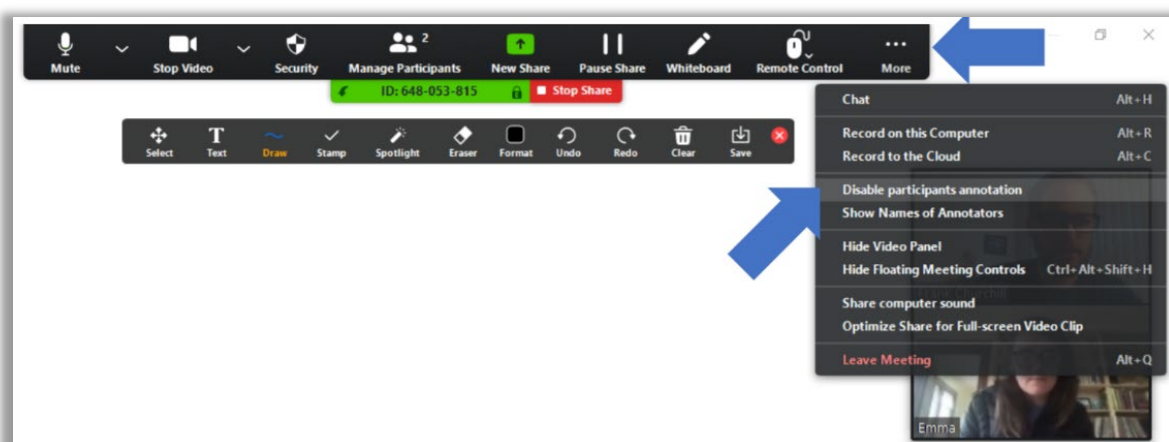
- You can use the Screen Share function on Zoom to finalize the agreement if all participants have agreed to terms and those terms have been memorialized on a document (Word or PDF).
- First, open the term sheet document. To share your screen, click the green “Share Screen” icon in the bottom center of your Zoom video conference interface.



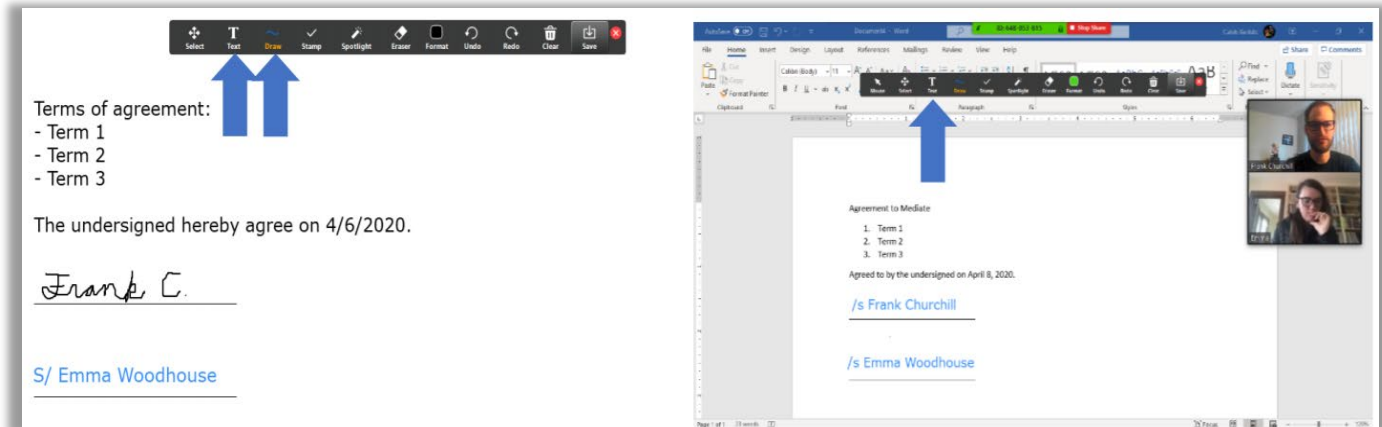
- When you click “Share Screen,” you will see several boxes representing the different files and programs that are currently open on your desktop. Select the correct file and click “Share.”



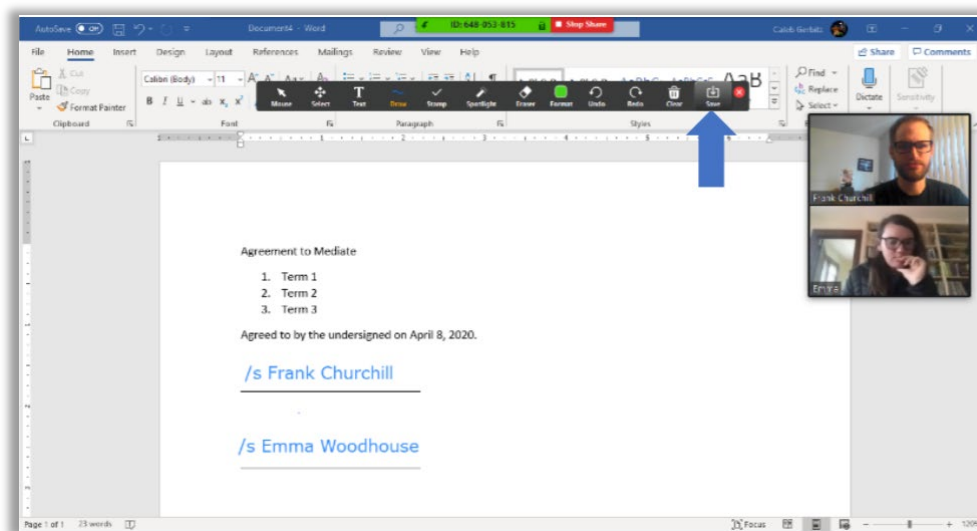
- Next, click “More” from the toolbar at the top and make sure the option to “Disable participants annotation” is not checked. (If it is, you can uncheck it.) You will need participant annotation abilities enabled for all participants to sign. If the dropdown list says “Disable participants annotation,” then it means the function is presently enabled.



- Direct the participants to use either the text box or the draw functions from the toolbar at the top to sign the document.



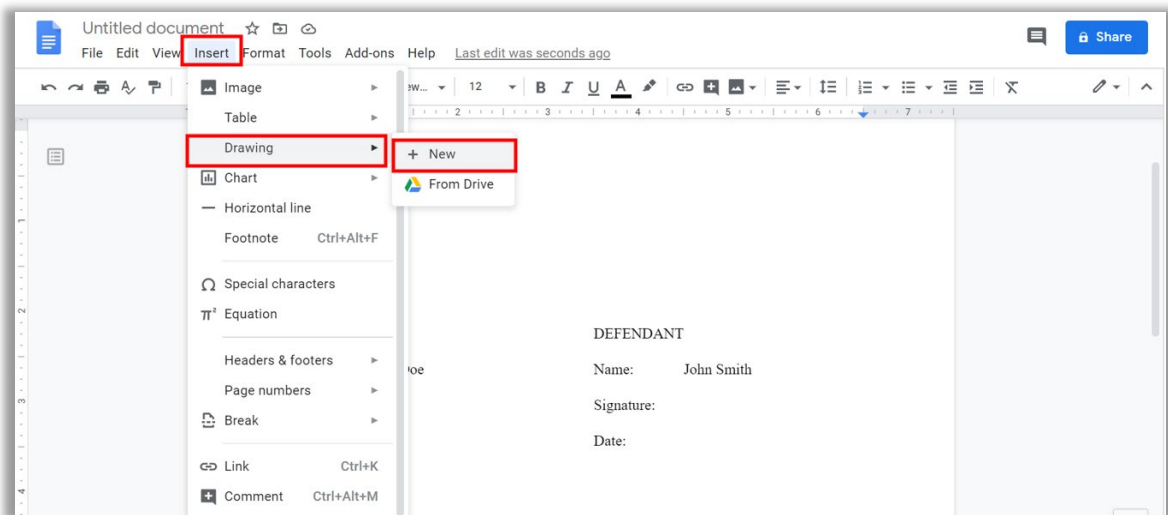
- Lastly, click “Save” at the top right-hand side of your share screen toolbar. Zoom will automatically create a “Zoom” folder in your “Documents” folder. The signed document will be saved there. You can email the signed, saved document to all participants.



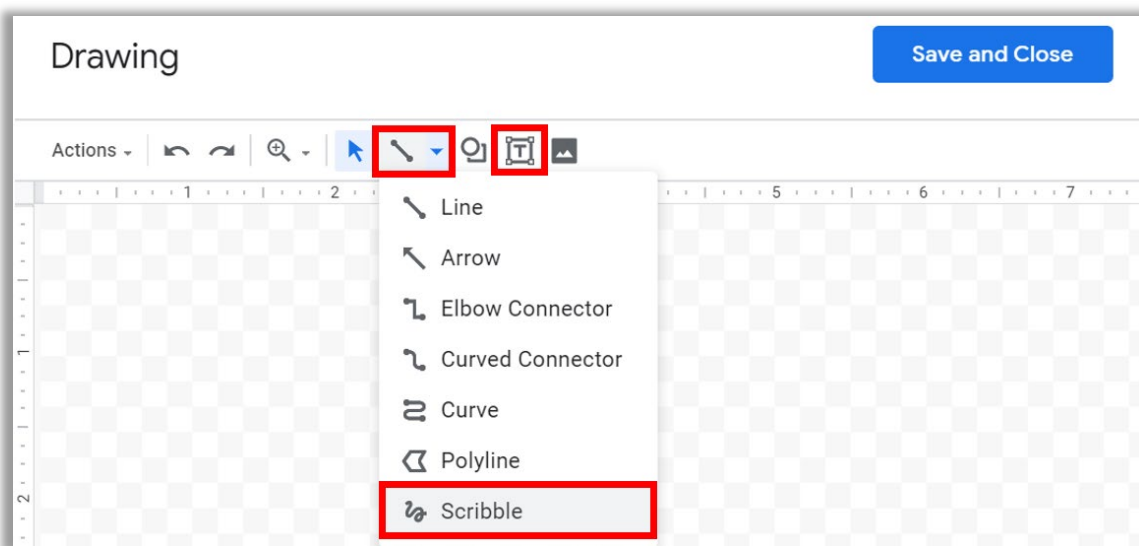
FORMALIZING IN GOOGLE DOCS

- A benefit of using Google Docs is that this application enables the mediator to choose between having all participants sign the same document simultaneously, or having the participants sign at different times. Since the Google Doc automatically updates live, a signature will populate immediately for all participants with access to the Google Doc. The term sheet may also be executed in counterparts by having someone download the separately signed Google Docs, combine, and circulate.

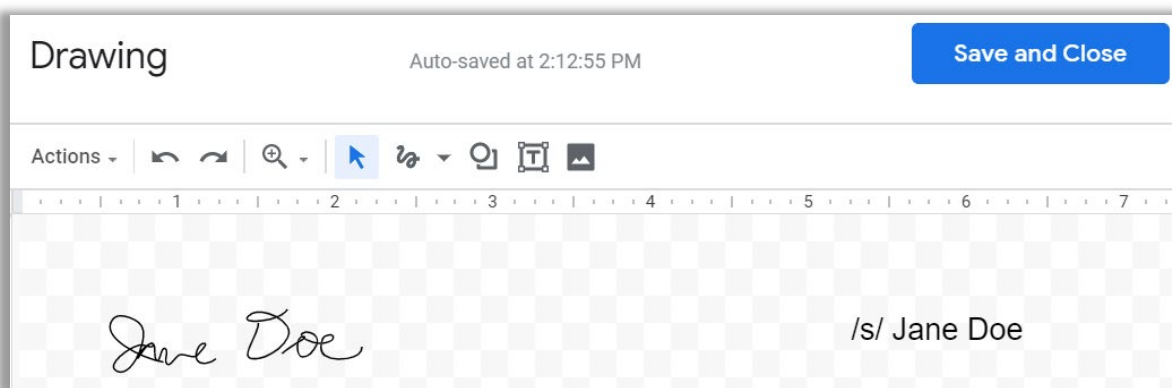
- To access Google Docs, all you need is a Google Account, which can be set up for free. If you have Gmail, then you can access Google Docs from your Gmail. If you do not have Gmail, you can set up a Google account [here](#).
- To formalize an agreement in Google Docs, start by ensuring that the Google Docs is open in your browser. Next, go to the toolbar at the top and select “Insert,” then “Drawing,” then “New.” Click on New.



- Next, select either the “Line” icon and then “Scribble,” or select the “Text” box icon.



- The signature on the left represents using the Scribble function to sign, and the signature on the right represents using the Text box function to sign. Whichever is selected, once chosen, click “Save and Close” in the top right-hand corner.



- The signature chosen will appear in a box, which you can click and drag to the proper location on the document. Use the Text box function to place the date. Google Docs automatically saves, so once complete, you are free to share or download the signed document.

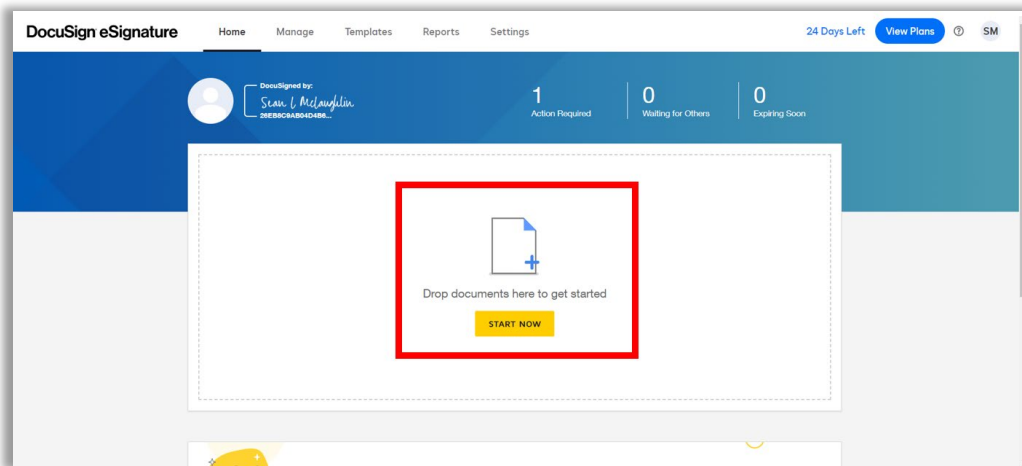
3) Term 3

PLAINTIFF	DEFENDANT
Name: Jane Doe	Name: John Smith
Signature: <div>/s/ Jane Doe</div>	Signature:
Date: <div> <div>Edit</div> <div></div> <div></div> <div></div> <div></div> </div>	Date:

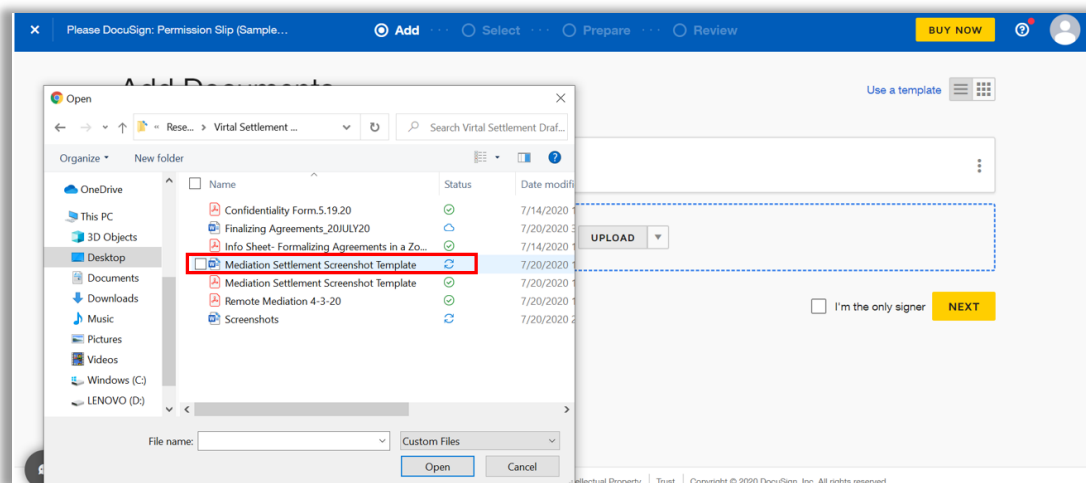
FORMALIZING IN DOCUSIGN

- A paid, encrypted electronic signing application such as DocuSign or PandaDoc is the most secure method of signing and transferring documents. Additionally, such applications typically have methods to streamline ease of signing and transferring documents between participants. The cost of such applications varies.

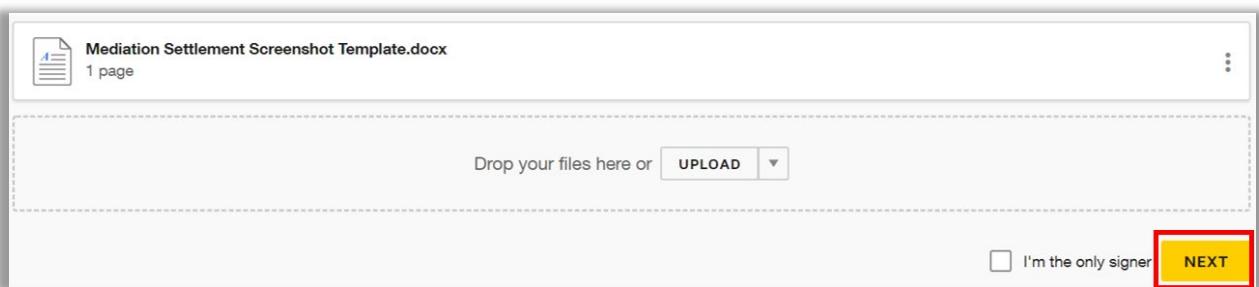
- To start, login to your DocuSign account. On the home page you will see an option in the center of your page to “Start Now.” Click it to begin.



- Next, you will be brought to a screen where you can drag the file containing the terms of the settlement or you can click “Upload” and browse your desktop for the relevant document.



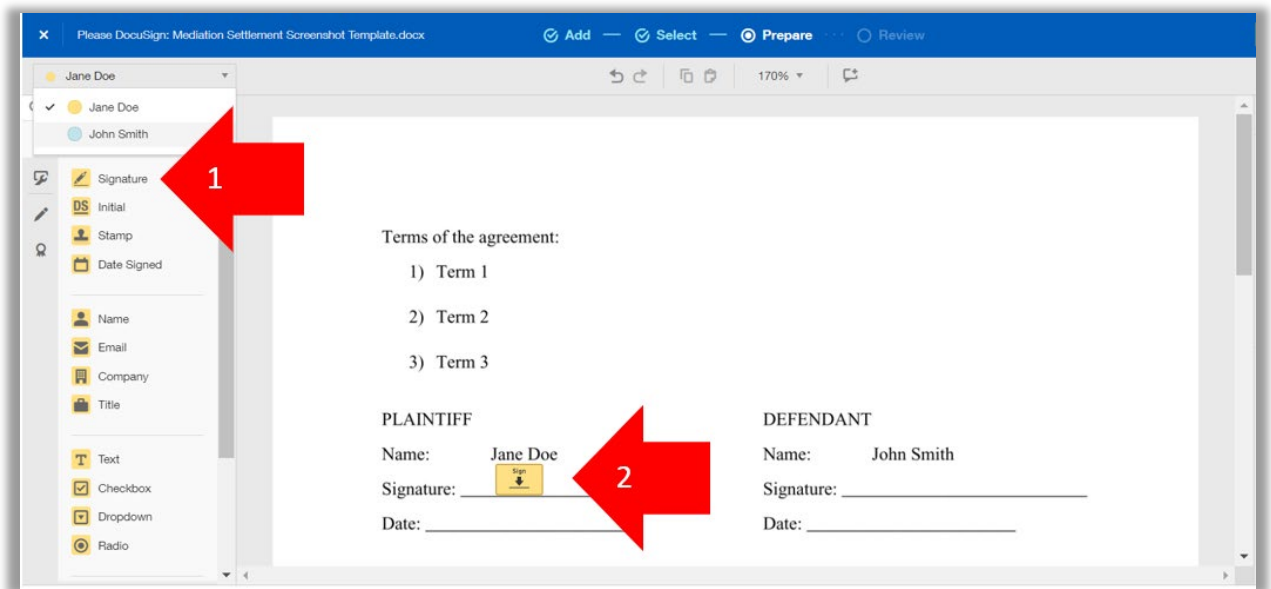
- When the file has uploaded, click “Next” in the bottom right-hand corner of the screen.



- Who you add as a recipient depends on how you have arranged to finalize the document, including whether you are executing in counterparts or by round-robin.
- The convenience of DocuSign is largely through using the round-robin method of signing a term sheet. If all participants are comfortable with this, DocuSign has a secure and convenient way to transfer signed documents between all participants as indicated above.
- Now, insert the name and email of each recipient. Once inserted, click “Next” at the bottom right of your screen.

- The next screen will show the document you uploaded. If you click “Send without fields” this will send the attached document to the email addresses you provided in the previous section. All participants required to sign will then receive an email from DocuSign with the terms of the settlement attached along with a request to sign.

- When a participant clicks the link in the email, they will be prompted to “Review the Document.” Clicking the link will take them to the document in DocuSign. To sign, they will first click “Signature” on the top left-hand side of her screen. Next, they will drag the signature box over to the proper place in the document to sign.




- Once they drop their signature box in the appropriate area, they will be prompted to confirm their signature and initials before adopting and signing the document.

The "Adopt Your Signature" dialog box prompts the user to confirm their name, initials, and signature. It includes fields for "Full Name*" (Jane Doe) and "Initials*" (JD). Below these fields are tabs for "SELECT STYLE" and "DRAW". The "PREVIEW" section shows a sample signature "Jane Doe" and initials "JD" with a DocuSigned by stamp. At the bottom, there are buttons for "ADOPT AND SIGN" and "CANCEL".

- Once they click “Adopt and Sign,” the document will be formally signed. Next, they will hit the “Finish” box at the top right-hand side of the screen. This will prompt a version of the signed document to be sent out to the remaining participants, who will then need to sign the document in the same manner. You will receive a prompt from the DocuSign Chatbot in your Zoom application when someone signs.

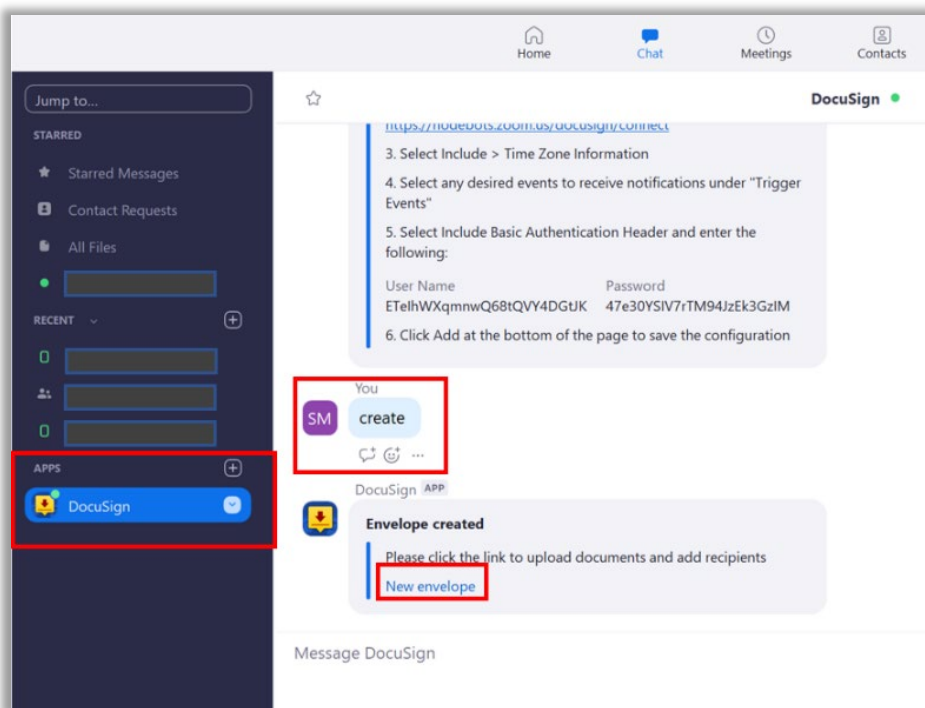
Terms of the agreement:

- 1) Term 1
- 2) Term 2
- 3) Term 3

PLAINTIFF	DEFENDANT
Name: Jane Doe	Name: John Smith
Signature: 	Signature: _____
Date: _____	Date: _____

USING DOCUSIGN THROUGH ZOOM

- You may also use DocuSign as an app attached to your Zoom account.
- To use DocuSign for secure electronic signatures as an app connected to your Zoom account, start by following the instructions regarding connecting both accounts [here](#).
- Once you have connected your DocuSign account with your Zoom account, go to DocuSign, type “create” in the Message Box, and click the “New envelope” hyperlink that DocuSign created. This will take you to your DocuSign account where you can upload the document that contains the terms of the settlement.



10 Essentials for Looking and Doing Your Best in Video Conference Calls

Marketing Resolution - <https://www.howtomarketmymediationpractice.com/blog-1/10-essentials-for-looking-and-doing-your-best-in-video-conference-calls>

DocuSign

Setting Up A Google Account -

<https://accounts.google.com/signup/v2/webcreateaccount?hl=en&flowName=GlifWebSignIn&flowEntry=SignUp>

DocuSign on Zoom - <https://marketplace.zoom.us/apps/tg7aLkNsS1-7SJtbwjpU-Q>

Don't Let a Crisis Go to Waste: Time to Explore Expansion of ODR for ADR

Linda Gerstel - <https://www.law.com/newyorklawjournal/2020/03/17/dont-let-a-crisis-go-to-waste-time-to-explore-expansion-of-odr-for-adr/>

Online Options for Dispute Resolution with Susan Guthrie

American Bar Association -

https://www.americanbar.org/groups/dispute_resolution/resources/resources-for-mediating-online/online-options-for-dispute-resolution/

Microsoft AppSource

Zoom for Outlook - <https://appsource.microsoft.com/en-us/product/office/WA104381712?tab=Overview>

Pandemic Pedagogy II: Conducting Simulations & Role Plays in Online, Video-Based, Synchronous Courses

Noam Ebner and Sharon Press - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3557303

S.D.N.Y. Resources

Mediation Confidentiality Agreement (as of 1/20/2021) -

<https://www.nysd.uscourts.gov/sites/default/files/pdf/Mediation/Mediation%20Forms/Confidentiality%20Form.1.20.21.pdf>

Procedures of the Mediation Program (as of 1/20/2021) -

<https://www.nysd.uscourts.gov/sites/default/files/pdf/Mediation/Mediation%20Rules%20and%20Procedures/Mediation%20Program%20Procedures.final.2021.pdf>

Six Tips for Looking Great in a Zoom Meeting

Jefferson Graham - <https://www.usatoday.com/story/tech/2020/04/11/zoom-meetings-go-better-these-6-tips-look-your-best/5125980002/>

Tips for Online Mediation in the Age of Social Distancing

Sidney Kanazawa - <https://www.law360.com/articles/1256112/tips-for-online-mediation-in-the-age-of-social-distancing>

Your ADR Practice and Zoom

Simon Boehme - <https://www.odrzoom.com/>

Zoom Videoconferencing Tips and Tricks

Nicole Black - <https://abovethelaw.com/2020/04/zoom-videoconferencing-tips-and-tricks/>

All You Need to Know About Using Zoom Breakout Rooms

John Montgomery - <https://blog.zoom.us/using-zoom-breakout-rooms/>

Getting Started with Zoom Meetings

Zoom - <https://blog.zoom.us/getting-started-with-zoom-meetings/>

How to Keep Uninvited Guests Out of Your Zoom Event

Zoom - <https://blog.zoom.us/keep-uninvited-guests-out-of-your-zoom-event/>

Zoom Like a Pro: 7 Tips for Meetings & Chat

Lauren Reed - <https://blog.zoom.us/zoom-like-a-pro-7-tips-for-meetings-chat/>

Zoom Help Center Topics

Authentication Profiles for Meetings and Webinars - https://support.zoom.us/hc/en-us/articles/360037117472-Authentication-Profiles-for-Meetings-and-Webinars?_ga=2.197342447.115961943.1585575135-143674534.1584043387

Changing the video layout (Speaker view and Gallery view) - https://support.zoom.us/hc/en-us/articles/201362323-Changing-the-video-layout-Active-Speaker-View-and-Gallery-View-#h_ac952845-ed43-4884-8263-4356f98e26f3

Enabling breakout rooms - <https://support.zoom.us/hc/en-us/articles/206476093-Enabling-breakout-rooms>

Enabling and disabling in-meeting chat - https://support.zoom.us/hc/en-us/articles/115004809306-Controlling-and-Disabling-In-Meeting-Chat?_ga=2.222329435.115961943.1585575135-143674534.1584043387

Getting started with Virtual Background - <https://support.zoom.us/hc/en-us/articles/210707503-Virtual-background>

Hiding or showing my video on my display - <https://support.zoom.us/hc/en-us/articles/115001077226-Hiding-or-showing-my-video-on-my-display>

Host and co-host controls in a meeting - https://support.zoom.us/hc/en-us/articles/201362603-Host-and-Co-Host-Controls-in-a-Meeting?_ga=2.197267695.115961943.1585575135-143674534.1584043387

Managing breakout rooms - <https://support.zoom.us/hc/en-us/articles/206476313>

Managing participants in a meeting - https://support.zoom.us/hc/en-us/articles/115005759423-Managing-participants-in-a-meeting?_ga=2.221861080.115961943.1585575135-143674534.1584043387

Meeting and webinar passwords - https://support.zoom.us/hc/en-us/articles/360033559832-Meeting-and-Webinar-Passwords-_ga=2.95998300.115961943.1585575135-143674534.1584043387

Modifying recording notifications - <https://support.zoom.us/hc/en-us/articles/360000486746-Recording-Notifications>

Place participants in waiting room - https://support.zoom.us/hc/en-us/articles/201362813-Attendee-On-Hold?_ga=2.162616828.115961943.1585575135-143674534.1584043387#h_87d70d90-5b0e-46b8-b7b0-b51e3c9fd699

Pre-assigning participants to breakout rooms - <https://support.zoom.us/hc/en-us/articles/360032752671-Pre-assigning-participants-to-breakout-rooms>

Scheduling meetings - <https://support.zoom.us/hc/en-us/articles/201362413-How-Do-I-Schedule-Meetings->

Sending a file in meetings and webinars - https://support.zoom.us/hc/en-us/articles/209605493-In-Meeting-File-Transfer?_ga=2.234034526.115961943.1585575135-143674534.1584043387

Testing computer or device audio - <https://support.zoom.us/hc/en-us/articles/201362283-Testing-computer-or-device-audio>

Testing your video - <https://support.zoom.us/hc/en-us/articles/201362313-How-Do-I-Test-My-Video->

Waiting Room - <https://support.zoom.us/hc/en-us/articles/115000332726-Waiting-Room>

Zoom for GSuite add-on - <https://support.zoom.us/hc/en-us/articles/360020187492-Google-Calendar-add-on>