

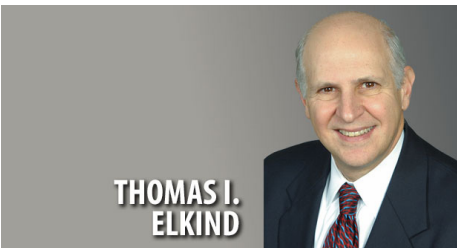
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ADR by videoconference a good alternative these days



THOMAS I.
ELKIND

By Thomas I. Elkind

Due to the coronavirus, the courts continue to operate on an emergency-only basis and are otherwise closed to the public. This means that the civil court system is essentially not operating.

Civil litigants therefore have the choice of waiting until the current crisis is over or using alternative means to resolve their disputes. If they choose to wait, parties may find that the courts are even more backlogged than they were before this crisis.

Mediation and arbitration have long been used as quicker and less expensive options to resolving disputes in court.

However, new technologies have made these methods even more attractive when access to the courts is delayed.

Neutrals affiliated with organizations have been receiving training in using these new technologies (while others have trained themselves) and are prepared to implement videoconferencing products to enable parties to engage in day-long proceedings that simulate in-person mediations and arbitrations.

These systems, such as the web-based conferencing tool Zoom, can enable the neutral to put the parties into separate virtual rooms where they will not have access to what is said in other virtual rooms, as well as to combine all of the participants into one virtual room.

The host can also mute and unmute all or some of the participants. The participants can be anywhere in the world and be in one virtual room with others in their party, or speak to the entire group.

Most laptop computers and smartphones have cameras that are sufficient to enable the participants to see and be seen by the others in the meeting. The video and audio quality of these virtual meetings generally is quite good.

Using these systems requires some preparation. Each participant should ensure in advance that he can access the platform and that it works on the particular device he plans to use.

In addition, any documents or exhibits that will be used in the proceeding will need to be distributed in advance to all participants, or prepared so that they are available to all participants online. Videoconferencing allows documents to be viewed on the screen by all participants. However, particularly for arbitrations, it may be preferable for exhibits to be pre-marked and distributed to the participants beforehand.

While videoconferencing can be an excellent alternative to in-person meetings, its success depends on the host's knowledge of the system and his ability to maximize its features. Therefore, selecting a mediator or arbitrator who has been trained on and has experience with a particular system increases the likelihood that the session will proceed seamlessly and productively.

Attorney Thomas I. Elkind is a mediator and arbitrator in the Boston office of JAMS.