

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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# 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



# SUCCESSES 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.

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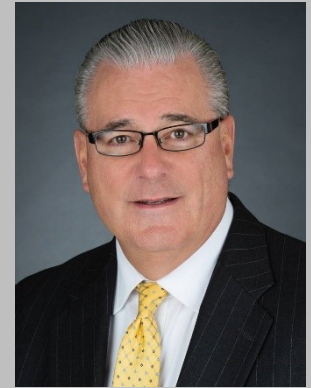
Florida Bar Course #  
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CLE Credits  
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## Thank You For Joining Us.



Please contact Terry at  
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or John at [jmarion@uww-adr.com](mailto:jmarion@uww-adr.com) with questions or  
comments  
regarding content.



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