Online Dispute Resolution

Mediating with Zoom
By Dr. Clare Fowler
Purpose of today:

- How Parties and Mediators Behave Differently Online, Comparing FTF and Online
- Selling Clients on Online Mediation
- Psychology of Online Conflict

Resources: https://onlinemediators.com/pg33.cfm
1) What is Online DR?

- Text
- Email
- Phone
- Video-conference
ODR is Just One Tool

All of these are valuable tools. All require different skills. Important to understand when to use them.
Online Dispute Resolution Spectrum

Low end:
  Email

High end:
  Videochat

Design what is right for you and your clients
Things will never be the same.
Emergence of ODR

Founded in ecommerce
- Transactional
- Low value

Bankers, programmers

Not me
(except it was me)
As zoom becomes easier,
   As youth get used to communicating online,
      As we are realizing that we don’t have a choice,
         As people are getting used to sharing emotions online,
            As people can open up and be vulnerable,
               As tech allows for privacy and documents,

Online Mediation Works!
F2F Skills

Paragraphs. Long paragraphs. More words and imagery and explanation and then some more words. Able to ask a question then prompt by asking it again in a different way.

Probably hit different communication and learning styles.

Long sessions.

Non-verbal validation: body language and vocalizations.

Online Skills

Bullet points. Succinct points. Audio is limited, ask one clear question and then be quiet. Chunks of information.

Must be Intentional about visual and audio, written summary and verbal summary.

Shorter sections, clear objectives.

Non-verbal validation: steady eye contact, nods, and share screen with notes.
Learning Online Skills

Hmm,

- clearer questions
- clearer deliverables
- one speaker at a time
- intentional validation
- Aware of differences
- transparency of process

Maybe we could learn something from this??
Now you feel comfortable make your client comfortable

You bought Zoom, downloaded the desktop and mobile apps, and configured your settings.

You scheduled a meeting and created a meeting invitation, and sent it to your client.

Feeling pretty good about yourself? You should!

Now, let’s check-in with your client.
Less context = content is more important
Client Communication

Describe Process ("we will have a video meeting for one hour").

Link to FAQs:

- What do I need? ("mic & speaker or phone")
- Log in early to test ("We can test a few days before")
- What if something goes wrong? ("try again, Zoom app on phone, phone call")
Fear is not Rational

Clients are already nervous, and your facts about Zoom might not be enough.

Instead of appealing to them with Logos (logic, facts, “Zoom will work!”), appeal to their subconscious by listening to their fears and establishing trust with Pathos and Ethos (with empathy and ethical behavior).
Fear is not Rational, but it needs to be brought into the light

**Logos (the rider):**

Logic, data.
Trust me, here are the reasons it will work.

**Pathos and Ethos (the elephant):**

Listening, rapport, trustworthy.
What are you nervous about? What would make you feel more comfortable with this process?
I will do what I can to help
Zoom set-up is 2 part

**You:**

- Buy and configure Zoom
- Create an invite and send out
- Test out different settings so you are comfortable

**Client:**

- Link to FAQs
- Describe process and back-ups
- Describe benefits
- Listen to concerns
- Set-up a test session
5) How do I conduct mediations?

F2F vs. online
Psychological differences online
Chunking of time
Private, joint, caucus
Honor flexibility
Fewer Triggers

More Space

Less Threat
Imbalances Still Exist

Better audio

More comfortable with tech

Better video

Stronger communicator
Unfair = Triggered

F2F: People can yell, leave, or look down at the table. They are able to physically convey and process emotions.

Online: We can click away.
Escalation

Online

F2F

Entrance

Exit
Amygdala Hijack

What happens in the brain?

PFC: connected to time and logic

Amygdala: processes momentary decisions
Psychological Safety

People can feel safer online, helping to reduce the fight, flight, freeze response.

BUT when you notice them being triggered, take a break!

a) they are likely more triggered than you realize (harder to notice early warning signs online)

b) we get flooded easily online (more visual pressure) and

b) people won’t have a way of expressing that other than clicking off.
Online Emotions

Harder to notice triggers online

Triggered clients \(\Rightarrow\) poor decisions
What does all this mean?

- Check-in more
- Give shorter bites of information
- Shorter sessions (breaks every 45 minutes)
- Don’t let clients feel trapped/provide options
  (switch to audio? Share screen? Take a break?)
Structuring the Mediation

(Optional 5 minute Zoom test with each)
Private intake with Client 1 (20 min)
Private intake with Client 2 (20 min)
Joint Session (90 min)

More breaks in Breakout Rooms.