GUIDELINES FOR REMOTE MEDIATION MEETINGS

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This memorandum provides an outline of steps to be taken by counsel to minimize technical and other disruptions, and ensure the success of mediations conducted remotely.

BEFORE THE MEETING

1. John-Paul Boyd Arbitration Chambers uses Zoom to conduct remote meetings. Please ensure that all devices to be used by you or your client during a remote meeting have Zoom installed and updated to the latest version. Visit:

   https://zoom.us/download#client_4meeting

2. Please test the image and audio quality of all devices to be used by you or your client, as well as the stability of your office's internet connection, in advance of the meeting.

3. You and your client may attend the mediation from the same or different physical locations. If you will be in the same space and be using *boardroom video-conference equipment*, please make sure that the microphone clearly picks up you and your client and that the camera is zoomed in and focussed on you and your client rather than the entire boardroom. If you will be in the same space and be using *your office computer*, please make sure that the microphone clearly picks up you and your client and that the camera is far enough away that both you and your client are in the frame.

4. Please ensure that you and your client log on to the meeting at least five minutes early, using the meeting link you have been provided. You will be admitted to the meeting at or shortly after the start-time set for the meeting. Note that there may be a separate link for each day of the mediation.

5. Please ensure that all documents to which you may refer during the meeting are provided to opposing counsel and the mediator on the date specified at the planning meeting. Please ensure that these documents are the most up-to-date versions of those documents and that everyone receives identical copies of those documents in PDF, Word or Excel format. If a PDF file contains multiple documents, please ensure that each document is electronically bookmarked for ease of location. The software you or your staff use to make PDF documents will have a help file explaining how to add bookmarks. It helps speed things along when everyone is able to find documents quickly.

6. Please explain to your client that although the mediation is being conducted through Zoom, they are still engaged in a formal dispute resolution process and a degree of decorum is required and expected. Clients should be directed to:

   a) refrain from interrupting people who are speaking, and instead make notes about the point they wish to make and signal the mediator that they wish to comment, and the mediator will ensure that they are heard;

   b) refrain from name-calling, sarcasm, innuendo and mockery, and from using language that is derisive, contemptuous or inflammatory; and,

   c) ask for a break when their emotions are running high.

DURING THE HEARING

7. If you and your client are attending the mediation from the same physical location, **please refrain from using the mute button to caucus with your client** without first announcing your intention, preferably at a pause in the flow of conversation. Mediation is a process that relies on dialogue and establishing mutual understanding; the mediator will have no choice but to halt the discussions until you and your client are able to pay attention.

8. **You and your client should refrain from passing messages to one another** during the mediation, whether using a pad, Zoom's chat function or any other form of messaging. Again, mediation is a process that relies on dialogue and establishing mutual understanding; the mediator will have no choice but to halt the discussions until you and your client are able to pay attention.

John-Paul Boyd Arbitration Chambers
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9. If it becomes necessary to message the mediator during the meeting, please use email or Zoom's chat function and ensure that your message is sent to everyone. Neither you nor your client may privately email or message the mediator.