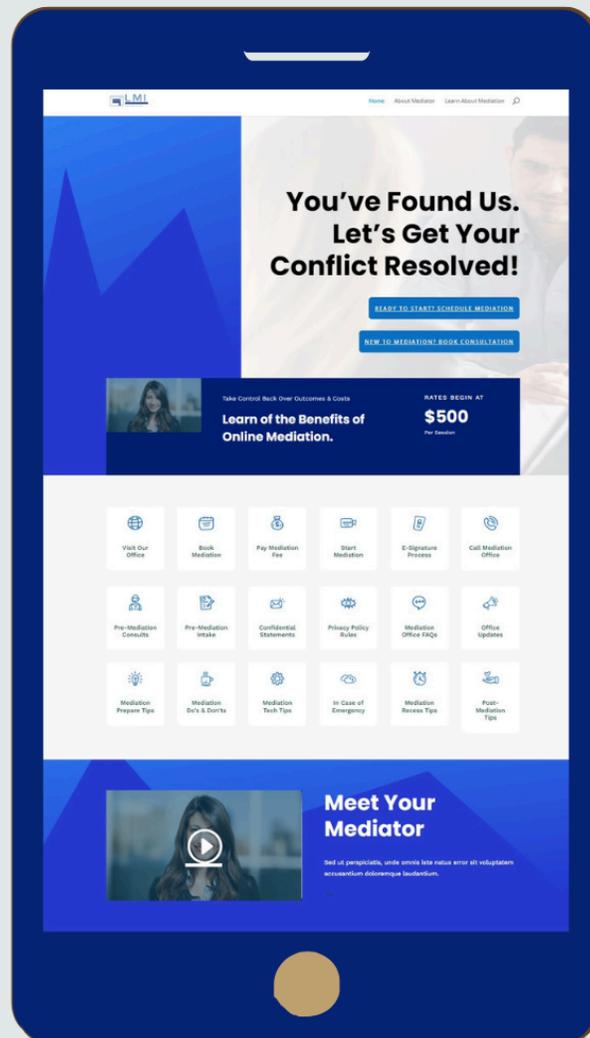


# THE 5-STEP ONLINE MEDIATION PRACTICE

Start or Improve Your Online Mediation or Arbitration Business by Integrating Your Marketing, Booking, Payment, Online Mediation, & E-Signature Systems into Your Own Custom Platform



By : Mac-Arthur Pierre-Louis, J.D., M.Ed.

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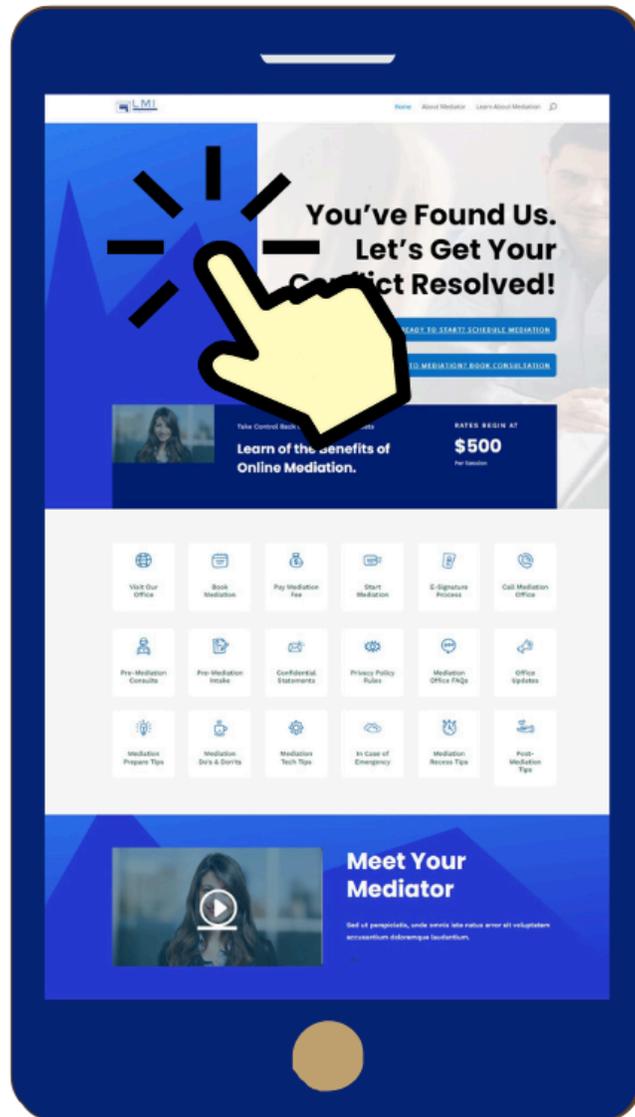
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Mac-Arthur Pierre-Louis, J.D., M.Ed.

[LMltrainings.com/ebooks](http://LMltrainings.com/ebooks)

## Editor's Note:

Visit the interactive example site template found on the book cover [here](#).



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## Introduction and Overview

### The Age of Online Mediations

While standing before the Eiffel Tower in Paris shooting a podcast recording in February 2020, my partner and I declared that the age of online mediation was upon us. This declaration came not because online mediation was new, but because we realized that for the first time, professional mediators worldwide had to begin mediating online whether they or their parties wanted to do so.

The 2020 global pandemic shocked us all. Due to immobility caused by government-mandated quarantines and lockdowns, state and local agencies, courts, and small businesses had to find ways to continue operations. Remote communication tools proved to be the solution no one knew they needed. Unlike large organizations and governments that could weather the shutdowns, small businesses worldwide, including professional service outfits like law firms and mediation offices, raced to find tools that could help their businesses survive.

What followed was the meteoric rise of Zoom and other internet collaboration tools. Though such tools had existed for years, they suddenly became necessities for running businesses, courts, and schools. Nearly every type of industry found its operations surviving through Zoom. The mediation industry benefited greatly, with mediators worldwide quickly realizing how Zoom could benefit their practices, both during and after the pandemic. During the pandemic, mediators frequently discussed whether this new mode of online mediation would end after the lockdowns or if it would become the new normal. Most concluded that regardless of whether things returned to their previous state, the benefits and convenience of online mediations were definitely here to stay.

It is now 2024, some three years after most lockdowns ended in mid-2021. With online mediation now under many mediators' belts, many are taking the dry run they experienced running a virtual mediation practice and turning it into full-fledged businesses to reap the benefits provided by remote communication tools. This book is intended for these "modern" mediators. Mediators may also benefit from other related resources on [LMI Trainings.com](https://www.lmi Trainings.com), part of the Lawyers & Mediators International network of sites, which includes: [LMIHubsites.com](https://www.LMIHubsites.com), [LMISandbox.com](https://www.LMISandbox.com), [LMIPodcast.com](https://www.LMIPodcast.com), and [InstantMediators.com](https://www.InstantMediators.com).

### The Purpose of This Book and Who Should Learn From It

This book arose from the questions and challenges I encountered while helping dozens of modern mediators transition their practices online. While many excellent resources exist for traditional mediation and general online business practices, few address the specific intersection of traditional mediation skills and modern digital tools. This guide aims to bridge that gap, providing a comprehensive roadmap for building or enhancing your online mediation practice.

This book serves the following purposes for the modern mediator:

1. It provides a structured approach to establishing or enhancing your online mediation presence.
2. It offers practical solutions to common technical challenges.
3. It addresses the specific needs of mediators transitioning to online practice.
4. It presents strategies for growing and scaling your digital mediation business.

Perhaps most importantly, this book bridges the gap between traditional mediation expertise and modern technology solutions, ensuring that the essential human elements of mediation remain central while leveraging digital tools for enhanced efficiency and reach.

While written primarily for practicing mediators, this guide serves several audiences in the dispute resolution field, including arbitrators and leaders of organizations that deal with conflict resolution. New mediators launching their careers will find guidance for building an online practice from the ground up. Experienced mediators transitioning from traditional practice will discover strategies for adapting their skills to the virtual environment.

#### The 5-Step Structure of This Book

The structure follows what I call the Five Essential Steps of Online Mediation Practice:

First, we'll explore how to "Get Found" in the digital landscape. The most skilled mediator can't help parties if they can't be found. We'll examine strategies for building a professional online presence that attracts and engages potential clients while maintaining appropriate professional boundaries.

Next, we'll tackle the challenge to "Get Booked." Online scheduling systems can streamline your practice while improving the client experience, but only if implemented thoughtfully. We'll explore how to choose and configure booking tools that work for both you and your parties.

The third step, "Get Paid," addresses the critical but often overlooked aspects of financial management in online practice. We'll examine payment systems that maintain professional boundaries while ensuring reliable compensation for your services.

Fourth, "Get Mediating Online" delves into the technical and practical aspects of conducting effective virtual sessions. From equipment selection to platform management, we'll explore how to create an online environment conducive to productive dispute resolution.

Finally, "Get E-Signatures" covers the process of documenting and executing agreements in the digital realm. We'll examine tools and techniques for securing legally valid signatures while maintaining confidentiality and professional standards.

## Chapter 1: Get Found - Marketing Your Online Mediations Business

The journey to establishing a successful online mediation practice begins with understanding the fundamental shift in how clients find and evaluate professional services. In today's interconnected world, your digital presence serves as more than just a business card or advertisement—it becomes the primary lens through which potential clients discover, evaluate, and ultimately choose your services.

### Internet Anonymity is Dead

In the modern world, it is nearly impossible to not exist on the internet. Almost anyone who obtains a professional license from their state, opens a social media account, purchases a domain name for a website, or registers their business entity with their county, can now be found and identified online. Most mediators do at least one of these things, thereby guaranteeing that their name, contact information, or even face will be published to the world.

Many people are now aware that even if they wish to avoid being identified online, avoid all forms of social media, or try to "live off the grid," it takes just one friend's innocent social media tag to showcase them to the world. The same can occur through seemingly innocuous transactions such as red-light cameras imaging their car's license plate, building an unwanted public profile. Even in jurisdictions where individuals can enforce their "[right to be forgotten](#)" and expunge their stored personal data from organizations' servers, legal reasons exist preventing deletion when personal data can be used for public health, scientific, or historical research purposes.

Thus, it's nearly impossible not to exist online in some capacity, even personally. It stands to reason then that if an individual can no longer be anonymous online, even when they wish to be, then at the least they should refocus their attention on presenting themselves to the world in a professional manner that also shields their privacy. I write all this to inspire a new way of thinking about our professional online identities, and by extension, our branding and online marketing. This new way encourages online mediators to think of their online mediation business as something to be controlled, defined, and presented online, not neglected and left to chance, because if you don't define yourself online, you may get defined. Online mediators should take the initiative and establish on the internet what they wish the public to see. And there is no better place for online mediators to do this presentation than on their own professional website.

### The Modern Mediator's Website

Your professional website serves as the foundation of your digital presence—think of it as your virtual office, open 24 hours a day, seven days a week. Three decades of internet development have trained the public to know just how important professional websites are. This shift in

consumer behavior reflects a broader change in how people seek professional services. Gone are the days when potential clients would simply choose the first mediator they find in a directory or accept a referral without further research. Today's consumers research you and review your online profiles before making initial contact. They expect to find content and information about you, your services, and your expertise long before actually connecting with you in person, by phone, or on video.

Just as you would carefully consider every aspect of your physical space where potential clients would meet with you, your website requires thoughtful attention to every detail that shapes the client experience.

Consider the experience of a fellow mediator, whom we'll call Sherene. Her website transformation illustrates the impact of intentional digital presence development. "My first website was basically an online business card," she admits. "It had my contact information, a brief bio, and a generic list of services. I thought that was enough until I started tracking how potential clients actually interacted with the site. The data showed they were looking for much more. They wanted to understand my approach, see evidence of my expertise, and get a sense of what working with me would be like."

Based on this insight, Sherene completely reimagined her online presence. Her new website became a comprehensive resource hub, featuring clear answers to visitors' core questions: Who is Sherene? What specific problems can she help me solve? How does her online mediation process work? Rather than generic statements about mediation services, the content focuses on specific scenarios and solutions that resonate with potential clients' needs.

"I realized that people visiting my site were often in difficult situations, feeling stressed and uncertain," Sherene explains. "They needed more than just information—they needed reassurance that online mediation could work for their specific situation. So I structured my content around common scenarios and questions, helping visitors see themselves in the solutions I provide."

The transformation went beyond just adding more content. Sherene implemented a clear, intuitive structure that guides visitors through a natural progression from initial information gathering to taking action. Each page includes specific calls to action, whether scheduling a consultation, downloading content, or accessing her online calendar.

## Mediation Website Anatomy

Your mediator website should, at minimum, contain the following content sections:

### 1. Homepage

The homepage should immediately answer three critical questions:

- Who you are
- What services you provide

- How to engage your services

Design elements should include:

- Clear value proposition—why should parties come to you?
- Professional imagery that is pleasing to the eye
- Easy navigation with clear menus and labels
- Call-to-action buttons
- Mobile responsiveness, since most visitors will view your website on a mobile phone

## 2. About Page

Your about page builds trust through:

- A professional biography
- Educational background
- Certifications
- Areas of expertise
- Your professional philosophy

## 3. Services Pages

Detailed service descriptions should include:

- Types of mediation offered
- Process explanations
- Pricing structures (if you choose to publish your pricing)
- Typical time expectations
- Success stories (while maintaining confidentiality)

## 4. Resources Section

Provide value through:

- Educational articles
- Frequently Asked Questions (FAQs)
- Preparation guides
- Case studies
- Industry insights

## Effective Website Marketing

Once your mediation website is set up, the goal turns toward marketing it effectively. After all, it is pointless to spend time developing a website that no one will know about. As of late 2021, there were almost 2 billion websites in the world. With that much online content, it is guaranteed that no one but you will know your site exists without proper marketing efforts.

## Content Marketing Strategy

I believe there are two ways of thinking about website marketing. The first is outsourcing it to a marketing company like Google and paying for services like Google Ads or the Google

Marketing Platform. This method helps ensure that your brand will be seen by searchers based on keywords at a frequency you can afford.

The other approach is to imagine your marketing as a private web system where your website domain is at the end of multiple interconnected links connected to different digital platforms, like social media, educational, directory, and content creation platforms. I am a big believer in the latter approach. It may be more time-consuming to set up, but it'll make you an expert over your marketing.

The cornerstone of effective online mediation marketing lies in creating valuable, engaging content that addresses your potential clients' needs and concerns and using that content to drive traffic to your website. While many mediators focus solely on promoting their services on their website, the most successful practitioners understand that creating engaging content serves as a powerful marketing tool. By sharing your expertise through carefully crafted articles, blog posts, videos, podcast recordings, social media posts, and informational resources, you establish authority in your field while helping potential clients understand the value of mediation services. Imagine your website as not just being the destination goal for every bit of content you create, but also as a hub that actually showcases all the content you've created.

Consider the experience of Daryl, who transformed his practice by implementing a comprehensive content strategy. "Initially, I was hesitant to share too much information online," Daryl recalls. "I worried that giving away knowledge might reduce the need for my services. What I discovered was exactly the opposite—the more educational content I provided, the more potential clients reached out for help." Daryl's approach focused on creating in-depth articles about common mediation scenarios, always being careful to maintain confidentiality while drawing from his extensive experience to illustrate key points.

Your content strategy should address different stages of the client journey. For parties just beginning to explore mediation, introductory YouTube videos and social media posts explaining the process and its benefits can help demystify the experience. More detailed content can address specific concerns that arise during mediation. And advanced articles might focus on particular types of disputes or unique aspects of online mediation. This layered approach ensures that regardless of where potential clients are in their decision-making process, they will find relevant, helpful information on your site.

### Social Media Engagement and Professional Networking

While your website serves as your digital home base, social media platforms offer opportunities to extend your reach and engage with potential clients in different ways. LinkedIn, in particular, has become an essential platform for professional mediators. The platform's business-focused nature makes it ideal for sharing insights, connecting with other professionals, and demonstrating expertise in specific areas of mediation.

Building an effective social media presence requires more than simply posting occasional updates. Successful mediators develop a consistent posting schedule, engage with relevant content from others in the field, and participate in professional groups and discussions. Daryl found that spending just thirty minutes each day on LinkedIn—posting thoughtful comments, sharing interesting articles, and engaging with his network—led to a significant increase in referrals and direct inquiries.

## Email Marketing and Client Communication

Email marketing remains one of the most effective ways to maintain relationships with past clients and nurture potential ones. A well-designed email newsletter can keep your services top of mind while providing valuable insights and updates about your practice. However, the key to successful email marketing lies in providing genuine value rather than simply promoting your services.

Consider developing different email sequences for various audience segments:

- New subscribers might receive a welcome series introducing them to mediation concepts and your approach to dispute resolution.
- Past clients could receive updates about new services or refresher content about maintaining agreements.
- Professional contacts might appreciate industry news and insights about trends in online mediation.

## Measuring Marketing Success

Understanding the effectiveness of your marketing efforts requires careful tracking and analysis of key metrics. Modern analytics tools provide insights into website traffic, content engagement, and conversion rates. However, for mediators, some of the most valuable metrics might not be immediately quantifiable. Client feedback, referral sources, and the quality of inquiries often provide better indicators of marketing success than raw traffic numbers.

Daryl implemented a simple but effective system for tracking his marketing efforts. "I started asking every new client how they found me," he explains. "This helped me understand which marketing channels were most effective and where I should focus my efforts." He discovered that while social media helped build his professional network, his blog posts about specific mediation topics consistently generated the highest-quality leads.

Consider Daryl's website transformation results:

Before:

- Basic contact information
- Brief professional bio
- Generic service list
- Static content

- Limited functionality

Monthly Statistics:

- Visitors: 50-75
- Inquiries: 2-3
- Conversions of visitors into actual mediations: 1-2

After:

- Comprehensive service descriptions
- Interactive booking system
- Secure client portal
- Regular blog updates
- Integrated payment processing

Monthly Statistics:

- Visitors: 300-400
- Inquiries: 15-20
- Conversions of visitors into actual mediations: 8-10

Such a return on investment (ROI) is never guaranteed. However, doing nothing and leaving your website to idly sit in a sea of 2 billion domains guarantees no visitors. Mediators should measure their website data, implement marketing changes, and continue measuring for growth. As it's been said, if you cannot measure it, you cannot improve it. Some useful website measuring tools you may find helpful when tracking website visitors are Google Analytics, Kissmetrics, and Bing Webmaster Tools.

## **Chapter 2: Get Booked - Revolutionizing Your Scheduling System**

After you have been found by your potential mediation clients, you will need a quick and efficient way of having them schedule appointments with you. This need underscores another reason to have a website: your website can host an online calendar booking system for potential clients to view 24 hours a day for convenient booking.

Due to the COVID-19 related lockdowns, many people experienced scheduling professional appointments online—such as with doctors—for the first time. Consumers will continue to appreciate the convenience offered by online booking. This trend is fast becoming part of the new normal for certain business sectors worldwide, and mediators should take note of the benefits online booking can provide their business.

### **Traditional Scheduling Methods and Their Problems**

Parties have been booking mediators for ages. The most popular method has been where the mediator receives telephone calls from parties and schedules appointments. In such instances, the mediator flips or scrolls through their paper or online calendar and offers their potential client available dates and times. The caller would then contact their opponent and try to settle on a common convenience for both. Sometimes the parties agreed and proceeded to mediate on the agreed date and time. But other times they argued, leading to scheduling conflicts in what should be the easy first step in bringing the parties together.

Another popular method has been for the mediator to publish upcoming available mediation dates from which parties can choose, whether shared by email or published online. This made it easy for the mediator to share their availability, but it required constant monitoring for when a date was no longer available.

Some mediators, especially those at community mediation offices, would make available revolving pre-set mediation dates and times that parties could choose from on a first-come, first-served basis. While these pre-set dates and times would work for the mediation office, they provided little flexibility for clients' schedules.

These traditional scheduling problems are exacerbated by the fact that scheduling an event like mediation is in itself fundamentally difficult. Here are some reasons why it's challenging to get parties efficiently to the mediation table to address their conflicts:

1. **Reluctance to Confront Issues:** Parties may be hesitant to face the conflict directly due to fear of confrontation, emotional stress, or uncertainty about the outcome.
2. **Lack of Awareness or Understanding:** Some individuals might not be aware of the mediation process or its benefits, leading to delays in considering it as an option.

3. **Distrust in the Process:** There may be skepticism about the neutrality of the mediator or the effectiveness of the process, causing hesitation to engage in mediation.
4. **Legal Proceedings:** Involvement in legal proceedings can delay mediation. Parties often wait for legal advice or hope for a resolution through the court system before considering mediation.
5. **Communication Barriers:** Poor communication or misunderstandings between parties can hinder the initiation of mediation.
6. **Logistical Challenges:** Finding a suitable time, place, and mediator that all parties agree on can be challenging and time-consuming.
7. **Emotional Readiness:** Parties may need time to emotionally prepare for mediation, especially in cases involving personal relationships or sensitive issues.
8. **Power Imbalances:** Fear of power imbalances in the mediation process can discourage weaker parties from participating.
9. **Financial Constraints:** Concerns about the cost of mediation might delay individuals from seeking this route, especially if they are unsure about the potential for a positive outcome.
10. **Waiting for the 'Right' Time:** Parties might delay mediation in hopes that the situation will improve on its own, or they might be waiting for a more opportune moment to address the conflict.

These reasons highlight how complicated it is getting parties in conflict to efficiently and quickly book their mediation session. This should come as no surprise. One should not expect that parties in conflict will readily come into agreement over a mediation date. Therein lies the benefit of an online mediation scheduling tool. If used correctly, it can help reduce the barriers that prevent parties from quickly scheduling their mediation. The two main ways online schedules help mediators are by creating efficiency and establishing neutrality.

### The Efficiency of Online Booking

Traditional mediation scheduling methods are not efficient because parties are usually required to call in or email when seeking to book or confirm an available date. What happens when the mediator or their assistant is not available to answer the call or quickly reply by email? How fast can the mediator's office respond to provide dates and times when those dates and times are constantly changing? With at least three parties' calendars to account for (party 1, party 2, and mediator), and each individual's availability changing by the day, it can become a nightmare to quickly get everyone calendared. Additionally, many mediation parties have attorneys, or there are multi-party mediations, each with their own interests. A mediator may sometimes find themselves accounting for the calendars of five or more individuals.

## The Neutrality Factor of Online Booking

Besides the obvious benefits in efficiency, allowing for online booking lets parties be on equal footing in this first stage of securing mediation dates. The online calendar lets parties review and choose from dates and times that are already cleared on the mediator's calendar.

Some mediators have experienced the dilemma where one party calls their office to learn about mediation services and dates, and then that party communicates the information to their opponent in a manner that suggests the mediator might be biased in their favor. Having a public online booking system on your website that connects to your calendar will help establish your neutrality to any potential party because they will be able to objectively review your calendar privately without pressure or coercion, all alongside your biography and other professional information. Allowing each party to view your availability for themselves helps them feel empowered and facilitates agreements by each side on the best date to book. Once parties have done the job themselves of settling on a mediation date, it may inspire them to keep going to try to reach further settlements. Momentum creates more momentum to continue toward resolution.

TIP: Stay on top of your online calendar. Be consistent and diligent, ensuring you block out availability due to your own important events so as to avoid scheduling conflicts. A common objection to allowing for online booking is, "I want to have control over my calendar, and do not want parties to just book themselves." The reader should understand that while the fears behind this sentiment may be valid, there may be more harm done by continuing to handle booking the traditional ways.

## Additional Benefits to Online Booking for Mediators

Here are additional reasons that justify having an online booking tool on your website:

1. **Speed Up Booking Process:** No one has time to waste, not the mediator, nor the parties. Parties who can quickly book you will appreciate you more than a mediator who spends days getting you calendared. Appreciative parties are more likely to return when another dispute arises.
2. **Avoid Double-Booking:** Allowing parties to book themselves removes the problem of double-booking where a date that is being booked is already committed to another event on your calendar.
3. **Promote Effortless Self-scheduling:** Outsourcing the booking process to potential clients saves you time and energy and allows for booking to occur anytime at the convenience of the parties.
4. **Email and Text Confirmations:** Most online booking platforms will automatically generate email, and in some cases, text messages to confirm that an individual has secured an

appointment. Some platforms will continue sending reminders to parties to ensure they will show.

5. Offer Point of Entry for Inquiries: With always-on scheduling available to the public, mediators can leverage the visibility of their online booking system by informing potential parties with answers to frequently-asked questions, providing contact information, or even implementing artificial intelligent chatbots to interact with website visitors without human labor.

6. Promote Your Brand: An online booking system can help your marketing efforts and promote your business as a tech-savvy firm. Individuals interested in an online mediator may be more likely to retain one they perceive has the technology skills to complete efficient online mediations.

7. Aid with Accounting for Timezones: Often, parties to a mediation reside in locations many hours apart. Online booking tools automatically handle the complicated work of accounting for time zones so distant mediation parties are guaranteed to book the same time.

8. Facilitate Online Payments: All the major online calendar platforms allow for some type of payment integration. If it is too risky to set up payments on the calendar system, then placing a link in your online booking system that forwards to your online payment tool can be an easy solution.

9. Integrate with Tools You Already Use: In addition to integrating with your online payments system, most robust online booking systems can integrate with other tools such as Google Calendar or Zoom.

### Selecting the Right Booking Platform

The transition from traditional scheduling methods to an automated online booking system represents one of the most significant improvements you can make to your mediation practice. While the idea of letting clients schedule themselves might initially feel like surrendering control, a well-implemented online booking system actually provides greater oversight while dramatically reducing administrative overhead.

The market offers numerous online scheduling platforms, but not all are equally suited for mediation practice. Your booking system needs to handle the unique requirements of mediation, including multi-party scheduling, pre-session questionnaires, and secure information gathering. The most effective platforms integrate seamlessly with your existing calendar while providing the flexibility to maintain control over your schedule.

When I began researching scheduling platforms, I initially felt overwhelmed by the options. I tested out various online booking options, including cloud-based sites like Calendly, Acuity, and Cogsworth, and WordPress plugins like [Amelia](#). I ended up settling on [CatchApp Bookings](#) for the past few years, although I use Google Calendar's [online appointment scheduling tool](#) for

internal meetings. Here is a list of other popular platforms that allow customers to book you online:

- [Zoom Scheduler](#)
- [Square Appointments](#)
- [Acuity Scheduling](#)
- [Calendly](#)
- [Setmore](#)
- [Simplybook](#)
- [Picktime](#)
- [YouCanBook.Me](#)
- [Booksy](#)
- [Appointment](#)
- [Schedulista](#)

Some key factors to consider when choosing a booking tool:

1. What is the cost?
2. Can it conflict-check against multiple calendars or just one?
3. Does it allow for multiple parties' emails to be included in a single appointment?
4. Can it be embedded on your website?
5. Does it allow you to create forms?
6. Does it integrate with other tools such as Google Calendar, Outlook, or Zoom?
7. Can it send out reminders, such as by email or even text messages?
8. Does it allow online payments?
9. Is it secure?

Whichever booking tool you use, you may either opt to integrate it onto your website via embed or add a clickable link on your page that goes to your individualized booking page. Many booking platforms even allow you to connect the booking on your social media page such as your Facebook Page.

For mediators who have custom sites through Wix, there exists [Wix scheduling software](#), which can be integrated on a Wix-based site. GoDaddy, one of the world's largest domain name sellers, also provides [guides to inserting online scheduling](#) to their website builder plans.

The most important factors to me in an online mediation scheduling tool were the price, the ability to share customizable intake forms with website visitors, and the ability to send text message reminders.

### Implementing Your Booking System

The success of an online booking system depends largely on thoughtful implementation. Rather than simply enabling online scheduling and hoping for the best, successful modern mediators

carefully consider every aspect of the booking process from the client's perspective. This includes creating clear instructions so that users know how to schedule you, setting appropriate time blocks, allowing for choice in different types of sessions, and establishing buffer periods between sessions to ensure there's ample time to regroup between appointments.

The key when setting up your booking system is to think through every scenario from the perspective of your booking client. After setting up your booking calendar, you may find it helpful to roleplay, either with yourself or with a colleague, and test out the booking experience. You need to consider:

- Time zones
- Preparation requirements
- How to handle last-minute changes
- Privacy of the parties when setting up information forms
- Neutrality of the process so that bias does not seep into the booking experience

For example, when implementing my CatchApp Booking online scheduling page for my website, I made sure to ask just enough questions that gave me the information I needed to assess the case, without allowing a sole booking party to use the information form to influence the mediation process before it had even begun.

### Managing Client Information and Intake

One of the most powerful advantages of online booking systems is their ability to gather essential information before the first session. Rather than spending valuable mediation time collecting basic information, you can design intake forms that parties complete during the booking process. This not only saves time but also helps parties begin thinking about their dispute in a structured way. You might create:

1. A public brief intake form that collects basic information such as:
  - Jurisdiction details
  - Case and court numbers
  - Parties involved
  - Case type
2. A more confidential form emailed after initial booking that requests detailed information about:
  - Each side's facts
  - Interests
  - Positions

Consider the experience of a family mediation client: Instead of arriving at the first session to fill out paperwork, they can book online to confirm a date and thoughtfully complete detailed questionnaires about their situation, goals, and concerns in advance. This allows the mediator to begin the mediation session with a solid understanding of the dispute and the parties'

positions. You will find that the quality of your initial sessions improves dramatically in terms of speed and efficiency when you are prepared with relevant information from the parties.

### Integration with Other Systems

The true power of online booking becomes apparent when it's integrated with other aspects of your practice management system. Modern scheduling platforms can automatically trigger a series of actions when a booking is made:

- Sending confirmation emails
- Generating intake forms
- Processing payments
- Creating file folders for new cases

This automation eliminates manual tasks while ensuring consistency in your process. The better you learn your individual booking tool and understand all its features, the more likely you are to be able to truly integrate its functionality to create your own custom hub.

For instance, when a new client books a session through your system, the following sequence might automatically occur:

1. Parties receive confirmation emails with links to their intake forms
2. The payment system processes their deposit
3. A new case folder is created in the document management system
4. A Zoom meeting is scheduled with access details sent to all participants

What could have taken an hour of administrative work now happens automatically in seconds.

My own system has the following flow:

1. Parties visit my website's booking tool to see my mediator availability (also accessible through my secondary domain link "ScheduleMac.com")
2. Once parties agree on a date and time, and whether it will be online, in-person, or hybrid, one of them books me online by:
  - Confirming all parties' emails
  - Filing in a brief information form that holds the date
3. When my office receives the email, we double-check calendars one last time in case outside events did not make it onto our calendars in time.
4. My office then sends out a confirmation email containing:
  - The Zoom Meeting link
  - Instructions page

My instructions page can be found on MacPierreLouis.com and provides all information about the mediation process, how to pay, and how to prepare.

TIP: Consider creating short video clips that quickly show parties how the mediation session will likely proceed. The more information you provide your parties, the more trust it builds in them about you and the more comfortable they and you will feel about the process. If short videos are too much work, then at the least provide a welcome video of yourself so your potential parties can get to know you on camera.

TIP: When sending out confirmation letters, include the Zoom link in the confirmation letter so parties have less places to go search for the join link.

TIP: If you are using other tools like Teams or Google Meet, be sure your confirmation letter informs parties to have those applications downloaded to their device, since they may just have Zoom.

## Chapter 3: Get Paid - Modernizing Your Online Mediation Payment Systems

The financial aspect of mediation practice often presents challenges that extend beyond just collecting fees. Traditional payment methods—checks, cash, or manual credit card payments—can create unnecessary friction in the client relationship and burden you with administrative overhead. Modern online payment solutions offer a more professional and efficient approach to managing your mediation practice's finances while maintaining professional boundaries.

### The Psychology of Mediation Payments

Before diving into the technical aspects of payment systems, it's worth considering the psychological impact of payment handling in mediation. The approach of collecting payment at the end of a session can create awkward moments that detract from the mediation process. Every mediator training I've attended where the payment workflow was discussed suggested that it is usually best to collect money upfront before the start of the mediation session.

While upfront payments are good, they too can create awkwardness if done at the beginning of the mediation session. Many mediators may share my negative experiences with taking payments. I used to dread the payment discussion. Prior to the pandemic, when parties would come to my office to mediate, the first order of business was to confirm they had made their payment. This task was assigned to my legal assistant because I did not want to start a mediation session with the words, "have you paid?" To me, starting a session with a discussion over payments always seemed to undermine the professional atmosphere I wanted to convey as a neutral.

Collecting money was hard enough at the beginning of the mediation. What happened when money was due at the end, especially when the mediation reached an impasse in say an emotionally heated family law dispute? Thankfully, I never faced the challenge of asking for payment after an impasse. When I switched to automated payments that can be done remotely on my website, my tension over money was eliminated. Now, payment is handled professionally and discreetly before we even begin any part of the mediation process, usually days before a party ever appears on my Zoom or walks into my office.

This shift not only reduced tension on me as the mediator but also took payment-related stress off my parties. Parties now had days, weeks, or even months to think about how they would pay and were empowered to handle their transactions discreetly. They even had the ability to share my website payments page and allow someone else to make payment on their behalf. That ability to facilitate easy online payments anytime, from anywhere, by anyone, all from a single link was revolutionary to me. No more delays, no more non-payments, no more invoicing, no more awkwardness.

### Benefits of Online Payment Systems

Here are some key benefits to accepting online payments as a mediator:

1. **Free to Use for Mediators:** Most online payment tools take minutes to set up. Some may take a few days to verify account ownership, but once completed, payments can start being received instantly, and your bank's operating or trust account can commence receiving streamlined and predictable deposits.
2. **Expanded Client Base:** Online mediators are able to reach more parties through online payment, rather than only accepting more traditional payment methods like cash, especially for those who might not have cash available.
3. **Eliminate Collection Tasks:** Let's face it, you don't have the time. The benefit of having payment receipts automatically emailed or even texted for you by your payments processor is another time saver.
4. **Enhanced Consumer Trust:** A party who has never worked with you may have more trust in transferring their hard-earned money to your business when they see the Visa or Mastercard logo in your payments portal, rather than just a bank account number.
5. **Accounting Integration:** Many payment processing tools now make it easier to export data for your accountant or tax professional, especially if the payment service integrates with popular accounting tools like QuickBooks or Xero.

**TIP:** To prepare for cases where a client pays but the mediation cannot occur, be sure to have policies on how refunds are handled. In my mediation office, we experienced an instance where both mediation parties paid, but the mediation was subsequently rescheduled several weeks out. However, before I could discuss that the money on deposit was going to be carried over to pay for the new mediation date, one of the parties initiated a refund request with Square, our payment processor, claiming services were not received. What ensued was a massive delay where the banks had to get involved and I as the mediator had to provide an explanation to the bank as to whether the money should be refunded. The mediation ultimately occurred, but the headache could have likely been avoided had the parties been made aware upfront of how refunds and rescheduling are to be handled.

### Selecting Your Payment Processing System

The market offers numerous payment processing solutions, but mediators must consider specific factors when choosing a platform. Security, professionalism, and integration capabilities should top your list of requirements. Your payment system needs to handle various payment methods while maintaining the confidentiality and security standards expected in mediation practice.

Here is a curated list of popular online payment tools if you are in the United States:

1. [PayPal](#)
2. [Square](#)
3. [Stripe](#)
4. [Intuit QuickBooks](#)
5. [Venmo](#)
6. [Cash App](#)
7. [LawPay](#)
8. [Zelle](#)

If you are not in the United States or you accept a lot of payments internationally, then you may discover that PayPal and Stripe work best for global parties. Also, consider offering parties multiple ways to pay. On my payments page [macpierreloUIS.com/pay](http://macpierreloUIS.com/pay), we allow payments via Zelle, CashApp, Venmo, and Square. Other payment options such as Apple Pay, Google Pay, and Samsung Pay, are also becoming popular among parties due to the increased use of mobile devices. Online mediators should think on how they will integrate these newer platforms into their custom online mediator platforms to further offer convenience for parties.

When choosing your payment processing method, consider the following factors:

#### 1. Fees: The Cost of Doing Business

The chief complaint in accepting online payments will always be the transaction fees associated with every payment going to the processor, typically 2.5% to 3% of the transaction. However, remember the unseen benefits of accepting online payments:

- Time saved by not manually collecting money
- Reduced effort in accounting and securing funds
- Eliminated need for bank runs
- No more following up on payments

When these benefits are considered, the credit card fees seem insignificant. Plus, getting paid immediately generally improves most businesses' cash flow. Therefore, accept transaction fees as a cost of doing business and focus your efforts on selecting the payment tool that gives you the best deal in terms of fees per transaction. Just remember that the lowest rate is not necessarily the best tool, as there are other factors to weigh.

#### 2. Ease of Setup and Technical Considerations

The next set of considerations when selecting your payments tool are how easy it will be to work with and place on your website. Note that you might not know the answer to whether a tool is easy to install until you actually go through the experience of setting it up. Because most systems are easy to set up, you may find it advisable to implement several payment solutions to find the right tool.

### Setting Up Your Payment Infrastructure

Implementing a professional payment system on your website involves more than just signing up for a payment processor and embedding it on your website. You need to consider your entire payment workflow.

A well-designed system should incorporate a payment timing strategy. Many successful online mediators now require payment or at least a deposit at the time of booking. This approach not only ensures compensation for your time but also increases client commitment to the process. When clients have skin in the game financially, they're more likely to come prepared and engaged. If you've ever experienced "no-show" potential parties after you spent time scheduling a mediation, then you know what I mean. Your online mediation payments strategy needs to help reduce "no-shows." A simple way to do this is to implement upfront payments.

TIP: Some mediators choose not to send out Zoom links until both sides have paid. This incentivizes both sides to get their payments in so they are not the cause for the mediation links not going out. While this might work with many parties, it is counterproductive when one side delays their payment. It may even promote harm in court-ordered mediation by closing the "virtual" access door to the party who did pay and wishes to show up to the mediation session to evidence their participation for the court.

Think through your payment policies carefully. Clear, written policies regarding payments, cancellations, and refunds help prevent misunderstandings and protect your practice. These policies should be:

- Automatically provided to clients during the booking process
- Readily available on your website
- Supported by your payment system's features, such as:
  - Automated refunds
  - Deposit handling
  - Payment plans when appropriate

### Implementing Your Payment System

Only after you have thought through your payment policies should you place your payment system on your website. You can:

- Embed a payments window
- Set up a button that links to a payments page
- Consider utilizing an online payment system that lets you set up a payments portal that accepts any payment amount

This last option frees you from having to generate individual invoices. Most customers will only pay you the agreed payment on such a portal—nothing more, nothing less. Once payment is processed, customers should receive email or text receipts verifying their payment for services. I use Square payments processing for this purpose because, after taking literally minutes to set up, it provides a payments page that takes any payment. When doing it this way, I have never had an issue with parties not paying the correct mediation fee amount.

A word of caution: while most payment pages or embedded portals will not go down, your website may go down. Unlike payment processors, which are characteristically run by multi-million-dollar companies that must follow banking laws, your website could go down because of things like:

- Web traffic overload
- Malware
- An expired domain name

Therefore, have a backup plan for your parties to access your payment system in case your site is down. It may be a good idea to use links that lead to payment pages that are also off your website and easily accessible by simply sharing the links via email or text.

### Managing Multiple Payment Methods - Not Putting Your Eggs in One Basket

While online payments offer numerous advantages, successful mediators understand the importance of maintaining flexibility in payment options. Your system should accommodate various payment methods while steering clients toward the most efficient options. Consider offering:

#### Credit Card Payments

Credit cards have become the preferred method for many clients to pay online, offering convenience and immediate processing. Modern systems can even securely store card information for recurring payments or payment plans, reducing administrative overhead for ongoing mediation matters.

#### ACH Transfers

These provide a lower-cost alternative to credit cards, particularly for larger payments. While they take slightly longer to process, the reduced fees (often less than 1%) can make them attractive for both mediator and client.

#### Payment Plans

These have become increasingly important, particularly for family mediation cases where finances might be strained. Modern payment systems can automate recurring payments, reducing the administrative burden of managing installment payments.

TIP: Consider requiring that parties enter a credit card number for billing at the time of booking. This gives more assurance that payment will be made as well as helps avoid no-shows. However, this could create tension among parties who lack a credit or debit card, or if they do have one, may be futile if the card cannot be processed at the time of transaction.

## **Chapter 4: Get Mediating Online - Creating an Effective Virtual Mediation Environment**

With the pandemic-induced "Zoom boom" when most mediators were forced to convert into online mediators, a new standard was set by which all modern mediators would be judged. That standard, which modern mediation parties have come to expect, is for their mediator to be:

- Technologically fluent
- Able to run a successful mediation online from opening statement to settlement or impasse
- Capable of troubleshooting unexpected tech problems

With the acceptance of online mediation, the heart of a successful online mediation experience lies in creating a virtual environment that facilitates open dialogue and productive negotiation while maintaining the professionalism and confidentiality essential to the mediation process. While the fundamental principles of mediation remain constant, the online environment introduces new dynamics that require specific attention to both technical and interpersonal aspects of the process. The mediator who does this successfully will stand apart from others.

### **Creating Your Virtual Mediation Space**

Just as a physical mediation room requires careful setup to promote productive dialogue, your virtual mediation space demands thoughtful preparation and professional presentation. The transition to online mediation requires rethinking every aspect of the mediation environment, from lighting and acoustics to background and camera positioning.

Mike's journey to creating an effective virtual mediation space offers valuable insights. "I initially thought I could just open my laptop and start mediating," he recalls. "But I quickly learned that creating a professional virtual environment requires careful attention to details that might seem minor but significantly impact the parties' experience." His early experiments with different setups led to some uncomfortable lessons. "In one of my first online sessions, a party pointed out that my backlit window made me look like a shadowy figure. It completely undermined the trust-building process."

The issue of trust is huge. With most millennials being shaped by the modern technology revolution and Generation Z (sometimes referred to as Zoomers) being the first truly digital generation, modern mediator professionals who fall behind on technology risk exposing themselves as incompetent in this new mode of conflict resolution.

In 2021, I once participated in an online mediation as an attorney with my client, a father attempting resolution of a longstanding family law case over his daughter. The court-ordered mediator we were sent to see had us waiting nearly 20 minutes while he set up Zoom breakout rooms and moved us into our caucuses. He never showed the front of his face due to his camera facing his temple. After taking the initial offer from my client over to our opponent, he returned and announced our opponent had rejected our proposal and that he did not see any purpose in continuing the mediation.

I was shocked because I felt the mediator's declaration was caused mostly by the technological challenges he was facing rather than anything else. That mediation lasted all but 30 minutes, with much of the time spent awaiting the mediator to set up the online mediation environment. While the mediation might still have reached an impasse whether or not the mediator had provided us with a more professional online mediation environment, I doubt the mediator would have spent all but half-an-hour working with us if we were meeting him in person. Perhaps that mediation should have been done in-person, but only for the benefit of a mediator who could not account for technological challenges.

## Technical Infrastructure for Professional Online Mediation

The foundation of successful online mediation rests on reliable, professional-grade technology. While basic computer equipment might suffice for casual video calls, professional mediation demands higher standards. A thoughtful technology investment pays dividends in client confidence and session effectiveness.

### Internet

Start with your internet connection. While the online mediator in the above story did have fast internet, I can imagine how much more painful the experience would have been if he was also constantly freezing up. Learn your internet data's upload and download speed. You can easily look it up through:

- Google's partner M-Lab speed test ([speed.measurementlab.net](http://speed.measurementlab.net))
- Speedtest.net

Remember that while many mediators focus on download speeds, upload speed proves equally crucial for video conferencing. "I learned this the hard way," John shares. "My home internet seemed fine for browsing, but video conferences would freeze or pixelate at crucial moments. Upgrading to a business-class connection with guaranteed upload speeds transformed the reliability of my sessions."

A mediator freezing up to parties on Zoom is like a mediator inviting parties to an in-person mediation but then calling in to the parties from a phone. Being present means being available just like the parties. As of the time of typing this manuscript, I have a download speed of 445.63 megabytes per second and 71.91 upload megabytes per second, which for me does everything I need.

Sometimes it is not the speed of the internet, but the availability of internet data itself, such as when cell towers go down in storms or during peak congestion. The modern mediator should account for down-internet however they can. Consider:

1. Investing in wireless broadband internet rather than fixed or cable internet. Over the past few years, internet service providers in the US like T-Mobile and Verizon have pushed home and business internet through sim-equipped portable routers. These provide Wi-Fi just like traditional

wired connections. When plugged into a backup power source, they can provide Wi-Fi even if the power goes out

2. Using a mobile hotspot for emergency situations if high-speed wireless broadband is not available

### Webcam

The grade and quality of one's webcam was something no one gave much thought to before the Zoom boom. Now, although less important than internet speed, your webcamera's quality and placement play a major role as the virtual "office door" of your online mediation environment by letting the public into your virtual office.

Webcams are ubiquitous. Nearly every mobile phone, tablet, and laptop now comes with a built-in webcam, also called a front-facing camera on some devices. The key differentiator among such a ubiquitous feature is resolution. While most budget laptops still come with webcams containing 720p resolution, more are shipping with 1080p or even 4K resolution webcams.

Unfortunately, regardless of a laptop's camera resolution, their physical placement is fixed to the same permanent position on top of your screen. Connecting an external webcam will give you more flexibility, not just in terms of resolution but also placement. Being able to place an external webcam on top of a main or second monitor, or on top of the monitor itself will help you be present and make meaningful connections with your parties.

Wanting to give my parties my full attention and wanting to make sure they felt it, I invested in a tiny 1080p webcam that was able to be mounted on top of my second monitor, a 34-inch Samsung Ultrawide monitor, right where my Zoom window sits on my screen. This forces me to make eye contact by looking into the space on my monitor where the parties sit. Learn more about this webcam, the Iyofine Eye-to-Cam 3, on [LMITrainings.com](http://LMITrainings.com).

### Audio

Audio quality can impact session effectiveness even more than video. While being seen is great, it's pointless if you cannot be heard. While resolution and camera placement are key when thinking about video, audio quality and privacy are important when thinking about your sound.

Regarding sound quality, professional-grade USB microphones usually provide clearer sound than built-in computer microphones. This makes it easier for parties to understand and engage with the conversation. Quality headphones help you catch subtle vocal cues that might be missed through computer speakers.

Regarding privacy, while not the prettiest thing to wear, headphones provide an added layer of privacy. They ensure that what the listener hears is confidential to them. I own the Caymuller single-ear bluetooth headset with microphone that pairs with two devices, such as my computer and phone.

## Platform Selection and Security Considerations

We now get to the heart of your five-step integrated online mediation setup: the video-conferencing tool itself that facilitates the actual mediation session once the parties have found, booked, and paid. Choosing the right video conferencing platform involves balancing functionality, security, and ease of use.

While numerous platforms offer video conferencing capabilities, mediation requires specific features that support confidential discussions and document sharing. Popular platforms like Zoom Professional, Microsoft Teams, and Google Meet each offer distinct advantages and limitations.

I would be remiss at this point if I did not remind you that so-called "all-in-one" online mediation platforms do exist in the market that aim to handle the online mediation experience for you and your parties. But one of the goals of this book is to provide you with the knowledge of building your own "platform" through inter-operating many tools you already use, rather than paying for another all-in-one tool. The truth is every all-in-one tool will fall short somewhere in meeting your professional needs. If for some reason it does not fall short, you risk being locked in a closed platform ecosystem that may not integrate with fast-changing tools or adapt itself with trends in the online conflict resolution world.

## Managing Online Mediation Sessions

The virtual environment requires adapting traditional mediation techniques while developing new skills specific to online facilitation. Successful online mediators master both the technical and interpersonal aspects of virtual session management.

If you are mediating with parties new to tools like Zoom, start each session with a short technical orientation. Review essential features like: muting, camera controls, and chat functions. Also, establish clear protocols for technical difficulties, including backup communication methods in case technology does not work as planned. "For some parties, I create a simple checklist for each session," John shares. "We cover technical basics, ground rules, and emergency procedures before diving into substantive issues. This investment of time at the beginning prevents interruptions later."

Lastly, learn the ins and outs of handling caucus sessions in the virtual environment as this will prove invaluable when you're needing to quickly move parties and/or their lawyers around. Most platforms offer breakout room functionality, allowing for private discussions with individual parties. However, managing these transitions requires practice and clear communication. For example, get adept at using the Zoom broadcast tool to "knock on the door" when transitioning and entering a party's caucus room.

## Mastering Virtual Mediation Dynamics

The online environment presents unique challenges and opportunities for reading body language and managing group dynamics. While some mediators initially worry about losing the personal connection of in-person sessions, experienced online mediators discover that virtual platforms often offer unexpected advantages for managing difficult conversations. Experienced mediators realize that the many benefits of online mediation justifies the practice of mediating online, but that mastery of effective online communication becomes of extreme importance.

#### Using Visual Tools Effectively

The main communication method for online mediation is video. Therefore, consider the use of screen sharing and visual aids in everything you do. In traditional mediation, sharing documents or writing on a whiteboard can disrupt the flow of conversation as parties shift their attention. In the virtual environment, these tools become seamlessly integrated into the discussion. Throughout my online mediations, I frequently screenshare, connecting participants to the information I have in front of me, such as highlighting specific paragraphs, making real-time edits, and keeping everyone literally on the same page. It's actually more efficient than passing papers around a conference table.

#### Using Audio Tools Effectively

When parties are unable to effectively see your screen, such as when they are (unfortunately) squinting into their mobile phones and cannot read what you are screen sharing, your audio becomes extremely important. Make sure that the nice microphone you invest in for your online mediations goes to good use by actually using it. Don't forget to select the correct external mic when choosing your audio input on Zoom. As for your parties, if any one suggests to you that they'd like to call in to the mediation, rather than appearing on Zoom, persuade them not to. In fact, I never give parties the choice. My parties must be on Zoom with cameras on. I've seen many mediators send over Zoom meeting information that contains the telephone call-in option. Although this practice promotes convenience, it is counterproductive toward online conflict resolution. I always delete the telephone option.

#### Managing High-Conflict Situations

The virtual environment also offers unique opportunities for managing high-conflict situations. The slight buffer of physical distance can help reduce tension, while features like muting and video control provide subtle tools for maintaining order. For example, I heard about a mediator who in one particularly heated session, used the mute-all feature to create a moment of forced silence. That brief pause allowed everyone to reset emotionally, something that would have been more awkward to achieve in person.

#### Maintaining Engagement in Virtual Sessions

One of the biggest challenges in online mediation is maintaining participant engagement throughout lengthy sessions. Screen (or Zoom) fatigue can impact attention spans and decision-making ability. Successful online mediators develop strategies for keeping parties focused and energized. The best way to do this is to implement breaks.

Regular breaks prove essential in the virtual environment. While in-person sessions might run for several hours with minimal breaks, online sessions benefit from more frequent, shorter pauses. I encourage parties to step away from their screens and move around. I've even reminded Zoom participants who pay for Zoom Pro that their Zoom account can easily switch between their computer and phone while not logging them out of the meeting. This feature lets participants briefly switch to their Zoom mobile app so they can do something like go grab a bite to eat. They can pick right back up from their computer without missing a beat.

The cumulative effect of breaks is actually more productive sessions, even though we spend less total time in discussion.

#### Diversifying Communication Methods

Another method for maintaining parties' engagement is varying communication methods. For example, Zoom's direct-chat communication feature provides a useful backchannel opportunity for parties to raise questions or concerns directly to you without interrupting the flow of conversation. This keeps them engaged because they know they are responsible for staying atop that communication chain.

Visual tools like shared documents, slides, or images also help with communication because it keeps parties focused on important content. Online mediators serious about providing their parties with stellar service, will ready visual templates for common scenarios so that they can maintain engagement. In my family law online mediations for example, I use color coded calendars and parental rights charts to explain voluminous information on-screen so that the parties can focus and quickly get the information I'm trying to share.

TIP: Here are some additional best practices for virtual engagement in online mediation:

1. Set clear expectations at the beginning of each session about:
  - How long the session will last
  - When breaks will occur
  - How to signal if someone needs attention
2. Use visual cues effectively:
  - Share agendas or discussion points on screen
  - Utilize collaborative documents when appropriate
  - Implement virtual whiteboards for brainstorming
3. Monitor participant engagement:
  - Watch for signs of fatigue or distraction
  - Use periodic check-ins to ensure everyone remains involved
  - Adjust your pace and approach based on participant responses
4. Maintain professional presence:
  - Keep your camera on unless there's a specific reason to turn it off
  - Maintain good posture and eye contact

- Use appropriate gestures and facial expressions to convey attention and understanding

## Chapter 5: Get E-Signatures - Implementing Secure Digital Agreement Execution

The final step in modernizing your mediation practice involves implementing a secure, efficient system for executing mediated agreements. E-signature technology has evolved from a convenience to a necessity, offering security and legal validity that often exceed traditional ink signatures. The acceptance of e-signatures was not always so widely accepted. For years working in the legal field, I recall the reluctance by some lawyers and judges who refused to accept an e-signature as a valid confirmation that a party approved the terms of an agreement. I recall one Judge requiring a “finger-to-screen” e-signature after the party typed their signature, despite the document being accompanied by an e-signature audit trail.

### Understanding E-Signature Legal Validity

The legal framework surrounding electronic signatures provides a solid foundation for legitimizing agreements that come out of your online mediation practice. In the United States, two key pieces of legislation establish the legal validity of electronic signatures: the E-SIGN Act and the UETA (Uniform Electronic Transactions Act). Various state and industry-specific regulations add additional layers of compliance requirements. Understanding these requirements should give peace of mind that the parties’ agreement will stand up in court.

When doing research into e-signature platforms for my first book [HOW TO MEDIATE ONLINE](#), I initially worried about the legal validity of electronic signatures for mediated agreements. After researching the relevant laws and consulting with colleagues, I realized that properly implemented e-signatures actually provide better documentation and security than traditional signatures.

### Selecting an E-Signature Platform

Choosing the right e-signature platform involves considering several key factors beyond basic functionality. Your selection criteria should include security features, end-user experience, and integration capabilities. In other words, your first criteria should be to use a secure and trustworthy e-signature platform tool, followed by how easy it will be for your client to use, and then how easy it is for you work.

Some leading platforms that offer varying features and price points suited to online mediation practice include:

- DocuSign
- Adobe Sign
- DocHub
- Dropbox Sign (formerly HelloSign)
- Google Workspace's eSignature

Since the Covid-19 lockdown, the e-signature platform market has grown exponentially where larger productivity software companies are now building out their own e-signatures functionality

directly into popular services. For example, Dropbox rebranded its HelloSign sign to now be Dropbox Sign to more align its e-signature capabilities with its core storage offering. Google, which is always rebranding and updating Google Workspace now offers eSignature directly within Docs and Drive.

I myself still use DocHub Pro for e-signatures after many years because I've found it to be reliable and affordable. It happens to also be super-convenient when I need to send out that occasional fax (3 to 5 times per year) using its built-in document fax feature.

Consider how your e-signature solution will integrate with your existing workflow. The most effective implementations connect seamlessly with your document management system and client communication systems.

You should choose your e-signature platform based on how well it works with other existing tools since the goal is to save time and money. For example, if your documents are stored in Dropbox, perhaps Dropbox Sign is best for you. If you're already in the Adobe ecosystem, maybe Adobe Sign is preferred. If Google Workspace is your thing, then their e-Signatures feature is already prepped for you since it comes standard for Google Workspace individual subscribers and within Business Standard edition and up.

### Implementing E-Signature Workflows

The e-signature component starts first with document management. Whether you are typing the mediated settlement agreement while you are mediating or you draft the agreement once the parties have reached settlement, you want the document preparation phase to flow naturally and securely into your e-signature software.

My habit is to draft the parties' mediated settlement agreement off-screen onto my mediated settlement agreement template while we are negotiating. I used to use Microsoft Word for this. But now I use Google Docs because of the ease by which I can bring in the parties to collaborate on the document by just the pasting of a Google Docs links into the Zoom chat. In the days of in-person mediation without e-signatures, my practice was to go through multiple paper drafts for the parties to review and approve before printing one final version for physical signing. In my modern online mediations, all parties review the same evolving document in real time and give their input and feedback to help get the agreement just right.

Once the mediation agreement is just right, since my template already included signature fields, initial blocks, and date locations, I simply PDF the agreement and upload it into my e-signature tool of choice, in this case DocHub. I could streamline this process even more by sending the mediation agreement for e-signature directly from Google Docs, but for my own reasons I like first saving the agreement into a tangible PDF. Once all parties receive the agreement and sign, they receive the final document from the e-signature tool, thus allowing me to share my congratulations with the parties and end the mediation.

## Security Considerations

Security considerations extend beyond basic signature validation. While most e-signature platforms now offer features such as multi-factor authentication, IP address tracking, and detailed audit trails to help prove identify and ensure valid signatures, there are also security issues related to confidentiality and self-determination. A mediator concluding an in-person session can help guarantee that the signing process is confidential since he is literally handing a physical agreement to the parties for signature. An online mediator however usually has no way of knowing who else has access to the e-signature email going out to the parties to e-sign. Also, an in-person mediator helps promote the principle of self-determination by guarding against coercion and intimidation since she can observe body language and watch a party sign out of their own free will. In contrast, the online mediator cannot ensure as easily that their remote parties are signing free of intimidation or threats because the mediator usually has no control over who else is around them.

Some suggestions for handling confidentiality and promoting self-determination are:

- make sure your online mediation agreement contains language reminding parties that they alone will sign any settlement agreement, even if the e-signature request goes to an email that can be viewed by others.

- if coercion or intimidation is a real threat, such as in family violence situations, but where the parties choose to pursue mediation anyway despite the threat, consider having independent post online-mediation signing meetings at a secure place so that parties can e-sign physically.

Failure of an online mediator to guard against identify fraud, of confidentiality, or coercion, may have serious repercussions. The parties' signed mediation agreement is the one thing that comes out of any mediation session to bring official confirmation as to the parties' legitimate mutual agreement. Also, in most jurisdictions, the signed mediation agreement is the one thing that allows for the parties agreement to enter legal force once a Judge grants judgement on it. Thus, it is incumbent on the online mediator to ensure the security of the e-signature process.

TIP: explain on your website the importance of the e-signature process so that parties are pre-warned of their need to maintain confidentiality and avoid being physically or emotionally pressured to sign anything. Oftentimes, a party's mediation session is their very first mediation experience. They may not understand the voluntary nature of the mediation process, or if the mediation session was forced by a court, may not appreciate that entering into an agreement or signing the agreement cannot be forced. Thus, explain these principles in clear and concise language to the parties before their mediation to help protect the process.

## **Chapter 6: Conclusion - The Future of Online Mediation**

### The Journey to a Thriving Online Mediation Practice

Throughout this guide, we have explored the essential steps for building a successful online mediation practice in the digital age. From establishing a strong online presence and navigating the technical aspects of virtual mediation to managing payments and agreements, each chapter has provided insights and strategies for mediators looking to thrive in the online space.

Let's revisit the five core focus areas that need development and improvement:

#### 1. Get Found

- Build a strong online presence through a professional website
- Engage in social media strategically
- Implement targeted marketing efforts
  - Drive internet traffic back to the online mediator's website, which is their point of sale and where the parties' online mediation experience begins

#### 2. Get Booked

- Make it painless for potential mediation parties to book appointments
- Factor in that potential parties need help reaching consensus over scheduling
- Implement systems that facilitate easy scheduling while maintaining neutrality

#### 3. Get Paid

- Develop transparent and streamlined online payment procedures
- Implement trusted e-payment tools directly from your website
- Create clear policies for handling deposits, refunds, and payment plans

#### 4. Get Mediating Online

- Master the technical skills for conducting effective online sessions
- Create a professional virtual environment
- Implement best practices for online engagement and communication
- Control technology to facilitate settlement rather than letting it become a hindrance

#### 5. Get E-Signatures

- Establish reliable tools and routines for document execution
- Leverage electronic signatures to simplify agreement processes
- Enhance the convenience and security of online mediation
- Maintain proper documentation and audit trails

By focusing on these core areas, online mediators lay a solid foundation for a thriving online practice that meets the evolving needs of clients in the digital age.

### The Future of Online Mediation and Emerging Technologies

The very fact that books like this one exist makes it clear that conflict resolution, and mediation in particular, are poised for incredible transformations. The literature on online mediation did exist prior to the COVID-19 Zoom boom, but the content before the pandemic was not well known, and based on past attitudes toward the topic, was not well received. How things have changed.

I knew little about professional online mediation prior to the pandemic. I only knew that I wanted to practice it because it made sense to merge conflict resolution with tools like Zoom, Skype, and Google Meet, all tools I was using in my law office for online meetings in the last decade before the 2020 pandemic. I recall asking my very first mediator trainer at the South Texas College of Law in Houston, TX about their thoughts on online mediation. Her response was that it was likely the trend of the future. Less than a decade later, I find myself writing and sharing tips with fellow mediators on how to become better in their online mediation practices. It's been truly amazing and humbling to have contributed to this industry.

As we look toward the development of online mediation, several clear trends are emerging that will shape the evolution of our field. Understanding these trends will help position your practice for continued success in an increasingly digital landscape.

## Emerging Technologies in Online Mediation

### Artificial Intelligence (AI)

Artificial Intelligence and machine learning technologies are beginning to impact online mediation in various ways. While these tools won't truly ever replace human mediators, they can play powerful roles in augmenting mediators' skills and enhancing administrative efficiency.

Consider, for example, how AI could revolutionize Step 2 - Get Booked, by helping disputing parties use AI agents to help them reach consensus on choosing a mediation date and time. One AI agent deployed on a mediator's website would free up more time for the human aspects of mediation.

The continued rise of artificial intelligence and machine learning will enable mediators to:

- Automate certain aspects of their practice
- Provide more personalized services to clients
- Streamline administrative tasks
- Enhance document preparation and analysis

### Virtual Reality (VR)

Virtual and augmented reality technologies may soon offer new ways to create presence and connection in online sessions, including:

- More immersive and engaging online mediation experiences
- Virtual meeting spaces that simulate in-person environments
- Enhanced nonverbal communication capabilities

- Improved spatial awareness and interaction

Some training programs are already experimenting with VR environments for mediation simulation and skills practice. Imagine doing away with a 2-dimensional computer monitor altogether and having parties sit together around a mediation table virtually to discuss their conflicts. While these technologies are still emerging, forward-thinking mediators should monitor their development and potential applications.

### Online Security

With more people handling every facet of their life online—from education to finance to healthcare—the threat posed by nefarious actors to their security and privacy grows. Online mediation faces the same threats. The modern mediator, especially one who provides a service online, must appreciate the importance of cybersecurity and data privacy.

Mediation parties are more savvy than ever in appreciating online threats. Online mediators risk harm to their brand if word gets around that they are careless with party information, such as:

- Missharing confidential information with the wrong party
- Publicizing cloud storage data with non-parties
- Allowing Zoom bombing

For example, I once received a Google Calendar invite from a lawyer who mistakenly publicized her entire private calendar where you could see all her personal events. I quickly replied to her informing her of the mistake and the need to update the settings on her Google Calendar, and she rectified the issue. However, if her calendar had contained private client information, it could have led to more serious consequences.

### Globalization

The increasing globalization of the mediation industry is being accelerated by online platforms and tools that make it easier for mediators to connect with clients across borders and time zones and handle international disputes effectively. This will likely open the door to more international dispute resolution business for mediators. But it will also present some challenges, including requiring mediators to develop their communication skills to deal with cross-cultural issues. Still other challenges will be dealing with time zone management, interpreters, and international legal considerations.

### Keep Learning - Online Mediation Training

Success in online mediation requires more than just mastering current technologies and interoperating them successfully. Success demands a commitment to continuous adaptation and improvement. Thus, serious online mediators should consider incorporating regular learning opportunities, developing their own systematic approach to evaluating new tools, and implementing new techniques as they emerge.

It's advisable to create a technology review schedule to help regularly assess your systems and identify areas for improvement. My personal goal is to evaluate my technology at least every quarter. Being interested in this space, I'm always self-evaluating anyway. But having a quarterly reminder makes me more likely to do so. In practical terms this means reviewing current tools and subscriptions, eliminating unused services, exploring new technologies, and assessing efficiency in your current processes.

The rapid evolution of online mediation has created new opportunities for professional development and specialization. While traditional mediation skills remain fundamental, the online environment demands additional competencies that bridge the gap between dispute resolution and technology. Effective online mediators must develop new skills in areas like presenting a comprehensive virtual environment, handling digital documentation with ease, and facilitating online mediation sessions. While some credentialing entities require professional certification in these areas, many do not. It's ultimately on the online mediator to get the training they need that demonstrates their commitment to excellence in online mediation practice. Consider for example joining the National Center for Technology and Dispute Resolution and self-certifying that you are committed to the online dispute resolution standard promulgated by this organization. Learn more at [ODR.Info](http://ODR.Info) and [ICODR.org](http://ICODR.org).

#### Final Thoughts

The transition to online mediation represents both challenges and opportunities for mediators. While the technical aspects may at times seem daunting, the fundamentals of effective online mediation boil down to one key thing, that is the ability to communicate effectively. From communicating into the void of cyberspace to get parties to hire you, to communicating effective policies and procedures on your website to get your mediation parties ready for their session, to communicating both through and with the technology to hopefully get your parties to have a meeting of the mind. Effective use of the technology in each of the steps above is just the means of getting out the communication. Remembering this will never let the tools overshadow the human element of mediation. Thank you for your interest and I look forward to sharing more resources with you soon as we continue on this journey.