

Upchurch Watson White & Max
Mediation Group

and the University of Florida

Levin College of Law

Institute for Dispute Resolution

are proud to co-sponsor

today's Webinar:



ONLINE MEDIATIONS:

***Trials, Tribulations, Positives,
Negatives and the Future***

Meet our presenters...

- Terrence M. “Terry” White



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- John B. Marion, IV



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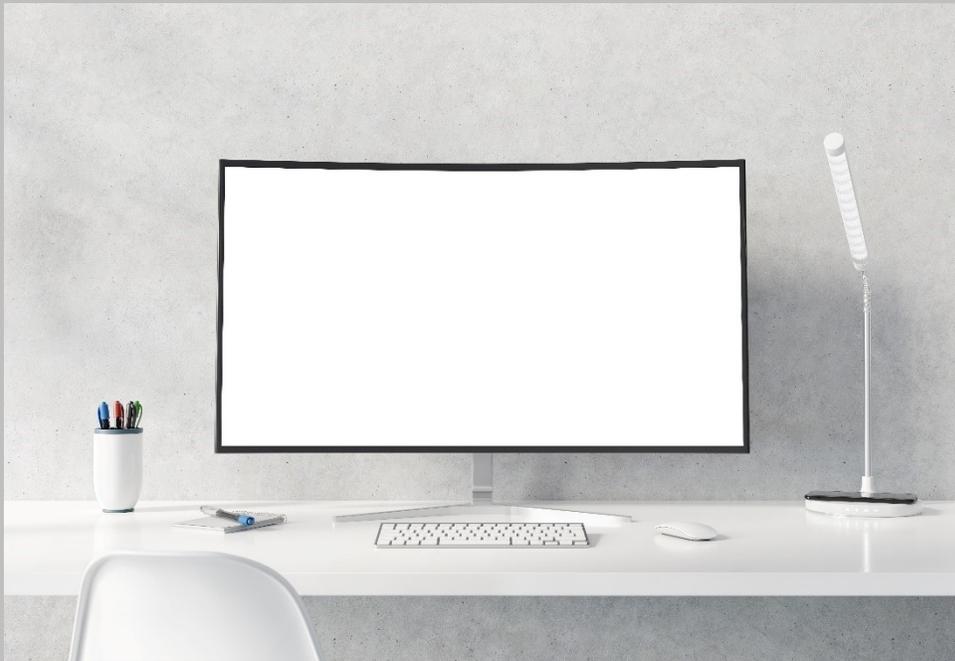


ONLINE MEDIATIONS

Trials, Tribulations, Positives, Negatives
and the Future

The Genesis

Seldom utilized pre Covid-19



Born of necessity: pandemic





INITIAL HURDLES



***All Present and
Accounted For***



Customary for
Circuit Courts
to Require
Attendance

Even if not mandatory,
attorneys wanted parties
and/or insurance
professionals there live.

Florida Supreme Court Administrative Order

- Mediations non-essential for live attendance
- Hatched the need for creativity
 - Telephonic mediations
 - Online mediations with several options



Large numbers of attorneys, parties and mediators not equipped for online platforms

- Computers
- Cameras
- Software for Online Platforms



Learning Curve/ Challenges

- Training of Mediators
- Training of Participants – Often by Mediators Themselves
- Signing Mediated Settlement Agreements Remotely and Electronically



SUCCESSSES BORN OF NECESSITY

(The Mother of Invention)

Online platforms easy to navigate once learned

Zoom



Webex



Allow for essentially the same process as in-person mediations

- Important to create a three-dimensional feel in a two-dimensional dual context through social interaction and humor
- There are opportunities for players to work one on one in separately created breakout rooms

Mediators and Parties have adapted
well out of necessity





WHAT WE HAVE LEARNED

**Attorneys like it,
and some prefer it**

- Able to multi-task and work between caucuses
- More productive

**Insurance Professionals like it,
and some prefer it**

- Able to avoid travel and are thus more productive
- More efficient use of time altogether
- Not wasting a day out of the office simply “in” the mediation process



Both Attorneys and Insurance Professionals like it because:

- Broadens the pool of Mediators they are able to select from
- In some instances more efficient and less costly than in-person mediations



THE FUTURE



Likely here
to stay

Perhaps as much as 50%
of future mediations will
be by Online Platform
or phone

But there will always be live/in person mediations

- Personal preference of Attorneys or Claim Professionals
- Many practitioners set in their ways

Many of them

Are unable or unwilling to understand and remain familiar with technology –

- and its constant changes/challenges.

Believe that you can't:

- teach an old dog new tricks.

Think personal interaction is necessary in many instances.

- Some matters just simply couldn't get resolved without personal interaction.

*ONLINE MEDIATIONS:
Trials, Tribulations, Positives,
Negatives and the Future*

Florida Bar Course #
2005769N

CLE Credits
General: 1.0 /
Technology: 0.5

Thank You For Joining Us.



Please contact Terry at
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or John at jmarion@uww-adr.com with questions or
comments
regarding content.



Please email cklasne@uww-adr.com with questions about course number, PDF, etc.
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