



NY Panel,

With the arrival of several new JAMS NY Panelists and the onboarding of our first class of JAMS Diversity Fellows, we expect a significant increase in requests for opportunities to shadow, most of which will be conducted “virtually” by Zoom or some other platform. We understand shadowing for an arbitration may have differences so the following guidelines will speak specifically to mediation. We encourage those allowing others to shadow their arbitration cases to also consider these recommendations.

In order to ensure that the new panelists and Fellows receive a consistent and high-quality learning experience, we ask that the shadowing of a virtual mediation replicate as closely as possible the shadowing of an in-person session and that neutrals generally adhere to the following best practices:

- The shadower should participate in all aspects of the mediation, including pre-mediation contact with counsel and/or the parties and should review all written submissions.
- The mediator and shadower should meet prior to the mediation session to discuss the mediator’s thoughts and planned approach to the mediation.\*
- The shadower’s camera should be on during the mediation, so that the shadower is visible to the participants.
- The shadower should observe all aspects of the mediation in which the mediator is a participant, including caucuses, conferences with attorneys, etc.
- As part of the initial meeting, the mediator and shadower should discuss and agree upon the role/nature of participation of the shadower in the presence of the clients (counsel and client representatives).
- The mediator and shadower should confer periodically during the mediation and at the conclusion of the mediation to discuss and analyze the conduct of the mediation.

**Associate / Case Manager administration:**

- Associate reaches out to all counsel prior to the session in order to obtain consent from the parties for the shadower to participate in the mediation. The parties are notified that for training purposes the shadower will observe the mediation for training purposes, review mediation submissions, participate in pre-mediation conference calls and sign the confidentiality agreement.

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\* As part of the initial meeting, the mediator and shadower should discuss and agree upon the role/nature of the shadower’s participation in the presence of the client (counsel and client representatives).

- Associate will notify shadower once confirmation is received from all parties. Associate to provide case description as well as mediation details and mediation statements.
- Associate will ensure that shadower signs Mediation Agreement prior to session.
- Associate to ask shadower if there is any reason they should not participate based on prior relationships.