



FAMILY MEDIATION  
HAWAII

KATHERINE BENNETT, JD, MSW

745 Fort Street, Suite 702

Honolulu, HI 96813

Phone: (808) 439-8600

Fax: (808) 439-8609

Website: [www.familymediationhawaii.com](http://www.familymediationhawaii.com)

E-mail: [katie@familymediationhawaii.com](mailto:katie@familymediationhawaii.com)

## Guidelines and Ground Rules for Online Mediation

### Technology

- 1. Online Platform: Zoom.** We will use the online secure platform provided by Zoom.us to conduct your online mediation sessions. Before your first scheduled mediation session, you agree to download and install the software and/or apps from Zoom necessary for your participation in the online mediation sessions. You will only need to download the free Personal Use Plan software and/or app and open a free personal account. Once you have downloaded Zoom, you agree to familiarize yourself with the operation of the platform so that you are able to operate the system and participate in your mediation sessions. Zoom has tutorials available at <https://support.zoom.us>.
- 2. Document Execution.** If needed, we will use AdobeSign as a secure platform for the execution of documents required during your mediation process. In the event that original signatures are required or preferred, then copies for execution will be transmitted to you for printing and signing and you will be responsible for returning the executed copies to me via mail or overnight delivery service.
- 3. Secure WiFi or Ethernet Connection.** You will need a secure WiFi or Ethernet (hard-wired) connection for your computer. Test the speed and dependability of your connection BEFORE your mediation by hosting a Zoom meeting by yourself or with another video conferencing platform. DO NOT use a public access WiFi connection, such as those available in public spaces and businesses and they are not secure and your information may be at risk in that situation.
- 4. Technology Failure Protocol.** You understand that despite our best efforts, technology may fail to operate properly and a mediation session may not start on time or may be interrupted. If that happens, please take the following steps:
  - Log out of Zoom and log back in. This often re-establishes the connection.
  - Call or text me at (808) 497-6303 immediately to let me know you are having trouble.
  - **FaceTime of Conference Call:** In the event that we cannot convene the mediation via Zoom, I will issue instructions for participants to join a FaceTime or Conference Call.
  - If a FaceTime or Conference Call is not feasible, the mediation will be canceled and rescheduled as soon as possible.

5. **Caucus Failure Protocol.** At times it may be beneficial for your mediator to caucus with you each separately. The Zoom online platform allows the mediator to “mute” one participant to the online mediation session while continuing to communicate with the other participant for a caucus. Alternatively, separate Breakout Rooms can be set up so that participants and counsel can confer in a separate space without being overheard by the other party. You agree that in the event that you are the muted party during a caucus between the mediator and the other party or if you are and you are able for any reason to hear the communication intended to be private, you agree to IMMEDIATELY terminate the Zoom online mediation session and will call or text me at (808) 497-6303.

### **Confidentiality and Privacy**

6. **Privacy and Confidentiality.** Only the people who have executed these Online Mediation Guidelines and Ground Rules and the attached Agreement to Mediate may participate in the mediation. You must confirm that you are alone in the room and that you cannot be overheard by anyone else around you. All participants and attendees in this mediation, including every person who may participate by telephone, video, e-mail, text, or other means, agree that all communications related to the mediation, and all negotiations and settlement discussions, communicated in any medium, are private and confidential. Mediation is a voluntary process for settlement negotiation that begins upon first communication with the mediator regarding possible retention in the matter and shall cease when the parties agree that the matter has been resolved.

7. **Absolute Prohibition on Recording.** You, or anyone on your behalf, may NOT audio or video record any mediation session or portion thereof. In the event that you learn of an audio or video recording of any session, you shall take immediate measures to destroy the recording and will not disseminate the recording to third parties. You further agree that you will not transmit a live or deferred video or audio relay of the online mediation sessions to third parties.

### **Best Practices and Troubleshooting**

8. **Interruption Free Zone.** You agree to take all reasonable measures to ensure that you are not interrupted during your online mediation sessions. This includes arranging for appropriate childcare, notifying family and friends of your unavailability and making appropriate scheduling choices.

9. **Technology Hiatus.** Except for the computer or mobile device upon which you are conducting your online mediation session, you agree to turn off or put on silent any phones, tablets or computers and disable any alert announcements and/or texts for the duration of your online mediation sessions. Further, you agree to refrain from the use of social media, email and/or internet search engines, other than as may be necessary to conduct the session, during your online mediation sessions.

10. **Early Log On.** Whenever possible, log on to the scheduled mediation session no less than 5 minutes in advance of the scheduled start time so that any technology issues can be resolved and your mediation session can start on time.

11. **Waiting Room.** In order to preserve the neutrality of your mediator under all circumstances, you will enter the meeting each time you log on in a “virtual waiting room” until all parties have arrived. Once all parties are logged on and in the waiting room, you will be admitted into the meeting by your mediator.

12. **Respectful Online Communication.** Due to the nature of the online forum, it is especially important to allow each participant to finish their comments or statements before responding. The audio portion of the technology will only allow one person to talk at a time. In addition, the online format can amplify and exaggerate sound so maintaining a regular speaking voice is important. Finally, please remember that the camera does not always transmit hand gestures or non-verbal cues, so it is important to verbalize all communication during an online mediation session.