

What we have learned from doing online mediations

Hong Kong Mediation Conference



Some CEDR stats



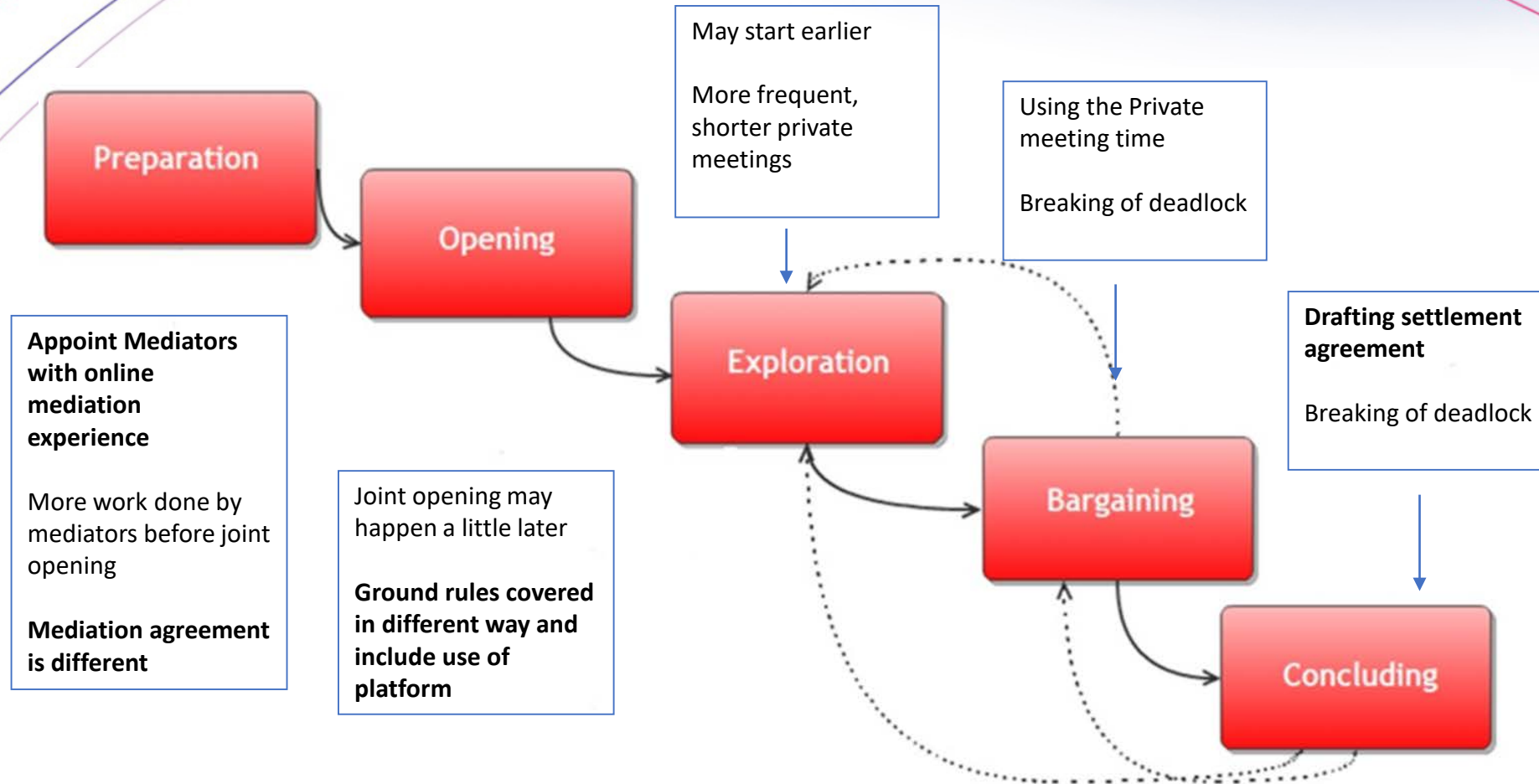
Before March 2020:

- No fully online commercial mediation
- Average settlement rate 70-75%

Currently

- 30-40 online mediations per month
- 85% settlement rate

2. Phases of Mediation – some differences



2. Designing the Right Process



- ✓ The move to online mediation allows mediator to break free from the one day model
- ✓ Each mediation is unique so consider the process which will work best for parties
- ✓ Take into account technical capabilities, available time, attention spans and environment.
- ✓ Be creative about how you design the process to manage these



3. Key Differences

1. Exploration and party engagement starts during preparation
2. Managing logistics of online platform additional task for mediator but also an opportunity
3. Building rapport online is not more difficult, its just different
4. Clients are in their own environment – easier to engage with
5. Pattern of Joint and Private meetings may differ
6. Pace of Mediation overall and between phases can differ
7. Negotiation dynamic may altered
8. You need to be prepared for settlement agreement and drafting

3. The Future



1. **The Rubicon has been crossed**
2. **Virtual/Online Mediation is here to stay in the 'new normal'**
3. **This will led to expansion in the use of mediation into new areas**
4. **Hybrid approaches highly likely**

