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)

Current Use of ODR

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.

1.d.1

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.
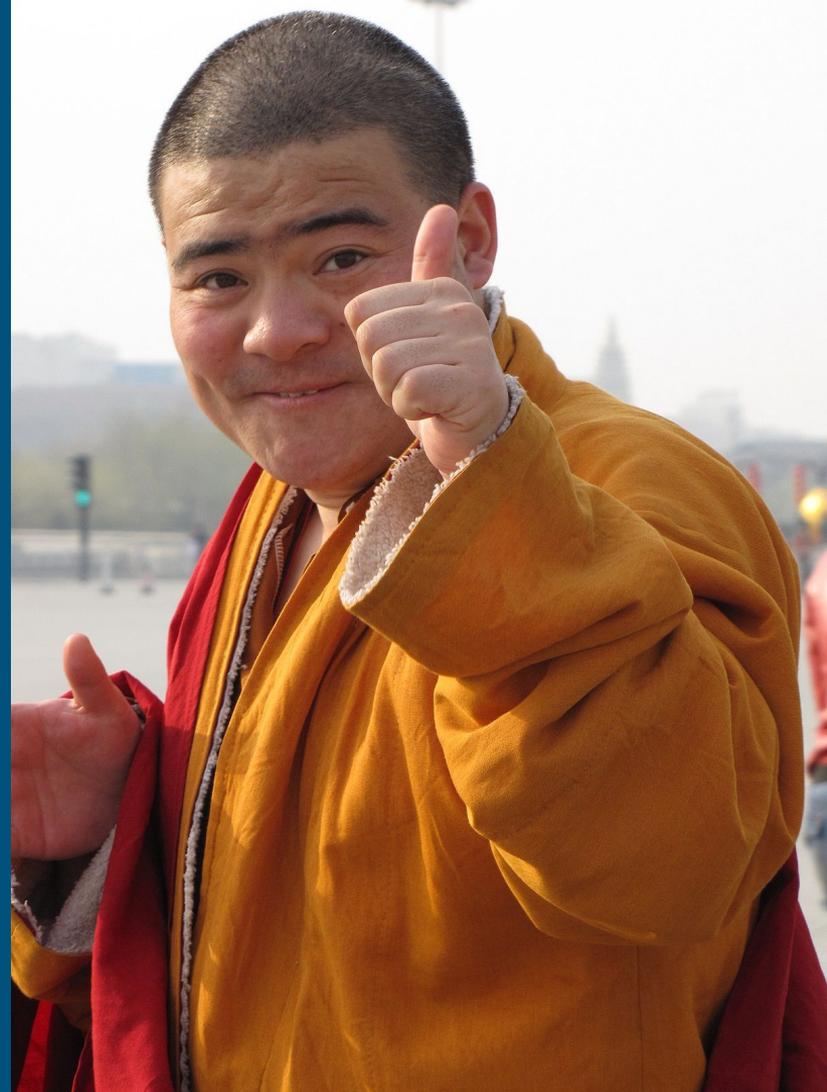
Less context = content is more important

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).

The Conscious Mind
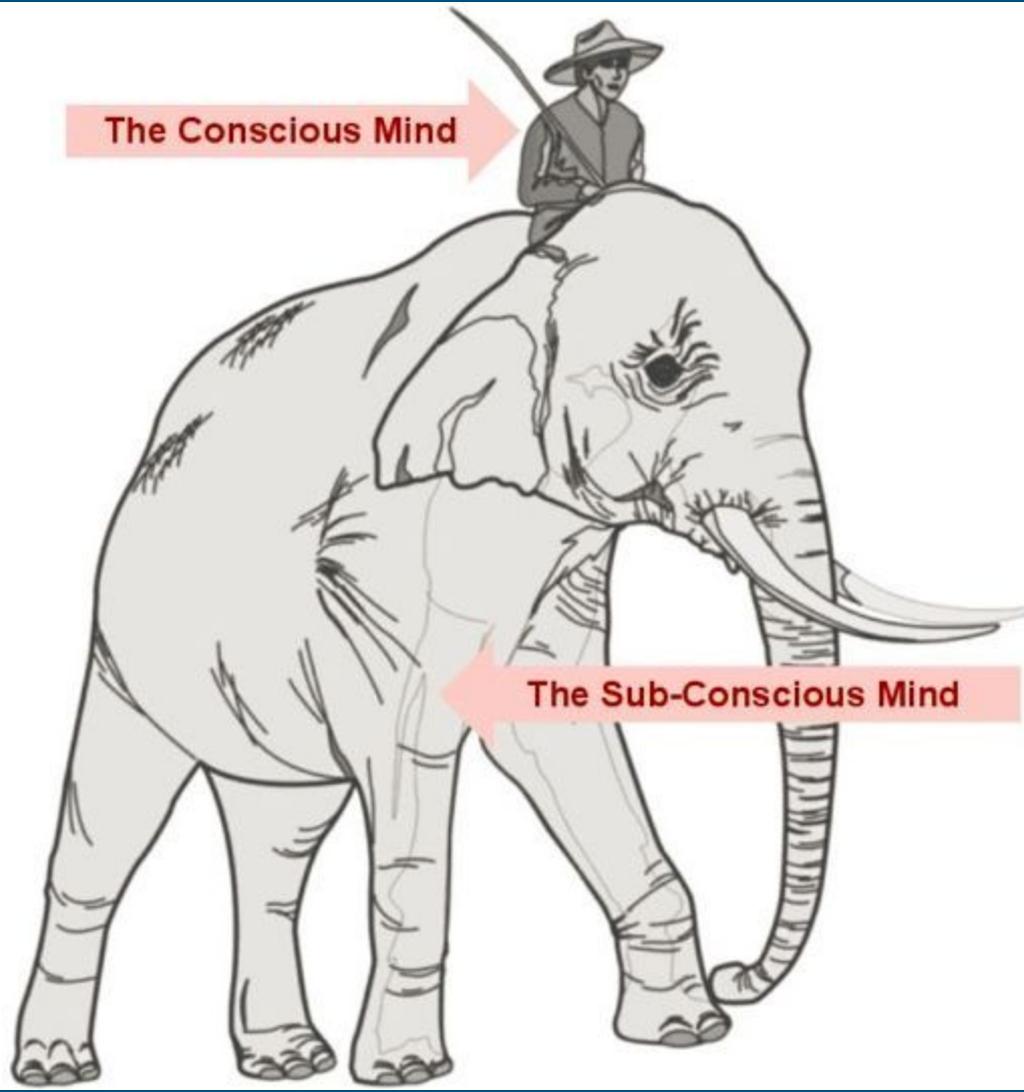
The Sub-Conscious Mind

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

Imbalances Still Exist

More comfortable with tech

Better video

Better audio

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.
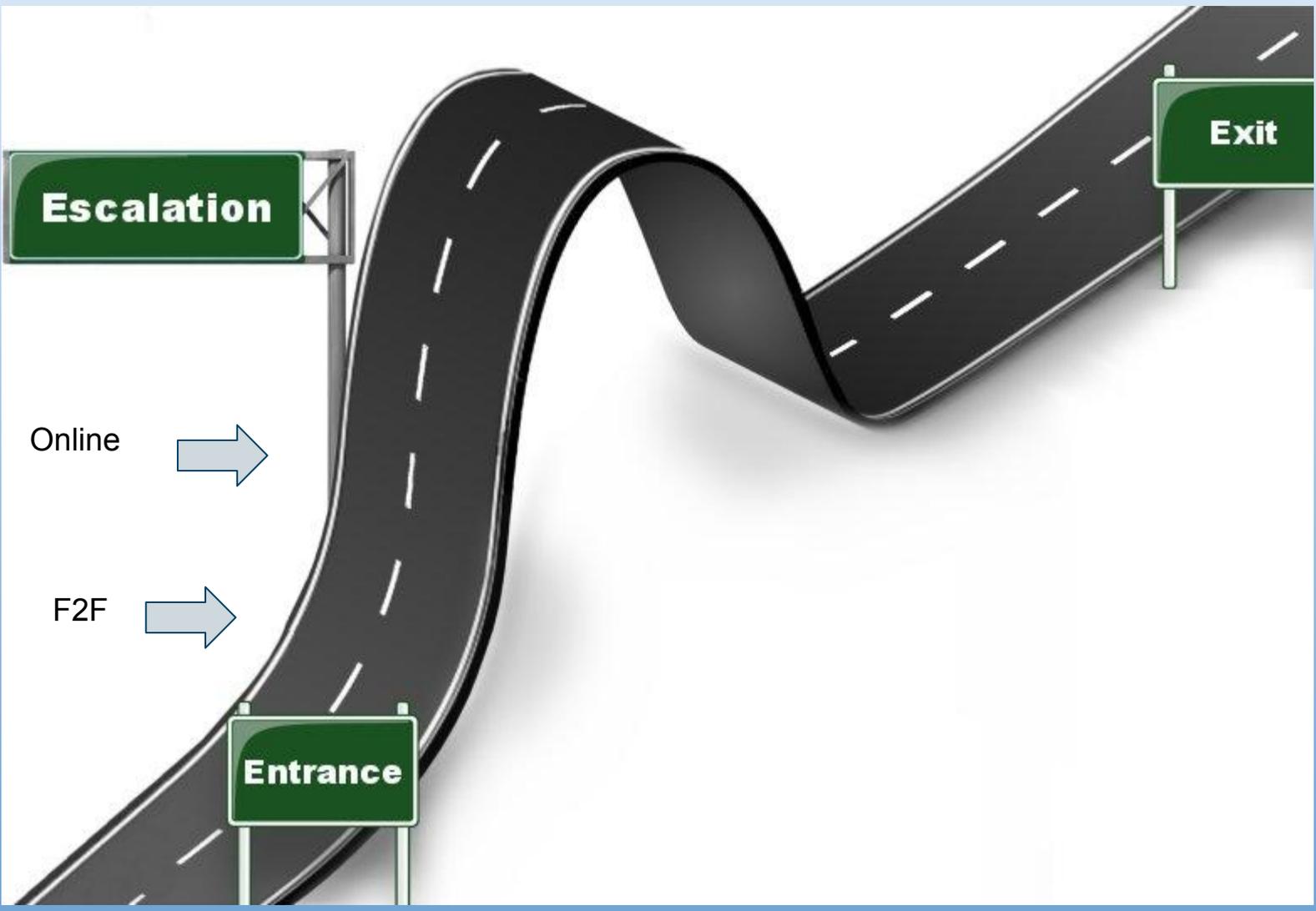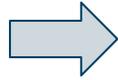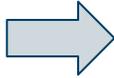
Amygdala Hijack

What happens in the brain?

Prefrontal cortex

Amygdala Hijack

Amygdala   Hippocampus   Cerebellum
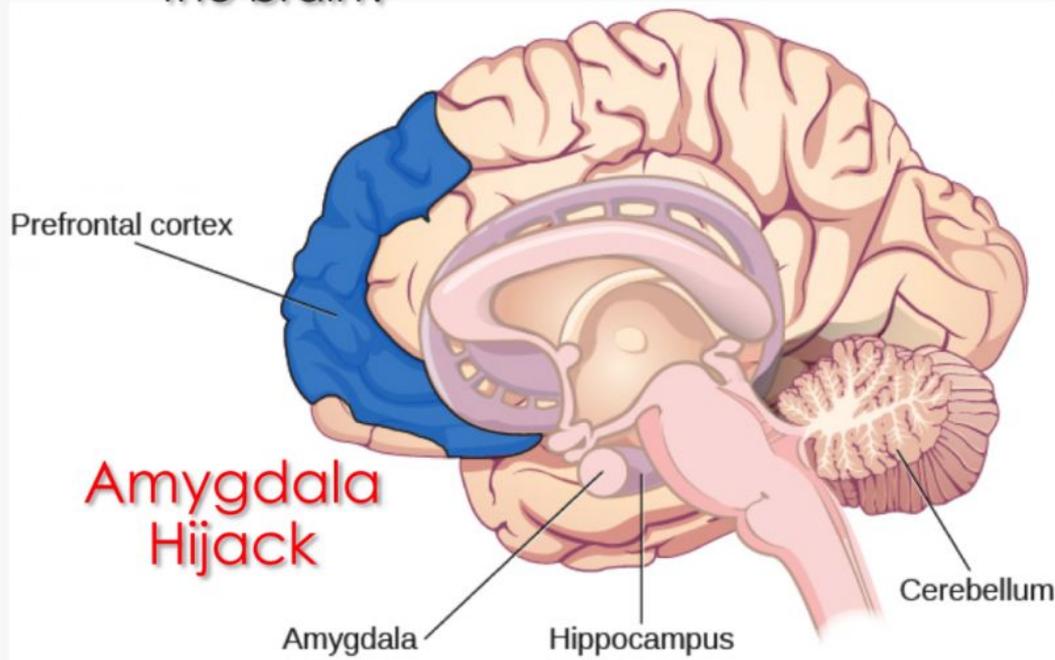
PFC: connected to time and logic

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 > 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.