

Virtual Mediations – Preparation

Fionnuala McCredie Q.C. 11 June 2020

Lockdown and Homeworking...



How is virtual mediation different in Lockdown?

- > Unique challenges of lockdown
- Home schooling and childcare responsibilities
- Other caring responsibilities
- No magical arrival of catering
- More tiring
- > When participants are remote, more challenging to:
 - Make and keep a "team" atmosphere
 - Maintain interest, commitment and engagement

But it is eminently possible



How? - Be Prepared!





Strategies for success - themes

- Pre-mediation calls/video calls
 - Technology
 - Housekeeping
- The substantive dispute
 - Bundles
 - Exchange of position papers
 - Confidential papers for mediator
 - Reply papers
- Essential information to permit settlement

The challenges of technology





Housekeeping – beforehand by email

- What technology has been agreed?
- Agreement of video protocol
- Plenary session arrangements, need for screen sharing, PowerPoint, spreadsheets
- Mediation Agreement signature
- Working hours
- Planned breaks
- Contact details emails and mobiles

Pre-Mediation calls/videos - preliminaries





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Pre-mediation calls/videos - preliminaries

- By video start to establish relationships and test access (for everyone)
- Mediation introduction
- Consider having more participants than just the solicitor
- How VM is different and how to make it a success
- Communications on the day
- Constraints

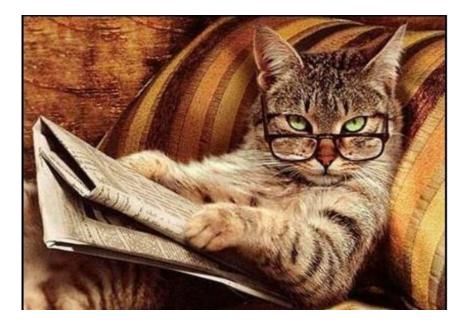
Pre-mediation calls/videos – people and comms



Pre-mediation calls/videos – people and comms

- > Who is attending
- Authority
- Existing relationships
- Plenary session
 - Need for one?
 - Structure
 - Rehearsal
 - Document sharing, PowerPoint, Excel etc.

Pre-mediation calls/videos - documents and information



Pre-mediation calls/videos - documents and information

- Mediation Agreement signed and shared?
- Position Papers
- Bundles arrangements for sharing
- > Replies?
- Early concessions/confidential papers for mediator
- What information do you need in order to settle? Have you got it all?
- Expectations, strengths, weaknesses
- Mediation exercises, BATNA, WATNA, costs



"As regards the virtual mediation process today, I think the feedback can only be positive. The process ran smoothly and in many ways virtual mediations are more efficient than face-toface mediations. Obviously, travel time is cut for all attending. From our point of view we did not feel inhibited in anyway during the process and everybody had an opportunity to contribute".

Feedback to Rosemary Jackson Q.C.



Thank you for listening

FIONNUALA MCCREDIE Q.C. FMCCREDIE@KEATINGCHAMBERS.COM

Please contact the Practice Management Teams for further information T +44 (0)20 7544 2600 E clerks@keatingchambers.com www.keatingchambers.com