

Virtual Divorce Mediation – How Does It Work And What Should I Expect?

If your divorce mediation will take place virtually, there are a couple of things to consider. While divorce mediation typically occurred in an office setting many are now being conducted virtually.

To make your mediation process effective and successful, consider the following:

(a) The parties must act good faith. Both parties attending the mediation must want the mediation to work and be willing to work together to achieve that goal. If the parties do not act in good faith then the process will not be successful. The result – the parties will have wasted time and money.

(b) It should be clear to all attending the mediation who is on the virtual mediation. At the onset, the parties should disclose if they are alone or if they have counsel or any other person present with them. There should not be any unknown guests attending the mediation session. This sometimes occurs if the parties do not ask this questions in advance or if the party does not put on their video during the session.

(c) The parties should agree in advance, and be clear, as to whether the session is being recorded. It should be clear from the beginning that there will be no surreptitious recording of any of the sessions.

(d) The parties can be physically together or in different physical locations. The parties may be attending the mediation from the same house. If so, they can decide prior to the mediation if they are comfortable sitting in the same room with the mediator in another location or if they prefer to be in different physical locations in the same house or elsewhere.

(e) The parties should ensure they have a clear connection. Wherever the parties choose to log into the virtual mediation session, they should try out their connection prior to the mediation. It is important that the parties can hear and communicate clearly so their position can be known, heard and discussed.

(f) The mediator can do break out sessions with the parties or can create separate times to speak with each party, as needed.

(g) The parties should be prepared for the mediation. To help prepare for the mediation you may want to review the following articles: [Divorce Mediation Checklist – Topics to Help You Prepare for Your Mediation](#) and [Divorce Mediation Checklist – What Documentation Should I Gather Before My Mediation?](#)

(h) If there are children involved, you will need to come to terms on a parenting plan during your mediation. To help you prepare for a parenting plan discussion, you may want to review the following article: [What Should be Included in a Parenting Plan?](#)

Virtual mediation can be as successful as regular mediation. Mediation, however, is only successful if the parties are

truly interested in the process, willing to allow the process to work, willing to compromise, willing to work together and willing to come to joint decisions.

For more information on mediation or to set up a mediation session, contact Sheree Donath at 516-522-2743 or at sheree@donathlaw.com.

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