

Rediscovering the value of in-person mediation

While technology offers efficiency, in-person interactions are crucial for building trust and resolving emotionally charged disputes, particularly in cases involving deeper personal stakes.

By Lee Mendelson

Mark Twain once famously remarked, *"The more I learn about people, the more I like my dog."* After the past year and a half, I have to say - I'm starting to understand exactly what he meant.

After twenty-seven years of practicing law, I sold my boutique litigation firm and shifted full-time into mediation. I left the office suite where I'd spent most of my waking hours and set up shop at home. Having been one of the few lawyers I know who never left the office - even during the darkest days of the pandemic - this was a seismic adjustment. I hooked up my laptop, added a few extra monitors, and got to work. And that's when I started spending a lot more time with Snoopy.

Snoopy is a scrappy, lovable mix of Jack Russell terrier and Chihuahua - our family rescue. While undeniably adorable, we weren't exactly close companions... until I started working from home. Now, every morning, as I begin reviewing mediation briefs, Snoopy settles into her routine too - usually with a bone at her side. When I launch a Zoom call, she hops onto my lap, expertly ducking out of view so the parties are none the wiser. She's become a quiet co-mediator - and quite honestly, the perfect office mate.

A few months ago, after over-hearing me declare that Snoopy was the best coworker I've ever had, my wife suggested - rather pointedly - that I needed to get out of the house. She reminded me that everyone I



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work with now appears on a screen, and that it might be time to reintroduce myself to the real world. I explained that the attorneys who hire me almost always request Zoom mediations: they're efficient, reduce travel time, and most participants seem to prefer them. But her words stuck with me.

Soon after, I began volunteering with the Conflict Resolution Institute (CRI) at the Ventura County Small Claims Court. The experience has

been both grounding and eye-opening. It reminded me of something vital: *one size does not fit all* - especially in dispute resolution.

The CRI program is incredibly effective, with a strong settlement rate. As the courtroom opens, the judge refers contested cases directly to mediation. There are no briefs and little to no prep time. Mediators are present in the courtroom and immediately step into action, guiding parties to a nearby conference

room - or even just the hallway. These are high-emotion disputes where people want to be heard. And in these situations, sitting across from someone makes all the difference.

In person, you build trust faster. You pick up on tone, body language, and unspoken tension - subtle cues that rarely come through a screen. Even a casual conversation while walking down the hall can be enough to break the ice or defuse conflict. In emotionally charged matters, in-

person mediation has a clear edge.

Until recently, I recommended Zoom for nearly all my mediations. Now, I've changed my approach. I recommend either Zoom or in-person mediation based on the specific nature of the case.

Much of my practice centers around insurance-related disputes: personal injury, bad faith, and product liability matters. These tend to involve lower emotional stakes. The injured party typically doesn't know the defendant personally - it's often just "the driver" or "the manufacturer." In these instances,

Zoom is ideal. It's practical, efficient, and allows decision-makers - often located out of state - to participate without the burden of travel. They can even multitask while I'm caucusing with the other party.

But employment cases are a different story. Whether it's a wage and hour claim, wrongful termination, discrimination, or harassment - emotions run deeper. The employee may feel betrayed by a longtime employer. The employer, especially if they're a small business owner, may feel equally hurt by the lawsuit. These disputes are deeply personal. In-

person mediation allows for a richer, more human connection - one that's often critical to resolution.

As we continue to evolve past the pandemic, it's time to reimagine how we work - not just for efficiency, but for effectiveness. Technology has brought us incredible tools. But no matter how advanced they become, *nothing replaces the power of human connection.*

So yes, I'm happy to mediate in whatever format the parties prefer - Zoom or in person. All I ask is that Snoopy gets a spot in the conference room, too.

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