



## **The Process**

The Zoom platform provides a Waiting Room, Private Breakout Rooms, the Joint Room, and any number of other private breakout rooms as directed by the mediator, as “Host” of the process.

Nothing said in the private breakout rooms can be seen or overheard by any other party.

Only those identified as “participants” by each of the parties will be admitted to the mediation and the parties and their representatives must agree to and ensure that no unidentified third parties can be allowed to overhear or see what is happening in the mediation.

Only the mediator can enter the private breakout rooms.

No party can enter the other room(s) without the Mediator’s permission.

The parties accept all their obligations, including their confidentiality obligations, under the mediation agreement, which must be signed and accepted as usual.

In addition the parties must agree to abide by the terms of the 4-5 Mediation Group Protocol set out below.

The details of the conduct of any online mediation will, and should be, discussed by the parties with the appointed 4-5 mediator. These discussions will deal with the process acceptable to the parties and the timings for the day. There will need to be breaks, not just for lunch, but also to allow parties to have respite from their screens.

### **4-5 Protocol for Online Mediation**

Once the parties have agreed to the appointment of a 4-5 mediator, and the date of the mediation has been fixed:

1. Each party will sign the 4-5 Mediation Group Standard Mediation Agreement.



2. Each party's representatives will establish, and confirm to the mediator, that all those participating in the mediation ("the Participants") will have a suitable device (desktop, laptop or tablet) with a microphone and camera, operating from a secure stable internet connection. For each device, the Participant will need to have signed up for the latest version of "Zoom" (see [www.zoom.us/](http://www.zoom.us/)) This is a free service. The Mediator, as Host, operates the Zoom Pro application, through which the mediator administers the mediation process. It is possible, though far less effective in the process, to attend the mediation by telephone only (see item 5 below).
3. Each party must identify and provide a list of every Participant, and a description of their position and role with that party, who is the main point of contact for the mediation and who is that party's lead negotiator or advisor .
4. Each Participant must provide his/her email and a mobile telephone number for personal contact by the mediator during the mediation. The mediator will do likewise.
5. Prior to the date and time fixed for the mediation, the mediator will send to the lead negotiator/adviser of each party an email Invitation to the mediation containing a link to join the meeting, a meeting ID and a password. The lead negotiator/adviser will circulate this invitation to each Participant. If required, instead, the mediator will circulate the invitation to each Participant. The Invitation will also contain a telephone number for any Participant not attending by computer.
6. Before the time fixed for the mediation (as agreed between the parties and the mediator), each Participant will join the mediation by clicking on the link to do so in the Invitation, and click on "Join with Computer Audio". In the first instance, each Participant will be sent to a virtual "Waiting Room" and asked to wait for the Host (the mediator) to admit them. Once admitted the mediator will greet the participants, as they arrive and send them to their appropriate "Breakout Room" as directed by the mediator.



7. A number of options are provided on a taskbar at the bottom of the screen. These show Audio and Video options. If there is a red line through Video or Audio, click on each to see the other participants and unmute audio respectively. Although there is an option to leave the meeting (bottom right of the screen) this should not be used save with the consent of the mediator, who will ensure that you do not, inadvertently “run into” the member of another party, or leave the mediation prematurely.
8. Once all members of each party are assembled in their allotted Breakout Rooms. The mediator will “visit” to meet and greet. The mediator may announce his arrival in any room by informing the party of his intention to do so by use of the “Chat” function at the foot of the screen, or by telephone or email to the lead negotiator/adviser. If there is to be a joint session, the mediator will bring all parties into the Joint Session Room.
9. Only those identified as “Participants” by each of the parties will be admitted to the mediation and the parties and their representatives agree to and will ensure that no unidentified third parties can be allowed to overhear or see what is happening in the mediation. Each of the Participants will use their best endeavours to ensure that the mediation sessions are not interrupted by any extraneous activities in the location where they are based.
10. The “Chat” function can also be used by the parties at any time to get a message to the mediator. Alternatively, either telephone or email can be used for the same purpose.
11. For the avoidance of doubt, although Zoom has a “recording” function, this will be disabled by the mediator. The parties agree that the mediation shall not be recorded in any circumstances.
12. The mediation will take place in the normal manner with Joint (as required) and Private sessions, conducted by the mediator. Settlement can only take place upon the signing of an agreement by all parties to the mediation in a manner agreed by the parties and the mediator.