

## AKRON MUNICIPAL COURT

### SMALL CLAIMS – MEDIATION

#### GUIDELINES FOR MEDIATION BY ZOOM OR TELEPHONE

The Small Claims Mediation Department is encouraging all small claims cases ordered to mediation to participate by way of Zoom, telephone or e-mail. This will ensure that the small claims civil docket continues to move forward in an efficient manner.

All parties necessary to approve a settlement must participate in the mediation process. Attorneys should have their clients physically with them or have their clients available by telephone, skype or as an active participant in the mediation. Mediators have the ability to communicate directly with the parties or adjusters. All parties should remain in the mediation until the mediator concludes the mediation. If a party disconnects or becomes unresponsive, that party must contact the mediator immediately to inform them of the issue. If the party fails to do so, it will be construed as an intentional act to terminate mediation and will be reported to the Magistrate.

#### Participation by Zoom

1. Attorneys and/or parties must have computer and internet access with a camera and audio microphone functions. iPads, tablets, smartphones can also be used to join Zoom sessions. Participants must provide the mediation coordinator with e-mail addresses so that the meeting link and code can be sent to the participants if requested.
2. Each Zoom meeting will be assigned a security code to avoid non-party interference with the mediation. All parties are muted upon entry to the mediation to verify attendees. If a non-party attempts to hack into a session, your mediator will isolate and remove the no-party from the meeting. **NO OTHER PARTIES EXCEPT THE PARTIES AND THEIR ATTORNEY MAY BE PRESENT DURING MEDIATION.**
3. Confidentiality is important in mediation and using Zoom will not alter the normal confidentiality rules of mediation. Separate “breakout rooms” will be set up by the mediator that will allow the mediator to talk to each side privately if necessary. Attorneys may speak with their clients confidentially by muting their microphones or as otherwise instructed by the mediator. IF ANYONE HEARS AN AUDIO FEED THAT SHOULD BE PRIVATE THEY SHOULD IMMEDIATELY NOTIFY THE MEDIATOR SO THAT THE CONTROLS CAN BE ADJUSTED.
4. **RECORDINGS OF MEDIATION SESSIONS ARE ABSOLUTELY PROHIBITED.** Parties found to be recording mediation will be subject to a contempt citation. Attorneys will be held responsible for the inappropriate recording by their clients/adjusters and sanctions may be imposed by means of a report to the administrative judge, a contempt citation and or a referral to the Disciplinary Board.

#### Participation by Telephone

1. Telephone hearings can also be held by Zoom. If the parties agree to telephone mediation, the assigned mediator will schedule a telephone hearing date and time. A telephone number and access code will be provided for the participants to call at their scheduled time.
2. The access code serves as the security code to avoid non-party interference with the mediation. **NO OTHER PARTIES EXCEPT THE PARTIES AND THEIR ATTORNEY MAY BE PRESENT DURING MEDIATION.** Due to Zoom limitations, do not call in more than 7 minutes prior to your mediation or you may be disconnected and will have to call in again.
3. Confidentiality is important in mediation and using telephone mediation and will not alter the normal confidentiality rules of mediation. The mediator will set up “breakout rooms” just as in a Zoom meeting that will allow the mediator to talk to each side privately if necessary. Attorneys may speak with their clients confidentially by muting their microphones or as otherwise instructed by the mediator. IF ANYONE HEARS AN AUDIO FEED THAT SHOULD BE PRIVATE THEY SHOULD IMMEDIATELY NOTIFY THE MEDIATOR SO THAT THE CONTROLS CAN BE ADJUSTED.
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