

5 Advantages to Mediation by Video Conference

Melody Lynch

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By: Melody Lynch

As COVID-19 cases continue to rise in Florida, in-person mediations are not occurring in most instances. Prior to the pandemic, most lawyers disfavored mediation by video conference and believed that mediation in person was necessary to the successful resolution of litigation. However, the global pandemic has forced all of us to take a hard look at those norms and to re-evaluate mediations via video conference.

Upon closer examination, virtual/remote mediations via video conference have revealed some surprising advantages over traditional in-person mediation conferences. Here are the top 5 advantages to mediation via video conference which are applicable during the global pandemic and well beyond:

1. Saves money. Mediation by video conference saves the parties' money. There are no travel expenses for the mediator, the parties, or their counsel related to a mediation via video conference. Additionally, attorneys' and mediator's fees are reduced because they do not include time to travel to and from the mediation location.
2. Keeps the visual aspects but subtracts the animus. For highly contested cases, mediation can be personally difficult for the parties, particularly when individuals or closely-held family companies are involved in the dispute. Typically, the parties commence mediation in a joint session, with the parties and their lawyers are in the same room with the mediator during opening statements.

While the joint session can be dispensed with, as needed, many in-person mediations are not as successful without the opening joint session which sets the table for the resulting negotiations. However, taking the opening session virtual can remove the animus between the parties and allow the visual aspect of the in-person gathering to continue without the emotional component that often creates barriers to the resolution of cases.

3. Brings the power. Mediations by video conference encourage participation by individuals that would often not be able to make time for traditional mediation. By removing the travel burden, CEOs, CFOs and other high-level decision makers are now more readily available. The company benefits from this participation and strategy in the mediation, and the executive is freed up to return to pressing matters at the company with the click of a button instead of a cross-country flight.
4. Extends our reach. In a mediation by video conference, geography is no longer a barrier. Parties can retain the best mediator and the best lawyers to handle their dispute. Geography is no longer an issue or an impediment to using the right neutral or the right counsel to get your case resolved promptly.
5. Happens faster. Without the added complications associated with travel, mediations via video conference can be scheduled more quickly than traditional in-person mediations. Child care, pet care and other personal matters are also reduced when mediation moves from the boardroom to the Zoom-room.

While a vaccine for COVID-19 will hopefully be developed by early 2021, mediation by video conference is likely here to stay for the future. With its many benefits and advantages, remote mediation by video conference is worthy of your consideration long after we are able to safely return to conference and boardrooms.

If you have questions about a litigation matter and your dispute resolution options, please contact Melody Lynch at 407-418-6447 or