

MEDIATING ON THE INTERNET

Bobby Harges
Mediation Arbitration Professional Systems,
Inc. (MAPS)
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504.831.2141
800.443.7351

MEDIATING IN PERSON



- Bobby Harges is the Adams and Reese Distinguished Professor of Law at Loyola University New Orleans. He received a B.S. degree from Mississippi State University and law degrees from the University of Mississippi School of Law and Harvard Law School. He has written several books on Louisiana Evidence law, DWI law, Criminal law, and Mediation and Arbitration. Mr. Harges has taught Insurance Law, Torts, Evidence, Mediation and Arbitration, Criminal Law and Procedure, Appellate Advocacy, and DWI Law. He is licensed to practice law in Louisiana and Mississippi and has an active mediation and arbitration practice with MAPS in Mississippi and Louisiana. As a neutral mediator, arbitrator, and special master with over thirty-one (31) years of experience, he has served as a neutral in over one thousand cases. He trains lawyers, judges, law students, social workers, psychologists, psychiatrists and other professors to be mediators. Bobby Harges mediates in Louisiana and Mississippi with Mediation and Arbitration Professional Systems (MAPS). 504-302-2462; 504-831-2141; www.maps-adr.com; www.MediationTrainingCompany.com.

SCHEDULING OF MEDIATION



MEDIATING ON THE INTERNET

- A YouTube for clients is available on the Internet at
<https://www.youtube.com/watch?v=MQ2DzBLuqnM&t=5s>

WHICH PLATFORM?

- Microsoft Teams,
- Zoom
- Webex
- Lifesize
- BlueJeans

NOTICE OF MEDIATION

MEDIATION ARBITRATION
maps
PROFESSIONAL SYSTEMS, INC.

NOTICE OF MEDIATION
No. 21D121
March 16, 2021

Drew Brees, et al
vs.
New Orleans Saints

To: Plaintiffs' Counsel, Esq., and Defense Counsel, Esq.

DATE & TIME: March 16, 2021 at 10:00 AM

LOCATION: Zoom Video Conferencing

MEDIATOR: Bobby Harges

FEES: WILL BE SHARED EQUALLY BETWEEN PLAINTIFF AND TITAN CONSTRUCTION.

The confidentiality provided under the Louisiana Mediation Act attaches upon the issuance of this Notice of Mediation. All pre-mediation phone conferences or other pre-mediation communications are confidential. While not required, your Mediator welcomes position papers or other materials for review prior to your mediation. Please send your submission to resolutions@maps-adr.com 6-7 days before your mediation.

CALL IN INFO [REMINDER?]

- Join Zoom Meeting
- <https://zoom.us/j/88833681104?pwd=N2NhTDFtNDh0MHNQK2lBdzV5R3Zndz09>
- Meeting ID: 777 3368 1104
- Password: FamilyMediation
- Dial by your location
- 877 369 0926 US Toll-free
- 877 853 5247 US Toll-free

AGREEMENT TO MEDIATE

maps FILE No. 20026

AGREEMENT TO MEDIATE

We, the undersigned, agree to participate in mediated settlement negotiations provided by Mediation Arbitration Professional Systems, Inc. (maps) in the following matter:

Guyton Jones vs. All City State Insurance Company, et al

in accordance with the following terms:

MEDIATION PROCEDURES: maps will administer this mediation in accordance with its Mediation Procedures.

MEDIATOR: The parties agree that **BOBBY HARGES** will be the Mediator. The parties acknowledge that mediation is voluntary settlement negotiations, and that the Mediator is not a judge and has no authority to compel the parties to settle. The parties acknowledge that the Mediator is an independent contractor and not an agent or employee of maps. Neither maps nor the Mediator will provide legal advice or counsel. The Mediator is a neutral, impartial and shall not act as an advocate for any party.



PROBLEMS MIGHT OCCUR

- Don't panic.
- Have a plan.
- Have a backup plan.
- Patience.
- Etiquette/Attire – Any rules?

LOG IN OR CALL IN INFO

- Join Zoom Meeting
- <https://zoom.us/j/88833681104?pwd=N2NhTDFtNDh0MHNQK2lBdzV5R3Zndz09>
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PROBLEMS MIGHT OCCUR

- Some attorneys and parties are still resistant to online mediations.
- Detailed rules might help.
- Awkward camera angles.
- No lighting or inadequate lighting in room.

PROBLEMS MIGHT OCCUR

- Awkward camera angles.



PROBLEMS MIGHT OCCUR

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PROBLEMS MIGHT OCCUR

- Awkward camera angles.



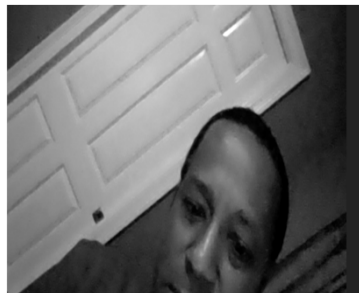
PROBLEMS MIGHT OCCUR

- No lighting or inadequate lighting in room.



PROBLEMS MIGHT OCCUR

- Awkward camera angles.




PROBLEMS MIGHT OCCUR

- Using a shared computer w/o knowledge of how to correct the problem.




DON'T SWEAT THE SMALL STUFF?

- Some people are not comfortable with tech.
- Some people don't know where the mic or camera is.
- Some people do not know how to determine how they look on screen.




PROBLEM THAT DID OCCUR




DON'T SWEAT THE SMALL STUFF?

- Difficult environments, with children, parents, siblings, pets, other family members.
- Hotel rooms and other shared spaces.
- Some have no tech experience.

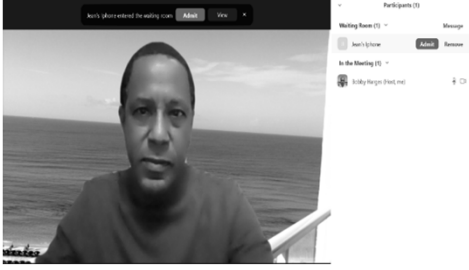


PROBLEM THAT DID OCCUR




PROBLEM THAT DID OCCUR

-
-
-



PROBLEM THAT DID OCCUR

- Don't panic.
- Have a plan.
- Have a backup plan.
- Patience.



ESSENTIALS (FOR ME)

- Two screens, at a minimum
 - One for participants, one for visual.
- Good lighting.
- Appropriate background.

PRE-HEARING MEETING?

- Decide if it is necessary.
- Clarify the appropriate notices, for prehearing and hearing.

ESSENTIALS

- Look at camera.
- Studies have shown that attention may wander if the speaker is always looking away from the camera

PAYMENT

- Family mediation
- Civil mediation



ESSENTIALS

- Attendees should 'arrive' in your videoconferencing room 10-15 minutes before start time.

At the Beginning of the Mediation

Plaintiff v. Defendant

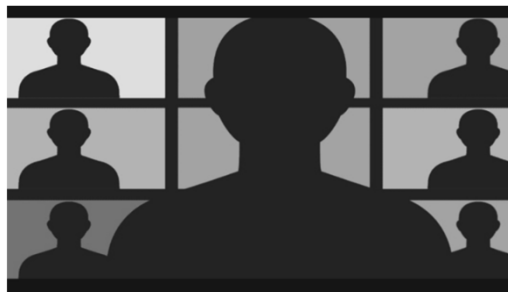
Tuesday, August 11, 2020

- Bobby Harges
- harges@loyno.edu; 504-500-1641
- Contact Information for Mediator and all parties in the event that the parties become disconnected.
- Contact information = name, telephone numbers, and email addresses.

MEDIATION PROCESS

- This mediation is confidential. La. R. S. 9:4112.
- Confirm that no one else is in the room with you.
- Confirm that no one is recording the session, on smart phone or otherwise.

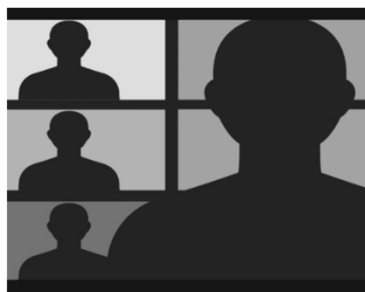
JOINT SESSION



MEDIATION PROCESS

- All parties will meet together, initially.
- Each party will make an opening statement.
- Then the negotiations will occur either jointly with all parties being in the same room or in separate meetings with the mediator.

CAUCUS WITH MEDIATOR BREAKOUT ROOMS

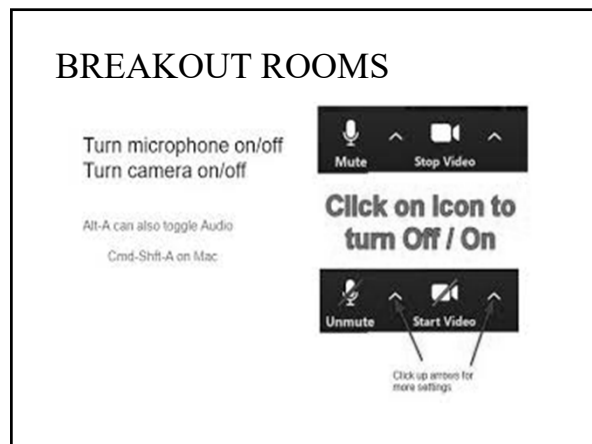
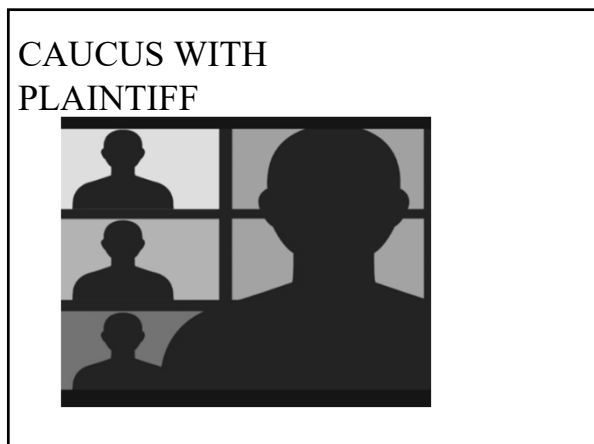
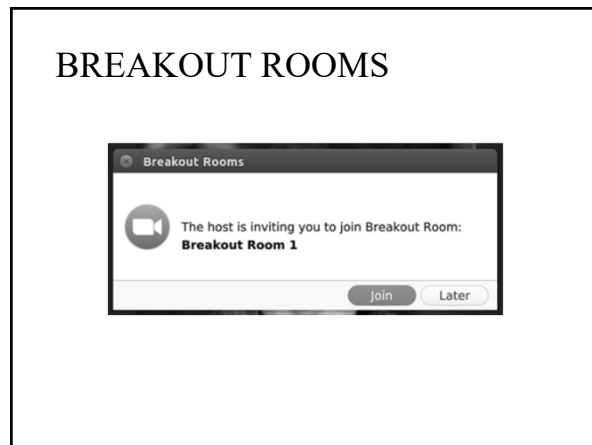
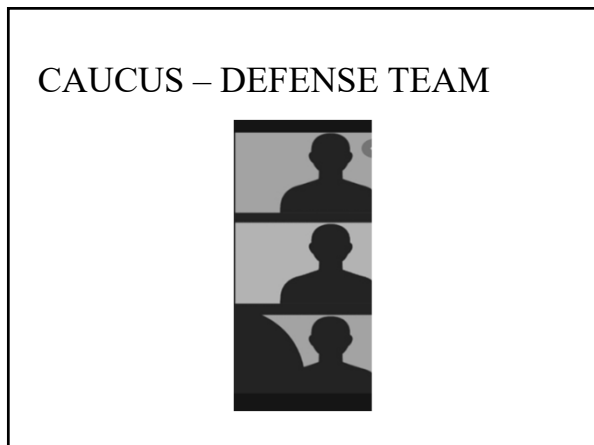
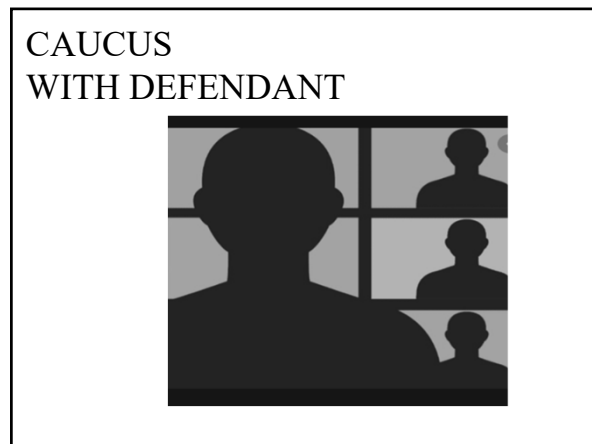
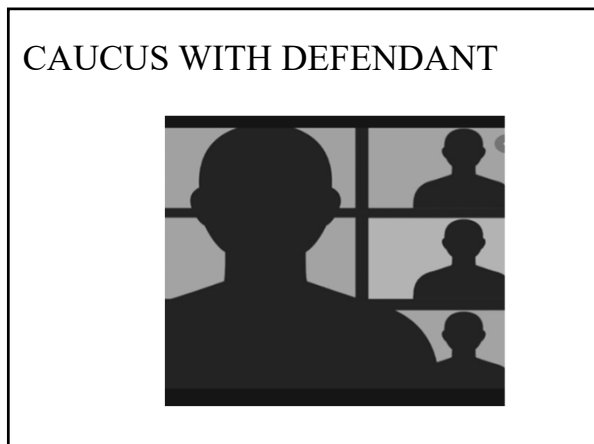


MEDIATION PROCESS

- Parties can meet alone with their attorneys or other team members.

CAUCUS – PLAINTIFF'S TEAM





COMMITMENT TO SETTLEMENT

- My goal is settlement.
- Mom, are you committed to settlement?
- Dad, are you committed to settlement?

AT THE END OF THE PROCESS

- Lawyers will draft the Settlement Agreement.

COMMITMENT TO SETTLEMENT

- My goal is settlement.
- Plaintiff, are you committed to settlement?
- Defendant, are you committed to settlement?

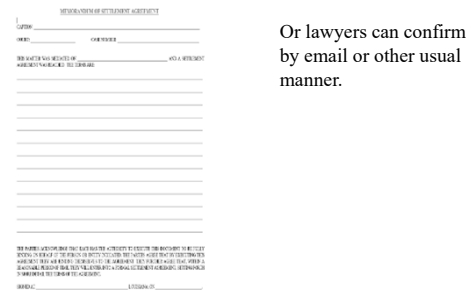
SETTLEMENT AGREEMENT



AT THE END OF THE PROCESS

- In a family mediation without lawyers, Mediator will draft MOA or MOU.
- If lawyers are present in the family mediation, they will draft the settlement agreement and the Consent Judgment.

SETTLEMENT AGREEMENT



MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

The following is a voluntary agreement between Jane Patterson and Sidney Miller, who were never married, regarding the custody and visitation arrangements for the minor child born of their relationship.

Child Custody

We agree that we will enjoy joint legal custody of George Patterson (DOB 1-14-07) with Mother designated domiciliary custodian.

We agree that, as joint custodians, we will cooperate to make major decisions together, including education, medical, dental or psychological treatment, and religious training, and that each of us will be responsible to make daily minor decisions unilaterally when the child is under our supervision.

We agree that, as joint custodians, we both have the right and responsibility to make direct contact with the child's educational, medical, dental, psychological, recreational, and all other professional service providers to obtain information regarding his welfare.

We agree that, as joint custodians, we each have the responsibility to provide the other parent with current information regarding our business and home addresses, telephone numbers and emergency contact information when we leave town.

Communication

AT THE END OF THE PROCESS

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Communication

SETTLEMENT AGREEMENT

MEMORANDUM OF SETTLEMENT AGREEMENT

I, CAPTION _____

HEREBY _____

WE HEREBY SETTLE THE MATTER OF _____

DATE: _____



- End of Presentation for Clients at the mediation.
- Now, for mediators who want to conduct Zoom mediations.

THE GOAL
OF THIS PROCESS

- Settlement
- Parties are asked to be reasonable, open-minded, to be creative, and willing to think outside the box.
- Settlement results in most cases.

