

TIERNAN MEDIATION

ONLINE MEDIATION GUIDELINES & AGREEMENT - ZOOM

1. CONFIDENTIALITY & PRIVACY

- a. All interactions in Online Mediation and any resulting agreement will be private and confidential as if in a conventional person to person mediation. Relevant Court Rules will apply,
- b. Parties will mediate in closed door rooms without interruption,
- c. No 3rd Parties will attend without prior approval - those present at mediation will be declared in advance - Children and dogs will be shot!
- d. No eavesdropping is allowed,
- e. No recording of any session of the mediation is allowed,
- f. The Host/Mediator will not record any part of the Mediation,
- g. If you do not want to be heard at any time use the mute button - The Host/Mediator will ensure that the discussions are otherwise private,
- h. If it is clear that confidential discussions can be heard inadvertently you should immediately bring it to the Host's attention.

2. INVITATION & PREPARATION

- a. All the parties will be sent a Calendar invitation with password and login details for the Scheduled Meeting,
- b. The Calendar invitation should be accepted on receipt,
- c. Reminders will be sent to all the invited parties,
- d. The responsible solicitor for each party should send the Host/Mediator, as soon as possible, the email addresses of each of the parties who will be separately attending remotely.

3. ZOOM ACCOUNT

- a. It is recommended that all participants set up a ZOOM account in advance of the Scheduled Mediation and download the Desktop App,
- b. It is not necessary for anyone other than the Host/Mediator to sign up for or pay to a ZOOM \$ plan - the free sign up account is sufficient.
- c. ZOOM online guides are very useful. Zoom is a very easy to use platform.

4. LOGGING ON

- a. Go to your invitation and log on at the invitation link, e.g. - [Join Zoom Meeting](#)
<https://zoom.us/j/8891652>
- b. Parties should log on 5 to 10 minutes before the scheduled commencement time, and will be directed into a Waiting Room
- c. If you have not already downloaded zoom and nothing prompts from the Browser click "Download and run Zoom",
- d. If there is a Video Preview Popup - click "Join with Video",
- e. Click on "Open Zoom.us" if you see the system dialog,
- f. Click on the system dialog "Join with Computer Audio"

5. WAITING ROOM

- a. When the session commences every participant will be in a waiting room - participants other than the Host/Mediator will not know who else is in the waiting room and no conversations can be overheard,

- b. As the Host I will place parties into separate breakout rooms before inviting relevant parties into a Joint Session,
- c. Unless I am advised otherwise the Plaintiff will not be invited into the Joint session

6. JOINT SESSION

- a. The Plaintiff will not be invited into the Joint Session unless the Host has been advised otherwise,
- b. At the end of the Joint Session the Host/Mediator will allocate parties into Breakout Rooms.

7. BREAKOUT ROOMS

- a. The Host/Mediator will allocate Breakout rooms - normally there will be a breakout room for the Entire Plaintiff Team including the Plaintiff
- b. The Host /Mediator can allocate the Plaintiff's Legal team into their own Breakout Room without the Plaintiff,
- c. The Defendant teams will be allocated their own Breakout Rooms,
- d. There can be a lawyers only Break Out room,
- e. The Breakout Rooms' configurations are totally flexible
- f. When you are in your Breakout Room and you need the Mediator click on the "ask for help" button' alternatively you can re enter the Joint Session.

8. SCREEN SHARING & WHITE BOARD

- a. Zoom allows the parties to share their screens - if a document is open it can be shared for demonstration purposes - e.g. a brief, Pleadings, Special Damages or expert reports,
- b. I recommend that participants close irrelevant documents and programs so that you have a clean Home Screen,
- c. A White Board facility is available.

9. RESPECTFUL ONLINE COMMUNICATION

- a. No technology interruptions - During the Mediation the participants will not browse, email or message,
- b. Phones and messaging should be turned off or silenced,
- c. Parties should communicate respectfully without interruption or talking over each other

10. TECHNOLOGY FAILURES & INTERRUPTIONS

- a. Technology failures may occur - don't panic there will be a solution
- b. If there is a technology failure or interruption, attempt to log off and log on,
- c. Consider in advance backup technology by downloading the ZOOM APP on your telephone,
- d. If in doubt ring or message me as the Host,

11. AGREEMENTS AND ONLINE SIGNATURES

- a. If the parties make an agreement to settle the dispute which is the subject of the Mediation there is provision in ZOOM to share a Terms of Settlement Document or Agreement and for it to be signed using a program such as DOCUSIGN.

12. ACKNOWLEDGEMENT & AGREEMENT TO BE BOUND BY THESE GUIDELINES

- a. By accepting the Calendar Invitation and logging onto the ZOOM Scheduled Meeting/Mediation ALL participants acknowledge that they

have read these guidelines and agree to be bound by the terms of these Guidelines