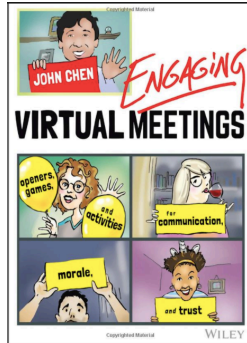


MEDIATE.COM
A FEW BEST PRACTICES FOR ONLINE LAW PRACTICE AND TRAININGS
by AJ SKOGERSON of THE LAW SHOP BY SKOGERSON MCGINN LLC

- **Take the time to learn the technology.**
 - Great resource – “Engaging Virtual Meetings” by John Chen:



https://www.amazon.com/gp/product/1119750881/ref=ppx_yo_dt_b_asin_title_o0_1_s00?ie=UTF8&psc=1

- We can no longer get away with being virtual beginners.
- Play around with your platform settings of all kinds and get comfortable enough to be able to calmly explain to colleagues, clients, students, trainees, etc., how to do things such as:
 - Turn video on and off, enhance appearance, use a virtual background.
 - Turn sound on and off or adjust mic volume.
 - Change mic and/or speaker source.
 - Use the chat feature, including attaching files.
 - Use interactive features such as clapping, raising a hand, etc.
 - Set up & use breakout rooms.
 - Share your screen, including optimizing sound and video when sharing.
 - Use closed captioning.
 - Toggle between views &/or hide self view.
 - Rename yourself & others.
- **Make your client meetings personal – even online.**
 - Hide your own self view to make a client meeting feel more natural. This causes you to really focus your own eyes on the camera instead of continually glancing at the video of yourself where you get distracted by hairs out of place, 37 chins, etc. 😊
 - Pay attention to your own background. Don’t have your bed in the background or piles of laundry, etc. If you don’t have a professional looking location behind you, use a virtual background instead.
 - Have a rapport building formula or predetermined agenda for your online meetings:
 - Initial Consult – 1) Client’s story, 2) Basic legal process, 3) Options for representation

- Subsequent Client Meeting – Advise the client of the goal(s) of the meeting at the start, i.e. “Today our goal is to get your affidavit of financial status completed. Is there anything else you feel we need to cover while we’re together today?” Then roll accordingly.
- **For mediation (particularly caucus style with attorneys present):**
 - Circulate fillable PDF forms for completion & signatures prior to the mediation along with the Zoom (or other platform) invite & expectations relating to payment. Depending on mediator style & preference, request any preliminary information desired or needed.
 - Use your waiting room!!!
 - Let attorneys in first so you can establish which party to work with first & get any other helpful information before getting started.
 - Open breakout rooms and move attorneys into their rooms.
 - Let in one party, greet him or her, briefly explain logistics & move into breakout room w/respective attorney. Then let in next party & repeat.
 - INQUIRE AS TO THE PRESENCE OF OTHER PEOPLE WHO ARE PRESENT WITH THE PARTIES OFF CAMERA – THIS IMPACTS CONFIDENTIALITY AND SOMETIMES THE INTEGRITY OF THE PROCESS.
 - Keep your main session open in order to use that virtual space when needed to take a bathroom break, offline with attorneys if needed, etc.
 - Use tools for broadcasting to breakout rooms, etc., if and when needed.
- **For meetings & trainings:**
 - Avoid Zoom bombers, etc., by NOT posting the meeting link online where any member of the public can grab it & jump into your session.
 - Use your waiting room – open it early & let people into the session one at a time so you can greet each person upon entry like you would in person.
 - Designate an “air traffic controller” (see John Chen book referenced above). This person will manage all the tech aspects of the meeting such as letting people in from the waiting room, utilizing breakout rooms, calling on attendees to ensure folks aren’t trying to talk at the same time (which a virtual platform cannot handle), watch for real or virtual raised hands, monitor the chat box for comments & questions, etc.
 - If you present or train in pairs, the role of air traffic controller can be traded back & forth between the presenters or trainers.
- **Invest in the right tech tools.**
 - Stand – If using a laptop, buy yourself a stand so your online viewers aren’t looking up your nose. Everyone in our firm uses this one (we even sent out a few to colleagues as gifts), which is lightweight, comes with a drawstring back & is super easy to tote around with you:



https://www.amazon.com/gp/product/B07Y2PWY1X/ref=ppx_yo_dt_b_asin_title_o09_s00?ie=UTF8&psc=1

- Light – A ring light is inexpensive & helps you put your own best face forward. (And pay attention to your other light sources – light in front of and/or to the side of your face, never behind you.) I won't say this one is the absolute best quality, but it certainly does the job:



https://www.amazon.com/gp/product/B07QJXCB28/ref=ppx_yo_dt_b_asin_title_o06_s01?ie=UTF8&psc=1

- Microphone – I've searched high & low for a microphone that actually sounds good, especially when there are multiple people logged in to the meeting or training or when doing a panel or demo from my own space with multiple people involved. Just recently (finally!) found one that works after borrowing a microphone from a friend who does podcasts. The Blue Yeti is my new BFF when it comes to a microphone for virtual meetings and trainings:



https://www.amazon.com/gp/product/B00N1YPXW2/ref=ppx_yo_dt_b_asin_title_o00_s00?ie=UTF8&psc=1

- **Practice in advance & be interactive.**
 - If you're going to host a meeting, panel, training, role play, anything with multiple people in the room, set things up at least a full day in advance and try it out to make sure everything will work as expected from the camera angles & lighting to the microphone & speaker & so forth.
 - Use your office mates, friends, neighbors, family or colleagues to do a quick practice run with your technology. You don't want to be losing valuable time when you're live having folks waiting on you to figure out your own technology.
 - Don't skip important interactive aspects of trainings such as mediation training role plays just because a training is happening virtually. Use random breakout rooms for mediation role plays. This helps your trainees get the full experience AND allows them the opportunity to ALSO get more comfortable using technology in their mediation work. Same for collaborative and unbundled trainings.
 - Engage your audience as much as possible. Encourage them to keep their cameras on & participate (unless you're giving a demo, in which case you may actually find it effective to intentionally turn off everyone's cameras other than for those doing the demo, etc). If you're teaching to a screen full of black boxes, your audience is not engaged. Use activities & games designed to keep your attendees interested & active.
 - Take frequent screen breaks. We usually give one every hour on the hour even if only for a few minutes. Too much screen time jumbles the brain a bit and is hard on the eyes. Show courtesy for your attendees by giving them intentional breaks on a fairly frequent basis.

- **Unbundled legal services.**
 - Virtual services are IDEAL for an unbundled legal services practice. At The Law Shop, we were already using Zoom prior to "COVID" being uttered by anyone. Since we are one of the only firms in our state offering lots of legal services on an unbundled basis, we have clients from a much larger geographic area than other firms. It just made sense to have a virtual option for clients who didn't want to drive several hours to meet with us about their legal matters.
 - We use visual aids to help explain the range of services available to all clients during Shop Evaluations (initial consults). These are great for increasing client understanding and can be easily referenced while screen sharing in a virtual session.
 - Have a digital welcome / intake packet (or instruction to a web portal) to send the client via email after an initial consult.
 - Have online payment options.
 - Use email templates.
 - Have an interactive and interesting website and keep your content up to date.
 - Establish case processing standards & use those in conjunction w/technology to make your practice as efficient as possible for both your firm & your clients!