

HONORABLE ROBERT MORRILL

Mediation

ONLINE MEDIATION POLICIES

The COVID-19 contagion has upended normal mediation practices. Although I still prefer a traditional mediation with, of course, all participants following appropriate safety precautions, I recognize that not all participants may be comfortable in such a setting. Accordingly, online mediations are now available.

Zoom

I use Zoom, <https://zoom.us>, which is accessible on almost any device with an internet connection and is easy to use. If you have never used Zoom before, you may wish to familiarize yourself with the program before your session. Zoom and YouTube have video tutorials. You can start with how to join a Zoom meeting. <https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting->.

Your Preparation

Sign-up for and download the free Zoom program, <https://zoom.us>, well before our mediation. This will save time and simplify your participation.

Your internet connection should be strong and secure. Please do not log-in from a public or insecure internet connection. A weak connection will probably not work.

Please mute your phone and mute alerts on the device you are using to participate and any other devices in the vicinity.

Please find a comfortable place that ensures the privacy of the session and where you will not be distracted or interrupted. If you are participating at your office or home, ask your co-workers or family not to interrupt.

Please be aware of lighting. It is best to have a wall behind you. Too much backlight or sunlight may obscure you.

You will receive a Zoom “invitation” from me a few days before our session. All you have to do is click on the Zoom link and enter the password for entrance.

For those who want to participate by telephone, the Zoom invitation also contains call-in numbers with the meeting code and password.

Prior to the meeting please email me a telephone number at which I can reach you in the event a technical problem occurs.

Zoom Mediation

I will open an online meeting 15 minutes before our scheduled start time to allow you time to sign-in and be ready. When you sign-in, you will be placed in a virtual “waiting room” until I admit you. If I am online, I will be able to see you in the waiting room. This feature prevents an intruder from gaining admittance. Use this time to set up for the mediation, familiarize yourself with Zoom and check your video and audio connections.

When all participants are ready, I will join everyone for a plenary session if it is requested. You will see me and the other participants on your screen.

Like talking on a telephone, if two people talk at the same time, the result is unintelligible.

Breakout Rooms

As in a traditional mediation, I may move the parties and attorneys to a virtual “breakout room.” While there you may converse with one another in privacy.

I will be moving from breakout room to breakout room, working toward resolution. When I enter your breakout room, you will see me on your screen.

When I am in a breakout session with another party, you can attend to other tasks but please make sure you are immediately available when I return to you, so as not to inconvenience myself and the other parties.

Confidentiality and Privacy

Mediations are confidential. Discussions, documents, and information shared during a mediation session are likewise confidential and inadmissible. N.H. Superior Ct. Rule 32(d)(1) and (3), N.H. Rule of Evidence 408 and Federal Rule of Evidence 408. As a result, the following rules apply to all mediations:

1) Mediations may not be recorded. N.H. Superior Ct. Rule 32(d)(2). All participants agree that they will not electronically record any part of a mediation. I do not record the proceedings of any mediation.

2) All participants agree that only the parties, their attorneys, claims adjusters, and other individuals who have been identified ahead of time and whose attendance has been agreed upon by all parties and me may participate in an online mediation. No one else should be allowed to participate or eavesdrop.

Technical Problems

There is always a risk of technical problems. Should you encounter any, please call my personal cell, 603-498-4032. Likewise, prior to our mediation please email me a telephone number on which I can reach you in the event there is a problem.