

Mediating online - is it time to move from improvising to a dedicated platform?

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In his recent Kluwer Mediation Blog "Is Zoom good enough for mediation?", Rick Weiler notes the recent security concerns that have been expressed regarding Zoom. He has set out a very useful list of tips for using the Zoom platform for mediation as safely as possible.

Another platform well worth considering is **MODRON Spaces**. Developed over the last few years specifically as a secure online tool for mediators, it is now capable of being used for other varieties of online dispute resolution.

MODRON offers mediators the ability to create online a platform for their own cases, having any number virtual rooms (called spaces), populated to reflect the former (ancient?) world of face to face mediation.

Using MODRON, mediators can create:

- a space for everybody;
- spaces for the lawyers for each party and their clients, with or without the mediator;
- spaces for the decision-makers without their lawyers, with or without the mediator;
- spaces for the lawyers without their clients, with or without the mediator;
- spaces for the parties' experts, with or without the mediator, the clients and their lawyers;

and so on as required.

Participants are invited into the platform by the mediator. They enter the case that has been created for them with a password and, if desired, a security code. The mediator may schedule video or audio meetings in one or more spaces. Hence the mediator may hold separate or joint preliminary conferences to explain the mediation process; the need for comprehensive behavioural rules in order to keep things under control; and the particular features of the platform. The mediator may also ensure that all participants have digitally signed the mediation agreement before starting the mediation proper, which might extend over numerous sessions in order to suit the convenience of the participants.

Even while holding one or more video conferences at the same time, the mediator may exchange private communications within the platform by text or allow a video conference to continue amongst its participants while leaving it to have a quiet word with a party or with a lawyer in another space.

A series of blogs on the MODRON website explains how, within each case created by the mediator, the mediator can schedule events and tasks; manage many parties; enlarge the video image of the person speaking or of the person being addressed or portray all participants' images equally; record and send video and audio messages; share, receive and manage files in selected spaces; create, share and have agreements digitally accepted; and even invoice the parties and receive payment!

Enabling the lawyers to meet in their own space is particularly useful if the mediation is successful, so they may draft the formal settlement agreement or heads of agreement (whether binding or not) to be signed before the close of the mediation.

I have found the audio and video quality to be excellent, provided that all participants are using Chrome and keep their screens stationary.

It seems to me that there is a distinct advantage for all concerned in using a secure, mediation-specific tool (which my wife, Dr. Rosemary Howell, calls an end-to-end tool) such as MODRON, instead of an all-purpose videoconferencing platform such as Zoom, Microsoft Spaces or Skype.