

Virtual Lab: A New Dimension to Online Mediation

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Abstract

For any mediator used to face-to-face mediation, online mediation requires a modified approach and therefore training to adapt the skills of the mediator to be compatible with an incorporeal digital forum. Aside from the development of the skills needed to conduct online mediation, the Virtual Mediation Lab (VML) simulations also provide the ability to learn from experience before taking a real online case.¹ Therefore, Virtual Mediation is not something that might happen or might be useful rather it is the extremity of future.

Introduction

Currently there is very much interest in online possibilities of mediation. One of the reasons why researchers chose online mediation over online arbitration was the fact that online arbitration has had great difficulty in obtaining cases, because potential respondents do not wish to consent to the decision-making authority of an arbitrator. This probably also explains the fairly successful launching of several online mediation initiatives and the lack of online arbitration initiatives.

Online Mediation

Where meeting face-to-face is essential in offline mediation, online mediation takes place in virtual reality, where a party to a dispute and the mediator do not meet face-to-face. This means that people in different parts of the world can use online mediation to resolve a dispute, by using secure encrypted e-mail or secure chatrooms or in some cases videoconferencing or virtual lab. By using passwords, it is possible

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1 Ben Davis, Developing an Online Mediation Practice, Apr. 2013.
Available at : <https://www.mediate.com/articles/DaviesB1.cfm>.

for the mediator to have contact with just one of the parties in a separate ‘room’, while the other party waits in another ‘room’. The key issue of online mediation includes Trust, Privacy, In the Shadow of Law, Compliance, etc. The online mediation process does not differ very much from the offline process, except for the fact that other forms of communication are used than in a face- to- face procedure. Online mediation is currently being offered by several organizations.

The author is a founder of Virtual Mediation Lab² which was sponsored by the Association for Conflict Resolution Hawaii Chapter in 2012. The author is explaining how virtual mediation lab works and helpful for the whole world in the 21st century.

Virtual Mediation Lab (VML): How Online Mediation Works

The current video conferencing technology allows mediators to do online everything they are used to do in-person: e.g. joint meetings with all parties, private meeting (caucus) with each party, breakout rooms for multi-party disputes, information sharing (pictures, documents, videos, worksheets), writing up the parties “Memorandum of Understanding” or agenda for their next mediation session. Online and in-person mediation can be blended, depending on the parties’ case, location, and preference. The success of online mediation depends mainly on the mediator’s skills and experience. Regardless of whether mediation is conducted online or in-person, the mediator’s job and the basic principles of mediation (e.g. neutrality, confidentiality, parties’ full and equal opportunity to share their different perspectives) are the same. Online mediation opens up new market opportunities. Like any new concept, online mediation needs to be “shown” (to the public and to mediators), rather than just talked or written about.

Opportunities provided to Mediators by VML

If you are a mediator interested to add online mediation to your practice, so you can offer your services outside your city, state and country. This is how VML can help you:

- ❖ Two-Hour One-on-One Hands-on Training in Online Mediation via Zoom
- ❖ Fifteen-Min One-on-One Demo: See for Yourself How Online Mediation Works

² Giuseppe Leone, founder of Virtual Mediation Lab.
Available at: <http://www.virtualmediationlab.com/>.

❖ Free Webinars on Online Mediation and Other Mediation-related Topics

i. Two-Hour One-on-One Hands-on Training in Online Mediation via Zoom

Virtual Mediation Lab's 2-hour One-on-One Hands-on Training in Online Mediation via Zoom is based on the authors' experience in training mediators around the world, running hundreds of online mediation simulations with mediators from 30 countries, and mediating online workplace cases for the United States Postal Service.

By participating in this training, you will learn what online mediation is and how it works, what are its benefits, how to mediate online, how to add online mediation to your practice, how to blend face-to-face and online mediation, how to do online everything you are used to do mediating in-person, joint and private meeting (caucus) with the parties, Shuttle Diplomacy in multi-party disputes, documents and video sharing, annotation, online whiteboard, writing up the parties Memorandum of Understanding or Agenda for their next mediation session. This training is divided into two parts along with full two- hour training.

Part-1 one-hour introduction to online mediation: During his 1-hour "Introduction to Online Mediation", you will get to know about Joint and private meetings with the parties; "Shuttle Diplomacy" in multi-party disputes; documents and video sharing; annotation; online whiteboard for writing up the parties Memorandum of Understanding or Agenda for their next mediation session. Also, hoe to blend face to face and online mediation, cases suitable, benefits, mediation experiences and online technology, additional skills and lastly which video conferencing software works best for online mediation.

Part-2 1-Hour One-on-One Hands-On Online Mediation via Zoom: During this 1-Hour One-on-One Hands-On Online Mediation via Zoom, 2 key topics are covered: Video Collaboration Software Zoom and Online Mediation.

- Video Collaboration Software Zoom: It focuses on why the Zoom Video Collaboration Software works so well for online mediation, difference between zoom free version and pro- version, speaker and gallery view, how to switch between a joint meeting and a private meeting (caucus) with the parties, "Door Knock" technique for protecting the parties privacy, how to set up breakout rooms for engaging in Shuttle Diplomacy in multi-party disputes, how to share and annotate online any kind of information (e.g.pictures, documents, worksheets, videos, Power Point presentations,

websites), how to write up the parties' "Memorandum of Understanding" or Agenda for their next mediation session, how to invite the parties to participate in an online mediation with their PC, Mac, Ipad, Iphone, Android tablet/Smartphone, or cellular/landline phone (call-in number), the important role of Mobile Devices (e.g. iPad, iPhone, Android Tablet or Smartphone) in Online Mediation, Video and Audio settings, how and when to use the Chat function, Zoom Security and Parties' Privacy.

- Online Mediation: It focuses on the Agreement to Mediate for Online Mediation, why it is useful to have pre-mediation sessions, what else you should say during your Opening Statement; best way to ask questions during an Online Mediation, why it is necessary to have a Plan B.

Full Two-hour training: The Virtual Mediation Lab 2-Hour One-on-One Hands-on Training in Online Mediation via Zoom consists of 2 Parts. During 1-hour "Introduction to Online Mediation" is discussed and the other hour, under 1-Hour One-on-One Hands-On Online Mediation via Zoom, 2 key topics are covered: Video Collaboration Software Zoom and Online Mediation.

ii. Fifteen Minutes- One-On-One Demo: See for yourself you online mediation works

The author will provide a 15 minutes demo to understand personally face- to- face mediation. The demo focuses on Joint meetings with the parties, Private meetings (caucus), Breakout rooms for conducting "shuttle diplomacy" in multi-party disputes, Information (pictures, documents, worksheets, videos) sharing and annotation, writing up the parties' "Memorandum of Understanding" or agenda for their next mediation session and lastly, how parties can participate in mediation by phone (if they don't have a computer or mobile device). You can book your one to one hand demo here.³

iii. Free Webinars on Online Mediation and Other Mediation-related Topics

Webinars give mediators the opportunity to share their experience with other mediators from around the world. That's why the author offers free webinars not only on online mediation, but also on interesting mediation-related topics.⁴

3 Available at: <http://www.virtualmediationlab.com/virtual-mediation-lab-usa-international/interested-in-online-mediation-see-for-yourself-how-it-works-15-min-one-on-one-demo/>.

4 Online Mediation in a Nutshell – Webinar/demo for mediators and attorneys presented by Giuseppe Leone, The Power of Visual Communication with Lisa Arora – Webinar sponsored by Mediate BC, A Transformative Parenting Mediation Model with Wayne Plenert – Webinar sponsored by Mediate BC.

Mediate BC: Mediate BC is committed to providing people with practical, accessible, and affordable choices to prevent, manage and resolve disputes. The mediators who signed up for the above Mediate BC webinars live in these countries like: Australia, Barbados, Belgium, Brazil, Canada, Colombia, Czech Republic, Chile, Denmark, Ecuador, Estonia, French Guiana, France, Germany, Hungary, Italy, Lithuania, Netherlands, New Zealand, Pakistan, Poland, Portugal, Romania, Russia, Singapore, Thailand, Turkey, Ukraine, United Kingdom, United States. The Mediate BC experience shows how webinars offer mediators an excellent and cost-effective opportunity to share their advanced methods and techniques with other mediators from around the world. For more information on what it takes if you want to offer/present a webinar hosted and organized by Virtual Mediation Lab, contact the author. Also, for upcoming free webinars, join LinkedIn Group or follow via Twitter and Facebook.

Online Mediation Simulation Video Catalogue

It is a catalogue made by Virtual Mediation Lab which provides free online mediation simulations and Online Mediation Simulations with Community Mediators of Workplace Discrimination Case⁵, Family Case⁶, and Commercial Case (with 2 comediators)⁷. It is available in 9 languages namely English, German, Spanish, Italian, French, Greek, Polish, Romanian and Thai.

Different Mediation Methods (in action)

The author has described mediation into three categories:

1. **Facilitative Mediation-** Facilitative mediation is the original style of mediation. Facilitative mediators seek to “facilitate” the negotiation between the participants. The goal is to help everyone achieve their interests and to reach a durable (long lasting) agreement. Facilitative mediators tend to believe that participants can reach lasting agreements if given enough information, time and support.
2. **Narrative Mediation-** Narrative mediation is a relatively new style of mediation that focuses on creating a new “story” or a new “narrative” to understand and reshape the conflict. Narrative mediation is a very specific method of mediation so be sure to ask if your mediator has training in the

5 *Available at:* <https://youtu.be/2vnxo3MfKR8>.

6 *Available at:* <https://youtu.be/H3X7iz6cDvc>.

7 *Available at:* <https://youtu.be/4qzobnxZMng>.

narrative style. Often narrative mediators will have a mental health background.

- 3. Transformative Mediation-** Transformative Mediation is an emerging form of mediation that focuses first on repairing the relationship and then on the resolving the dispute. Like narrative mediation, transformative mediation is a very specific style of mediation.

Recent Virtual Mediation Events

Recently in April 2017, Virtual Mediation Lab organized various events on *Online Mediation and Online Arbitration, A Transformative Parenting Mediation Model, The Power of Visual Communication in Mediation* and similarly in May 2017, events like *Online Mediation in Nutsbell, New Online Service to Promote Mediation in India and New Online Service to Promote Mediation in India* were organized.

Conclusion

Online Mediation allows the mediator to adapt the process to address the particular needs of the disputants. The virtual mediation lab allows greater flexibility, more creative solutions and quicker decisions. It is convenient for the individuals who cannot afford long distances and economical too. Virtual Mediation Lab will likely become an increasingly effective mechanism for resolving disputes as technology advances. As video-conferencing and the virtual labs are becoming easily available, it will become easier for disputants to undertake face- to- face negotiations. Also, it is more helpful for cross-border disputes as they show a high complexity element due to different legislations in the case, as well as due to different national jurisdictions.
