

Mediate.com Online Mediation Training Forum #3 Chat

Standards, Ethics and New Technologies

May 7, 2021

00:42:42 Nelson Rezende: Hello, everyone!

00:42:58 Harry Manasewich (he/him): Greetings from Boston

00:43:44 Sam Timbrook: Sam Timbrook. Columbia, MO

00:44:14 Canan Kucukali: Greetings from Turkey

00:44:16 Lisa Z Wood: Hello from Waterville Valley NH (though my work is in Ma)

00:45:04 Rosa María Abdelnour: Hello from San José Costa Rica! Sorry if I am late. I was in an arbitration session as the arbitrator.

00:47:28 Debra Crawford: Hello from Monterey, CA.

00:47:30 Beth Zewe Edinboro Univ & WEDnetPA: Greetings to everyone. Beth Zewe from Edinboro University of Pennsylvania

00:47:40 Morenike Obi-Farinde: Hello from Lagos Nigeria.

00:47:42 Macarena Mata: Hello from England! This is Macarena

00:47:43 gabriellehartley: Hi. I'm Gabrielle and I am in Northampton MA and NYC! (Mostly MA during Covid!). Nice to meet you all

00:47:43 Dawn H: Hello to all! It's a beautiful day here in Portland, Oregon.

00:47:45 Tricia S. Jones: Hello from Philly PA! Love these forums and looking forward to this one.

00:47:46 Elan E. Weinreb: Hello from Elan E. Weinreb, Garden City, NY

00:47:59 Reiny Ortega Cubas: Hello everybody. Reiny Ortega from Regina, Saskatchewan.

00:48:00 Sandy Strawder Barrett: Good afternoon from Washington, DC.

00:48:02 Pamela Howard: Pamela Howard New Mexico

00:48:05 Felicia Zuardi: Hello from Rio de Janeiro, Brazil

00:48:17 Chuck Crumpton HNL: Aloha from Honolulu

00:48:30 Revathi G. Mohan: Hello all . Revathi Mohan from Chennai, India

00:49:06 Nelson Rezende: Nelson Rezende from Rio de Janeiro, Brazil

00:49:31 Leah Wing: Solidarity and prayers for Indian colleagues!

00:49:57 Rosa María Abdelnour: Yes, Leah!!

00:50:08 Donna S: Thanks for saying that, Leah...and our friends in Brazil. Tough times...

00:50:14 Leah Wing: Yes!

00:50:25 Jim Melamed: The main Forum web page is here:
<https://www.mediate.com/onlinetraining/pg9.cfm>

00:50:27 Tracey-Leigh: Hi there, Looking forward to this evening's content based on last week's session. Kind regards Tracey-Leigh Wessels from Durban South Africa

00:50:52 Barbara: Hello from the UK!

00:50:54 Jim Melamed: Jim's intro slides as PDF are here:
<https://www.mediate.com/onlinetraining//ForumIntro7.pdf>

00:51:02 Regiane Amaral: REGIANE from BRAZIL.

00:51:03 Slavica Markovic: Hello there! My Name is Slavica Markovic. Best wishes from Freiburg, Germany!

00:51:03 Dorothea Dowling: Greetings from Dublin, Ireland - at 5pm local time!

00:51:14 Tamagnini Ivo Valente: I'm sorry,

00:51:21 Beverly-Ann: Hello Everyone. Beverly-Ann from Trinidad and Tobago in the Caribbean

00:51:27 Tricia S. Jones: What a wonderful global group of peacemakers!

00:51:27 Jan Coulton: Hi form York England, wonderful to join you

00:51:30 Flávio F. Prado: Hello from São Paulo - Brasil

00:51:42 Richard Lutringer: Warm regards from Palm Desert, CA

00:51:53 Colm Brannigan: Greetings from Toronto, Canada.

00:51:58 Sunny Sassaman: Good day from Portland, Oregon.

00:52:02 Tamagnini Ivo Valente: My name is Tamagnini Ivo Valente and i'm Lawyer from Angola...

00:52:14 Monica Salles: Hello ! Please to meet you ! Mônica de Salles Lima; from Rio de Janeiro, Brazil

00:53:25 Debra Allen P.I.:Aloha from Hawaii.

00:55:09 Bill Warters: Greetings from Detroit

00:57:30 Dr. Teresa Parnell: Greetings from Florida.

00:58:08 Ai Kuroda: Greetings from Osaka, Japan.

00:58:27 Anastasia (Stacy) Sdanowich: Howdy from Littleton, Colorado

01:08:00 Jim Saunders: The org that I'm working with has a designated person to manage the tech so that it does not become a distraction to the mediator & participants.

01:09:00 Forrest Mosten: These brilliant questions should be the starting point for all our work. Thanks, Leah

01:12:45 Dorothea Dowling: Rules-based can also be a strairjacket

01:22:36 Jim Saunders: Hi from Vancouver, WA, USA

01:23:05 Simara: Hi from São Paulo, Brazil

01:23:29 Alline Berger: Hi forma

01:23:47 Alline Berger: Hi from Espírito Santo, Brazil

01:24:15 James Murray Jr: Hello from Recife, Brazil

01:26:13 VINH DO: Leah, thank you for calling out that there is/was a leaning to the West here. Very glad to see other perspectives in these developments.

01:28:23 Catherine (she/her) Feldman Axford Toronto, Canada: Can people who are trained on-line be good in-person mediators, or should they have additional training?

01:30:33 Colin Rule: Excellent question, Catherine. I have always preferred to start with face-to-face training and then to transition those skills online... but that's not always possible in our pandemic era

01:31:10 Colin Rule: We may see more people getting trained online and then transitioning those skills offline as a result of the pandemic

01:31:59 Catherine (she/her) Feldman Axford Toronto, Canada: Colin - that is exactly what I am struggling with. I coordinate a Community mediation Centre in Toronto. We are discussing what to do with volunteers who have trained on-line once we come back to doing things in person. I wonder what others thik aobut this.

01:32:45 Catherine (she/her) Feldman Axford Toronto, Canada: The current thinking at our centre is to require the mediators to do a couple of in-person role plays before letting them loose on real situations.

01:33:22 Colin Rule: I've done trainings helping F2F mediators transition their practices online for the past couple years... interesting to think we may now need to design trainings that do the opposite (transition online practice to offline)

01:33:41 Colin Rule: I think in person role plays and practice would have to be the heart of that kind of training

01:34:05 Rosa María Abdelnour: I think that in face to face or online training, we have to do many role play and simulation practices

01:34:06 Colin Rule: But we may be surprised at how smoothly video-based mediation skills can transition to f2f mediation

01:34:10 Morenike Obi-Farinde: Catherine, you could start the Volunteers up with Co-Mediation

01:34:43 Catherine (she/her) Feldman Axford Toronto, Canada: All our cases are mediated.

01:34:51 Leah Wing: Yes, agreed Colin and Catherine. The ethics are somewhat similar and also different in person and online so wherever you were first trained, working in the other type of setting—it would be good to get training in ethics for that forum.

01:34:52 Colin Rule: Rosa is right. Practice, practice, practice -- the more the better,

01:35:21 Catherine (she/her) Feldman Axford Toronto, Canada: Leah, I agree, there are ethical implications.

01:35:26 Donna S: It strikes me that 'adding on' the face-to-face would be as important as Face to face to online. The spatial issues and, during the pandemic, reading faces when half is covered with a mask, caucus issues etc will be important add-ons, to name but a few! Ditto with the practice statements!!

01:35:58 Jim Melamed: Once interesting aspect is that online meetings tend to be shorter and more often . . . face to face, needing a meeting room, baby sitters, taking off work etc., may be more of substantial "hearing" event. One can perhaps argue that more durable and confident decision making may take place over time, not at a crisis meeting?

01:36:53 Catherine (she/her) Feldman Axford Toronto, Canada: Understanding how to read body language is key to our interest-based processes.

01:37:11 Catherine (she/her) Feldman Axford Toronto, Canada: especially in-person.

01:37:20 Reiny Ortega Cubas: I have ran a mediators group on line in Saskatchewan, Canada for over a year and half.

01:37:20 Colin Rule: I also think online vs. offline is a false dichotomy -- I'm guessing pretty much all mediations will be hybrids moving forward, with some f2f, some video, some text -- but rarely purely online or purely offline.

01:37:41 Harry Manasewich (he/him): Agree Colin

01:37:42 Chuck Crumpton HNL: Important point, Colin and Rosa, and maybe the role plays & practice should include an increasing diverse range of cultural, subject matter, tech, style, principles/values, and other contexts, processes, uses and other factors - perhaps a melding of ADR & ODR into IDR - Integrative Dispute Resolution

01:38:48 Rosa María Abdelnour: Yes, Colin and Chuck! Integrative Dispute Resolution

01:38:56 Harry Manasewich (he/him): I'm wondering how best, or if at all, to use a recording of a roleplay, with the people involved in the roleplay...as a learning experience.

01:39:04 Catherine (she/her) Feldman Axford Toronto, Canada: Daniel - this is always part of our process. may people do not know what they are agreeing to and entering into.

01:39:14 Harry Manasewich (he/him): oop; experience

01:41:10 Catherine (she/her) Feldman Axford Toronto, Canada: Jim - We are dealing issues of access to tech and computer literacy for the ODR we are doing now. We will need to be able to provide in-person for access issues, as well as the fact that most of my mediators feel that we are not getting the same depth of understanding on-line.

01:41:14 Donna S: Good points all. I am amazed to see how many of my clients are 'joined' by their pets (and obviously comforted by them) in our sessions. At-home-Crisis helpers that we don't consider in our face to face sessions. As to using roleplay video for trainee feedback, this has really been a huge improvement for my trainees. They love the debriefs...getting the feedback from all and able to learn from watching themselves!

01:41:25 Regina Newson: Everything is a teachable moment. Online mediation is no different. We have a responsibility to teach our clients about mediations; help them understand what this process is and how it can affect them. We cannot leave this to others. This is our process.

01:44:12 Chuck Crumpton HNL: great point, Donna - the learning value of reflective practice in role play debriefing, feedback and re-evaluation (both in person and remote) is expansive and immeasurable, and reflects the core value of mediation as a shared learning experience that respects and seeks to understand the human value of each one involved and affected

01:47:16 Elan E. Weinreb: Springboarding off Donna and Chuck's points, in the online environment, you can combine in training a roleplay that involves the instructors of a program being seen by all first (i.e., a "master class roleplay") followed by a group roleplay where those instructors give constructive feedbacks to the trainees. It's essentially the medical school model brought into the ODR training universe: see one, do one, teach one.

01:47:40 Jim Melamed: Let me note that there is a Forum Evaluation and Comment Form here: <https://www.mediate.com/onlinetraining/pg56.cfm> - I will also remind you of this at the end of the Forum. Thx!

01:48:18 Rosa María Abdelnour: Thank you!!

01:48:50 Regina Newson: Thank you Dan. It was great.

01:49:05 Pamela Howard: Thank you

01:51:34 Chuck Crumpton HNL: great model, Elan, and Woody Mosten's interactive feedback/debriefing model among trainers and trainees is incredibly productive and illuminating; sometimes trainers learn as much as or more than trainees in those exchanges - I know I have

01:55:17 Chuck Crumpton HNL: Melissa's valuable insights about jurisdictional, legal and other boundaries also apply more broadly to cultural, ethical, behavioral, psychological and other differences that can implicitly set boundaries and standards that need to be understood and respected

01:58:55 Chuck Crumpton HNL: The Task Force also offers a blog site at <http://odr4justice.com/>, and all are encouraged and invited to share thoughts, ideas, resources, connections and exchanges there. It is built for you to come, thanks to Colin.

01:59:44 Leah Wing: Well said, Chuck.

02:01:34 Donna S: Melissa, you are blowing my mind!! These are indeed complicated issues for us all...

02:02:29 Regina Newson: This is excellent. A lot of new considerations for mediators. Technology is opening a lot of doors, but it is forcing us to look at our practices.

02:02:45 Donna S: So glad we have you and your subgroup to be thinking about this and reporting to us.

02:03:28 Chuck Crumpton HNL: True, Donna - Melissa's exceptional insights help us realize and value how many different lenses and awarenesses we need to bring to and cultivate in our work, and our lives

02:03:41 Slavica Markovic: Thank you so much!

02:04:36 Donna S: THANK YOU! I look forward to taking this to my public policy mediation colleagues for consideration as well.

02:09:19 Pamela Howard: Jurisdictional and confidentiality is always a concern

02:13:03 Colm Brannigan: Great discussion. We have to consider many issues but let's be careful that we don't overly "legalize" ADR/ODR process that take place outside of court connected/litigated case contexts. This is an opportunity to move ADR/ODR away from legal systems standards models?

02:16:08 Chuck Crumpton HNL: Brilliant and critical perspective, Colm: how do we help DR move beyond law/lawyer-dominated to a multi-disciplinary, multi-stakeholder system whose breadth and accessibility reflect the human and subject matter diversity that conflict prevention, management and resolution need to respect, understand and serve in all sectors of society?

02:17:37 Harry Manasewich (he/him): Colin; regarding that ethical dilemma, is the lesson...don't google during mediation? LOL

02:18:25 Elan E. Weinreb: Actually, I think the lesson is the reverse, which is exactly what Colin said: Google/Web search BEFORE you enter sessions if you're going to do it at all.

02:18:38 Dawn Shields-Searle: would the situation be any different if the research was done before the mediation ?

02:19:14 Jim Saunders: I respectfully disagree. If you're doing a facilitative mediation, researching the participants is likely to make it difficult to remain neutral.

02:19:27 Harry Manasewich (he/him): it seems the issue is SHOULD you google your parties

02:20:02 Leah Wing: Google is not neutral. Cyberstalking, identity destruction, cyberbullying lead to horribly inaccurate info for some people online

02:20:16 Harry Manasewich (he/him): So true Leah

02:20:25 Slavica Markovic: With all due respect, I d find it inappropriate as well.

02:20:28 Melissa Kucinski: I envision that in some mediators, having a more robust understanding of an individual by doing independent research can help the mediator understand underlying interests and needs.

02:20:42 Erika Deines: Would you ask the parties "Is there anything I should know that could have an impact on proceeding with mediation?"

02:21:04 Kimberly Jackson Davidson: I agree. I seek to be guided by what the parties share.

02:21:22 Chuck Crumpton HNL: May it be appropriate in some situations for the mediator(s) to inquire privately of the parties & counsel what resources and information they have accessed and obtained to understand and evaluate the issues, people and entities involved?

02:22:03 Dawn Shields-Searle: I believe that would be the best option

02:22:16 Elan E. Weinreb: Agree with Harry and Leah. You have to know yourself, know how to assess the validity of the information you're getting (without at the same time entering malware websites), and also realize that given the breadth of information out on the Net, everything should be taken with a grain of salt. But these are precepts of doing Internet research generally, not necessarily tied to ODR.

02:24:00 Harry Manasewich (he/him): Colin: Which is why I don't use a background and require parties to do the same.

02:26:32 Leah Wing: ODR Ethical Principles: <http://odr.info/ethics-and-odr/> ODR Provider (platforms & tools) list: <http://odr.info/provider-list/>

02:27:00 Leah Wing: ICODR ODR Standards <https://icodr.org/standards/>

02:27:21 Paty: Colin, awesome information! Thank you.

02:29:37 Donna S: Thank you for the links, Leah. Very helpful.

02:30:02 Leah Wing: ODR Standards, Principles, etc. Archive: <http://odr.info/standards/>

02:30:13 Jim Melamed: reminding everyone of this Forum's Evaluation and Comment Form that is here: <https://www.mediate.com/onlinetraining/pg56.cfm>

02:31:45 Harry Manasewich (he/him): Colin: did you mean "nudge" rather than "noodge" regarding standard baseline?

02:34:03 Kristen Sloan Maccini: As a mediator and ODR provider who is also a lawyer, I am extremely grateful for the work you are doing at ICODR.

02:35:06 Leah Wing: Thank you Kristen. Everyone is welcome to join ICODR: <https://icodr.org/join-icodr/#join>

02:35:18 Tricia S. Jones: Fantastic Session!!! So rich and critical.

02:35:31 Harry Manasewich (he/him): Thanks so much to the presenters and participants

02:36:33 Donna S: Ditto. Many thanks for expanding the discussion and thinking for us all in such a thought provoking way.

02:36:40 Dawn H: So much to think about! This has been a great session. Thanks so very much!

02:36:40 Erika Deines: @Leah - exactly, first we need on Self and know our own bias and noise (as per Dr. Daniel Kahneman).

02:36:53 Dorothea Dowling: Perhaps a tangent, how best to promote mediation prior to issuing litigation by which stage 'positions' have been adopted that might not reflect the real needs and interests of the disputants themselves?

02:37:26 VINH DO: But don't the terms equality, inclusion, impartiality defined by those who speak? Doesn't that depend who's asking and who's answering the question? In others, it's rather specific to Melissa's points regional?

02:37:27 Chuck Crumpton HNL: These are amazing forums - can't wait for next week's forum on collaborative practice, coaching and more. The library of the recorded forums will be one to keep, share and revisit often. Sincerely grateful to this team's and all the attendees' pushing the edge of the envelope and raising the bar for all of us.

02:37:30 Elan E. Weinreb: Colin, great presentation! Thank you very much. Question for you and the other panelists if you can get to it in time: do you think that ODR-trained professionals who work with court-annexed/operated ADR programs should be recognized by the courts as having enhanced knowledge over those who have not taken such training? And if so, should courts that set neutral compensation rates (not NYS courts for now - see <https://www.change.org/NY-ADR-Compensation>) take this into account or, at the very least, provide for ODR-trained professionals to be compensated for tech expenses that they incur as part of their practice?

02:37:30 Reiny Ortega Cubas: Great session! Lots to learn and do.

02:38:29 Regina Newson:Great session.

02:39:00 Colm Brannigan: Brilliant. A thought provoking session pulling many different strands together. Thanks to all presenters and the participants for your questions/comments.

02:39:05 Pamela Howard: Thank you.

02:39:20 Erika Deines: Colin, have you considered the value of Supervision (Co-Vision) like they do in parts of Europe (Germany)?

02:39:25 James Murray Jr: USEFUL session ... Thanks to the BEST ones.

02:40:06 Estu Arifianti: Coming from a country consists of more than 17,000 islands, 700 tribes, and 600 local languages, the standardized principle on ODR is a great idea, but it will also be challenges to be addressed, especially to ensure the accessibility and equality. However, all panelists' explanations and questions are very significant to consider before we step forward to design an "ideal" ODR.

02:40:06 antonio carlos menezes teixeira: Great Colin, very interesting session.

02:40:15 Regiane Amaral: IF DATA SETV (INPUT) IS EITHER WRONG OR IMCOMPLETE - THE OUTPUT WILL BE DIFFERENT THAN THE EXPECTED.

02:40:20 VINH DO: Thank you all for their presentations.

02:40:30 Jim Saunders: Great forum. Thank you everyone!

02:40:32 Beverly-Ann: Thank you to facilitators.

02:40:33 Morenike Obi-Farinde: Thank you. Great session

02:40:47 Macarena Mata: Thank you!

02:40:47 Regiane Amaral: THANK YOU!!!

02:40:48 Arline Kardasis: Terrific! Thanks to all the presenters

02:40:52 Deborah Weider-Hatfield: Thank you.

02:41:06 Rosa María Abdelnour: Thank you for this virtual community for deep discussions!

02:41:16 Beverly-Ann: I love Colin's comment - You can't un-ring the bell.

02:41:22 Monica Salles: Thanks a lot ! Great moment.

02:41:22 Alessandra Calonego: Thank you all. Great session.

02:41:28 Silvia Hidal: thank you for the facts and reflectios

02:42:01 Regiane Amaral: IF DATA SET (INPUT) IS EITHER WRONG OR INCOMPLETE - THE OUTPUT WILL BE DIFFERENT THAN THE EXPECTED.

02:42:24 Nelson Rezende: Thanks a lot for this opportunity!

02:45:31 Canan Kucukali: Thank you all.

02:46:14 Elan E. Weinreb: Thank you to all the panelists for engaging and enlightening presentations!

02:46:18 Arline Kardasis: Well said, Jim!

02:46:20 Erika Deines: Thank you for a great session!!

02:46:23 Kristen Sloan Maccini: Thank you for this enlightening program.

02:46:27 Felicia Zuardi: thank you!

02:46:36 Tracey-Leigh: Thank you this was most informative. Much appreciated