



ADR Institute of Canada  
Institut d'arbitrage et de  
médiation du Canada <sup>TM/MC</sup>  
*LEADING DISPUTE RESOLUTION IN CANADA  
À L'AVANT-PLAN DE LA RÉOLUTION DES DIFFÉRENDS AU CANADA*

# Basic ODR using Zoom – Time to Rethink the Future - Again

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- The online equivalents of mediation, med-arb and arbitration are very similar to offline dispute resolution techniques.
- But not exactly the same.

# ODR

- A new form of dispute resolution using the internet?

or

- ADR using specific communications technology?

or

- Both?

# ODR

- ADR Meets Technology
- Online Dispute Resolution (ODR) is the use of information and communications technology to help parties find resolution to their disputes.
- Technology is another tool for your toolbox.

- **Alternative Dispute Resolution (ADR) practitioners already use aspects of ODR in their daily practices.**

# We already use

- E-mail (like sending a postcard from a privacy perspective)
- Instant Messaging
- Online chat
- Video Conferencing

# Why ODR?

- In today's crisis ODR may mean the only convenient and safe way to access dispute resolution services
- Offers choice to our clients

- Practitioners must have some idea of best practices
- Not just using Zoom or equivalent but think about why
- Be competent
- “good enough” may or may not be “good enough”?
- A transition stage?



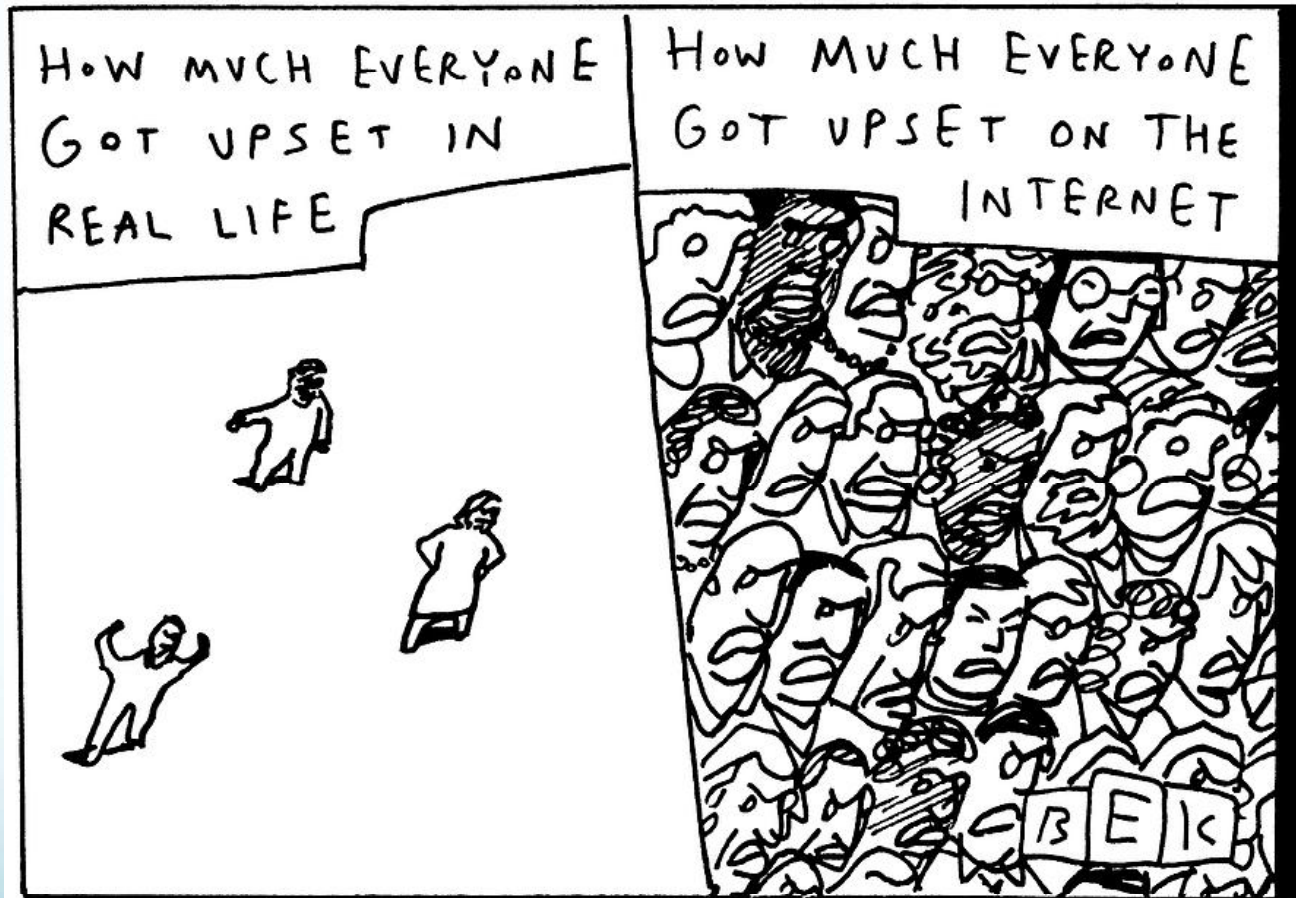
# The Prime Directives of ODR

- First, Do No Harm
- Check Your Settings

# ODR Challenges

- Technology
- Some people are still uncomfortable with technology
- Speed and capacity of internet connections
- People may behave differently online

# Why Do We Need ODR?



# Why Zoom?

- Easy to use and reliable
- Encrypted
- No need for participants to have a Zoom account

# Great Training

Attend Live Training

Video Tutorials

Knowledge Base

- **Technology assisted ADR**
- **Can access by cell or landline, laptop, tablet or desktop**
- **Breakout rooms**
- **Screen sharing**

# Getting Your Zoom Account

- ADRIC members have access to Zoom Enterprise: <http://adric.ca/membership/member-benefits/zoom-group-plan/>
- Minimum of Zoom Pro
- Overview of Zoom: <https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting->

# What do you need (Basic)?

- Laptop or Desktop Computer
- Large screen
- Secure WiFi or wired internet access



- Microphone (External?)
- Camera (HD?)
- Headset (be careful with wired earpieces – noise)

# Other Considerations

- Background
- Appearance and Lighting

# Zoom Toolbar



# Screen Sharing

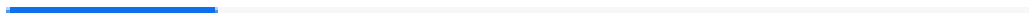
- Easy to share your screen with the mediation participants. This allows everyone who is in the meeting to see whatever is on your computer screen.

# Settings

Meeting

Recording

Telephone



Schedule Meeting

In Meeting (Basic)

In Meeting (Advanced)

Email Notification

Other

# Waiting Room



## Waiting room

Attendees cannot join a meeting until a host admits them individually from the waiting room. If Waiting room is enabled, the option for attendees to join the meeting before the host arrives is automatically disabled. ⓘ

### Choose which participants to place in the waiting room:

- All participants
- Guest participants only ⓘ

Customize the title, logo, and description ✎

# Lock Meeting

- Click Manage Participants
- In the pop-up box, click Lock Meeting
- When the meeting is locked, no one else can join.



# Recording

- Zoom can record sessions. This can be good or bad.
- Do you need the parties to agree not to use this or record on cell phone etc?
- Mediation agreement should identify everyone participating.
- What about people out of camera range

# Recording 1

## Recording

### Local recording

Allow hosts and participants to record the meeting to a local file

Hosts can give participants the permission to record locally



Save

Cancel

# Recording 2

## Cloud recording

Allow hosts to record and save the meeting / webinar in the cloud

- Record active speaker with shared screen
- Record gallery view with shared screen ?
- Record active speaker, gallery view and shared screen separately
- Record an audio only file
- Save chat messages from the meeting / webinar

# Recording 3

## Advanced cloud recording settings

- Add a timestamp to the recording [?](#)
- Display participants' names in the recording
- Record thumbnails when sharing [?](#)
- Optimize the recording for 3rd party video editor [?](#)
- Save panelist chat to the recording [?](#)

## Automatic recording

Record meetings automatically as they start

# Breakout Rooms


- Is the mediation primarily joint session or separate?
- Breakout Rooms can have more than one person in them so you can set up as many as you need
- You can move between rooms.

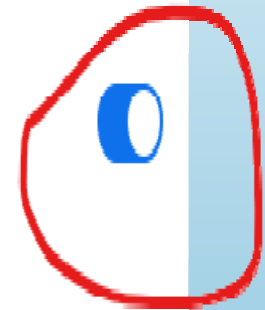
# Breakout Rooms

In Meeting (Advanced)

## Breakout room

Allow host to split meeting participants into separate, smaller rooms

Allow host to assign participants to breakout rooms when scheduling 



# Personal Meeting ID

Personal Meeting ID

905-840-9882

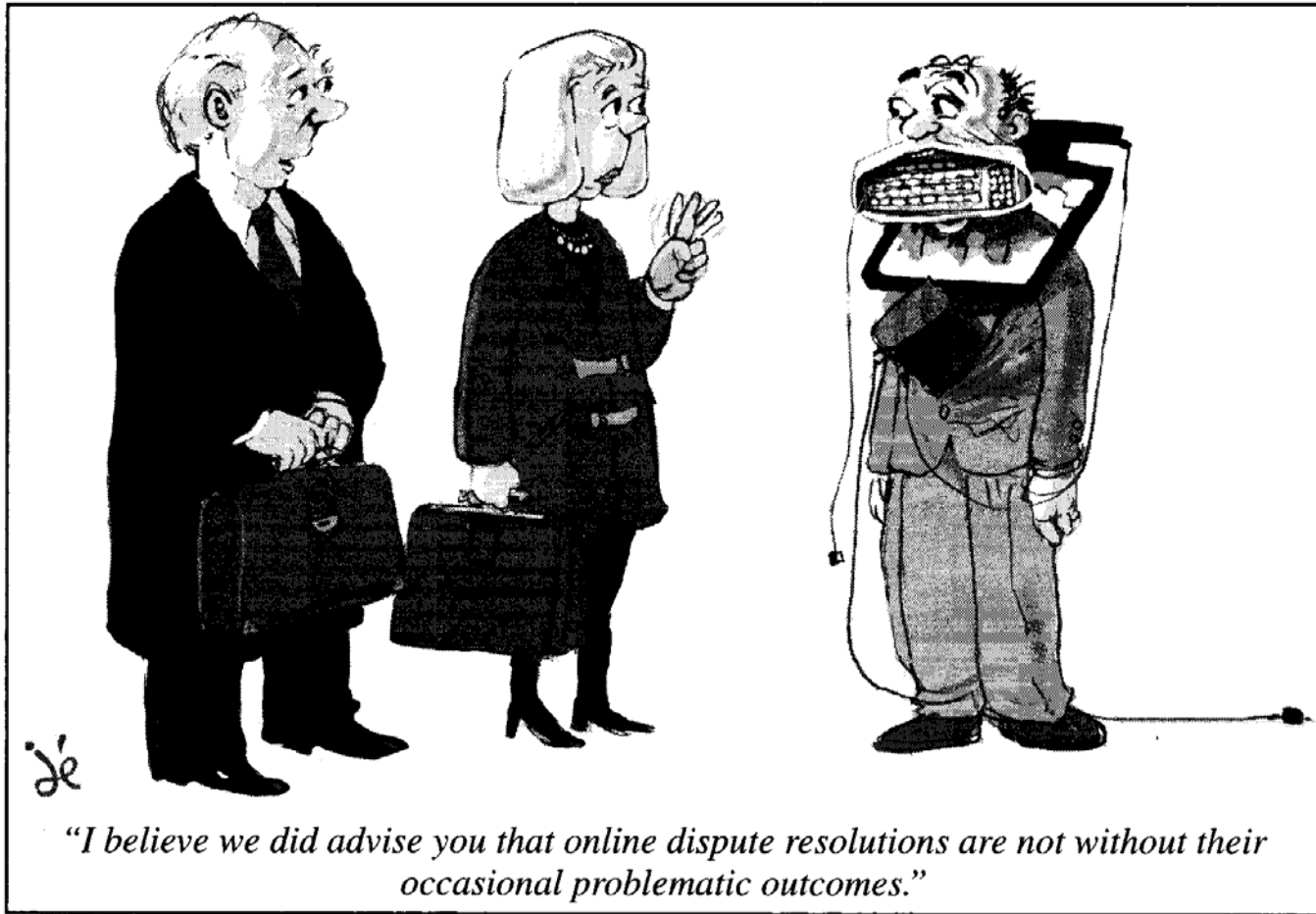
<https://zoom.us/j/9058409882>

✔ Use this ID for instant meetings

# Practical & Ethical Considerations

- The online environment is different
- Not in the mediator's control
- What does this mean for privacy and confidentiality?
- Parties have right to choose, but need to give informed consent
- Insurance coverage? May be an issue if parties in different jurisdictions





# More than Zoom?

- Sharing and storing of documents
- Signing documents
- Paying your fees

# Your Settings

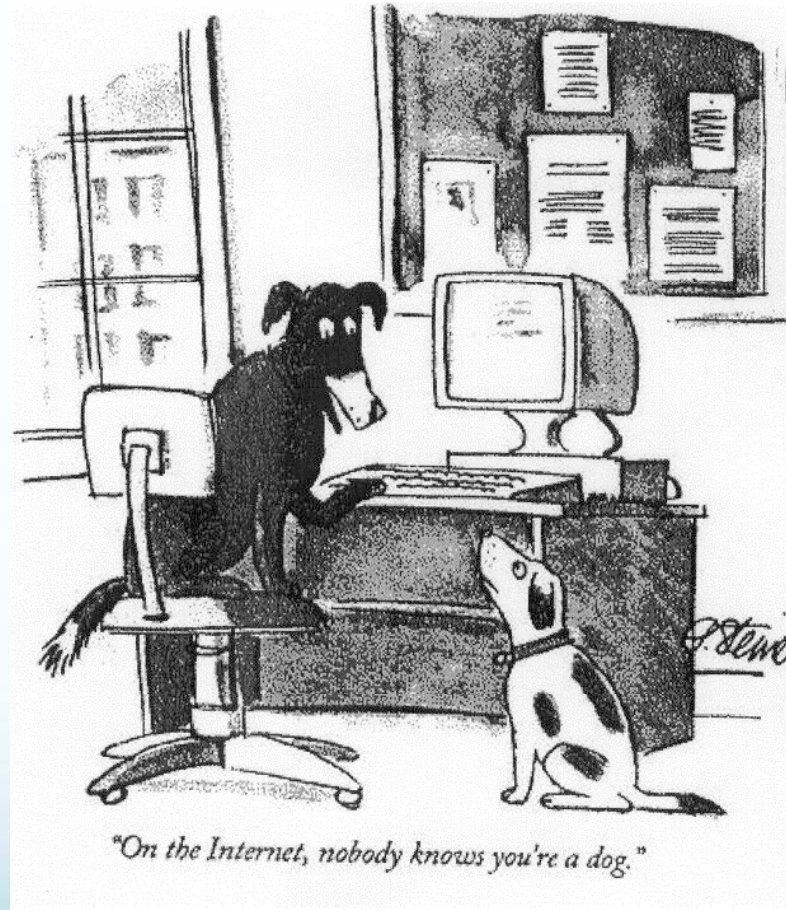
- Turn off Notifications
- Turn off your phone
- Clean up your desktop and browser bookmarks
- Importance of Lighting facing you
- Do Not Disturb
- Check background (Zoom can set custom background)

- **Interruption Free Area**
- **No other Technology**
- **Online Communication is different**

# Agreement Issues

- Privacy – key in mediation
- Privilege – legal issue but settlement privilege or is there specific legislation?
- Address in Agreement

# From 1993 & Still True?



# Crisis = Opportunity

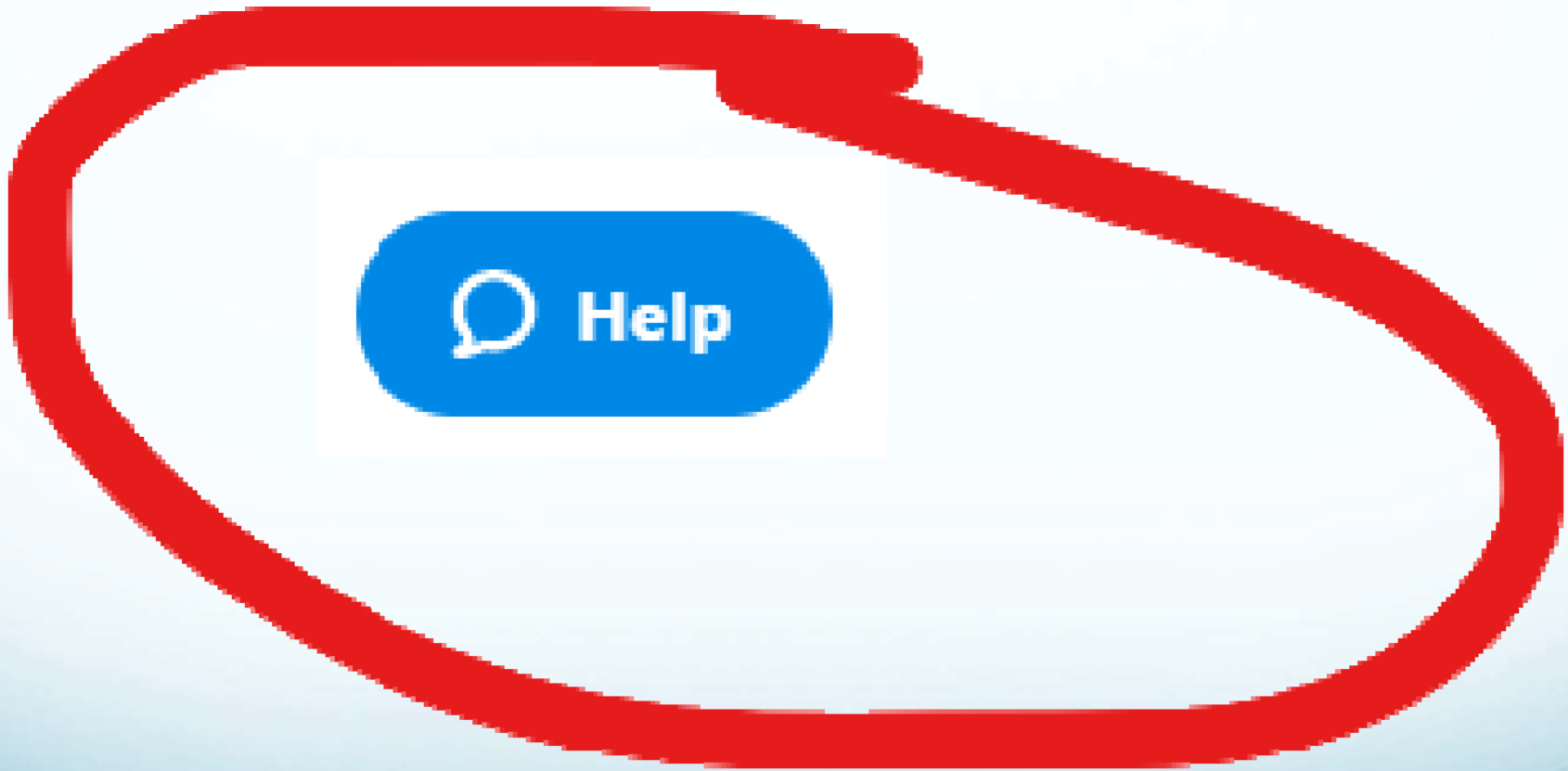
- There is an opportunity to innovate, to provide the types of services that our clients need and can afford.
- Whether we like it or not, ODR is here to stay and not just because of the Corona Virus

# Tech Challenges

- Tell your clients that problems may and often do happen
- Let them know what to do if something goes wrong such as to log back in and/or call
- Do this before it happens, there is no panic
- Provide written Guidelines



# Zoom Help



# Further Info

- Mediate BC Guidelines:  
[https://www.mediatebc.com/sites/default/files/Guidelines\\_Mediating-from-a-Distance-%28Second-edition%29\\_0.pdf](https://www.mediatebc.com/sites/default/files/Guidelines_Mediating-from-a-Distance-%28Second-edition%29_0.pdf)

# The Future of ODR - Today

- British Columbia Civil Resolution Tribunal  
<https://civilresolutionbc.ca/>
- Ontario Condominium Authority Tribunal (CAT)  
<https://www.condoauthorityontario.ca/en-US/tribunal/>
- The International Council for Online Dispute Resolution <https://icodr.org/>

# Technology = Convenience



# Practice Makes OK

Take the time to learn how to use Zoom:

<https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>

Provide information to your clients and suggest they practice using it

Practice with colleagues, friends, family

Try to keep calm when something goes wrong.



- **Let your clients know that you are offering ODR through Zoom**