The Future of Mediation

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Welcome to the Mediation Information and Resource Center

where mediators and the public meet.

Mediation Information
Locate A Mediator
Mediator Resources
Halloween Solutions for Divorced Parents: The Best Treat for Your Children (10/28/19)

Michael Aurit

Halloween may not be as meaningful as other seasonal holidays, but for divorced or separated parents and their children, feelings of "missing out" on fun times can be very challenging.

Conflict: Getting In Our Own Way (10/25/19)

Cinnie Noble

It happens, at times, that we get in our own way when a conflict erupts or is about to.

Ready to Rumble (10/25/19)
2019
Mobility is now key
Every Case Is Now An Online Case!

- "Somewhat Online" – How best integrate online & FTF?
- 100% Online – How best do this?
- Incremental digital advances over 35 years = evolving technical palate
- Mediation has become “A choreography of communications”

Specialized mediation platforms on the way – including measure of AI
Three Stakeholder Perspectives

What is each stakeholder’s “Journey”

• **Users** (considering participants, initiating participants, responding participants, legal counsel; advisors);

• **Mediators and Co-Mediators**

• **Program Administrators and Oversight**
# Accelerating Incremental Digitization

## Back “In the Day” vs. Now

<table>
<thead>
<tr>
<th>Back “In the Day“</th>
<th>Now</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yellow Pages</td>
<td>Search engines, internet directories</td>
</tr>
<tr>
<td>Brochures</td>
<td>Websites</td>
</tr>
<tr>
<td>Send intro package</td>
<td>Send intro email with links, incl. video</td>
</tr>
<tr>
<td>Hard copy forms</td>
<td>Online forms &amp; scheduling</td>
</tr>
<tr>
<td>Snail mail, drafts, fax</td>
<td>Email, attachment, track changes, PDF</td>
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<tr>
<td>Every 2 weeks</td>
<td>Weekly &amp; online</td>
</tr>
<tr>
<td>Landline</td>
<td>Personal computers (phones) in pocket</td>
</tr>
<tr>
<td>Predictable structure</td>
<td>“Choreography of communication”</td>
</tr>
<tr>
<td>Joint and Caucus</td>
<td>FTF/Online – Synch/Asynchronous</td>
</tr>
<tr>
<td>Atty Review &amp; Finalize</td>
<td>Zoom meetings &amp; DocuSign</td>
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</table>
The User Journey

• How best consider mediation?
• How best educate, allow for questions?
• How find most acceptable mediator?
• How begin discussions? caucus or joint?
• How schedule meetings?
• How notify users? (SMS, email, digests)
The User Journey II

• How develop problem-solving agenda?
• How identify & confirm “easy agreements?”
• How best use normative stories & models?
• How much AI?
• How communicate w/ legal counsel, advisors?
• How finalize agreement, sign, file?
How provide feedback to mediator? To the marketplace?
The Mediator Journey

- How does mediator get educated?
- How does mediator professionally network?
- How best use mediator website as storefront?
- How geographically focus marketing?
- How respond to initial online contact?
- How respond to other party(ies)?
- Contact attorneys & other professionals?
- How best educate clients?
The Mediator Journey II

- How confirm process understandings (Agreement to Mediate)?
- How develop rapport w/ each individual party?
- How develop rapport and working relationship w/ parties jointly?
- How manage ongoing correspondence and drafting?
- How do “heavy lifting” (bridging the gaps) between parties online?
The Administrative Journey

- What is a case?
- How respond to a contact? How track?
- Who sees what information?
- How answer individual participant questions?
- How contact & communicate with “second party?”
- How systemically educate mediators & participants?
  How best assign cases?
- What standardized communications?
The Administrative Journey

- How schedule rooms (FTF & online) and resources?
- How track activities, services, billing, payments and deadlines?
- What is helpful reporting?
- What are indicators of high quality practice?
- What are indicators of sub-par practice?
- How assist sub-par to become better?
A Challenge: Mobile Access & Program Data Management
Additional Challenges

- Digital divide – haves & have-nots
- Varying digital competence
- Tailoring communications as per party
- Confidentiality and security
- Access to archived data
- “Killing” data
In Sum

1. Mediation is now a “Choreography of Communication”
   - Face-to-face & digital (or purely digital)
   - Synchronous & asynchronous
   - Individual & joint
   - With strategic use of all modalities: FTF, text, image, audio, video

2. Every case is now an online case

3. Consider participants’, mediators’ and administrators’ needs (journeys)

4. Be Humble
   We are “but a click away from disengagement.”