

# **Setting Down the Pen: Using Technology in Dispute Resolution**

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### **I. INTRODUCTION**

This paper is intended to explain the ways that technology can be used in mediations (4-way meetings, mediations, Collaborative Law Process, etc.) to enhance and improve the way that the mediation is delivered to the clients. Since introducing technology into the boardroom, I have found that not only are the lawyers more prepared for each meeting, but the clients are better able to follow the progress of their matter from start to finish. This paper will focus on introducing the use of mindmapping software as well as the use of other technology within each mediation session to achieve these goals. Adding technology can also assist to keep the parties focused. Counsel can use a monitor in the boardroom to direct the parties' attention to the topics they wish to cover.

Many of you may still use the ol' pen and paper to take notes in mediations. On the other hand, many of you may already have introduced technology into your boardroom for use in mediations or

otherwise, but may use a word processing software to take your meeting notes. I was a flip-charter in meetings (a form of “pen and paper”). I knew that I wanted to introduce technology, but knew that word processing software was not going to meet my needs. There's a reason I used the flip chart – it has many benefits, such as:

- One set of meeting notes being taken
- See all of the notes from the discussions as the meeting progresses – tape each page on the wall
- All eyes focused on one spot

I wanted an alternative to the flip chart. When I learned about mindmapping software, I realized that this was an ideal alternative to the “pen and paper” mode. I wanted to add the efficiencies of technology without being relegated to word processing.

## **II. MIND MAPPING**

Since the day that I was introduced to the mindmapping software program called Mindjet and the way it can be used effectively in mediations, I have been asking myself how I ever used the ol' pen and paper for so many years! It was through sheer luck that I discovered the software. At an annual networking forum for the International Academy of Collaborative Professionals, I attended a seminar about unleashing creativity within the Collaborative Process; it was intended to help counsel to “think outside the box” when brainstorming options for resolution. Of course, in any mediation, not just in Collaborative Law, counsel are always seeking to assist clients to brainstorm settlement options.

One technique the seminar encouraged was the use of the right-side of the brain, or the creative / artsy side, through the use of mind-mapping. I had learned about this in elementary school, but never thought of the usefulness within the mediation context. There's the old-fashioned pen and paper mind-mapping, or there's new-fangled software programs that can take creativity and mindmapping to the next level. Since the very day I learned about the software, I use it daily! How did I exist without it?

Even if you don't believe that mindmapping will do anything for your creativity, I suggest using it as an ideal software alternative to either the “pen and paper” or word processing software to take

notes. When I considered using word processing software for minute-taking, I was worried about losing the important concept of being able to see all of the discussions on the flip chart pages as the meeting progressed. That was a significant drawback in any software I had experience using.

In essence, a mindmap is a diagram which allows you to document your notes on one page; by the end, it becomes a very large page, but one page nonetheless. This paper is focused on the mindmapping software. You will learn in this paper about how the software allows you to add an unlimited number of topics and sub-topics as the discussions progress, while allowing you to focus on any one topic at a time. As additional ideas pop up, you can type them out, and organize the thought later. As your expertise increases in using the software, you gain an appreciation for how dynamic and extensive the program truly is.

#### ***A. History Of Mindmapping***

A mindmap is defined by Wikipedia as “a diagram used to represent words, ideas, tasks, or other related items linked to a central key word or idea”. It is, in essence, a graphical way of taking notes. Although this technique has been used for centuries, the modern mindmap to which I refer in this paper was developed in the early 1970s by Tony Buzan, a British popular psychology author, primarily an expert on brain development. Based on his observation that our brains do not process information in a linear way, mindmapping allows us to use words, images, and color in an effort to engage the right side of our brains in what is normally considered a left-brain task: organizing information.

#### ***B. Creativity And Mind Mapping***

Buzan claims that by using a mindmap to capture your thoughts, it allows you to tap into 99% of your unused mental potential. Is this true? In my experience in using the mindmap in Mediation, my ability to “think outside of the box” has increased exponentially. What will your experience be?

Buzan insists that instead of being linear in your thoughts, creating outlines filled with roman numerals, paragraphs, and indentation, and building your ideas page by page, you should become “radiant” in your thoughts: start with a central idea, branch your main points from that central point, then each sub-point creates branches and twigs. He calls this concept “Radiant Thinking”. The main advantage to this concept is being able to have everything on one page. No more page flipping, or sorting through notes.

The focus of the mindmap is on the visual presentation of ideas. Buzan claims that not only is it important to create the structure of the mindmap, but it is also important to add images and colour to our page. Think of the flip chart or your handwritten notes. For the flipchart: Do you change colours after each topic? I sure did. It was for visual effect, and ease of reference across the room of flip chart pages to be better able to see which pages and topics are related. For the handwritten notes: Do you highlight important concepts or mark certain items with red or other bold coloured ink? It's to draw attention to certain items. Bring that concept into the mindmap; the need for visual effects is similar.

When brainstorming, a mindmap allows you to quickly get your ideas from your head to the page. No need for full sentences; just get the idea down quickly. Mindmapping lends itself to free-association. Record your ideas, then figure out where they should go within the map. Draw connections that you otherwise wouldn't have made. In mediations, there can often be great dialogue happening, and it can be difficult to get all of the ideas down as they are being discussed. Mindmapping can assist in lessening the words on the page (no sentences needed), and in just getting the concepts down and worrying about organization and details later.

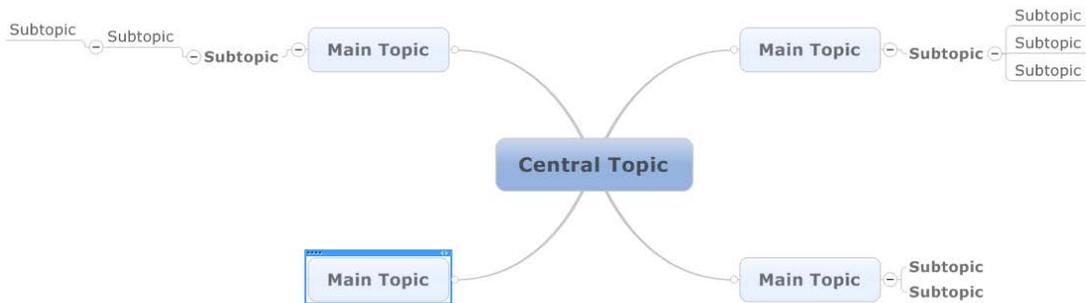
### ***C. What Is Mindjet?***

The software program that I use is called Mindjet. There are other mindmapping software programs available, which I will talk about later in this paper, but this was the one that seemed to be the best suited for my style preference. It is straight-forward (after playing around with it for a few days), clear, and follows a logical pattern (even when I force myself to use the right-side of my brain, my logical/linear left-side needs to be massaged a bit). Below I have outlined many of the features that I have found to be helpful for use of the software particularly in mediations. This paper focuses on the desktop software, which is a program loaded on your computer. See below for the discussion on the web-based program which can be used from any computer.

The idea is to start with a Central Topic, and add branches off that central topic as the parties develop their agreement. You can add attachments, links to websites, notes, comments, task items that can link to your Microsoft Outlook, images, labels, and more. I often will drag-and-drop topics from one branch to another to rearrange as the discussions unfold in the meetings. Sometimes there's too much information on one page, so you can either collapse part of the mindmap to focus on one specific topic, or even better, click on the topic and view it on a page

alone. Manipulating the data becomes very slick and easy as you become more accustomed to using the software.

Below is an example of a mindmap without any content attached, just to give an idea of how it looks visually:



#### ***D. Using Mindjet***

##### **i. Getting Started**

There are a few key commands that you will need to know in order to create your mindmap. Of course, you can use your mouse to create the mindmap, but if you are in a settlement meeting, I would recommend that you learn 3 easy keyboard shortcuts – enter, insert, and delete.

##### ***Insert New Branch***

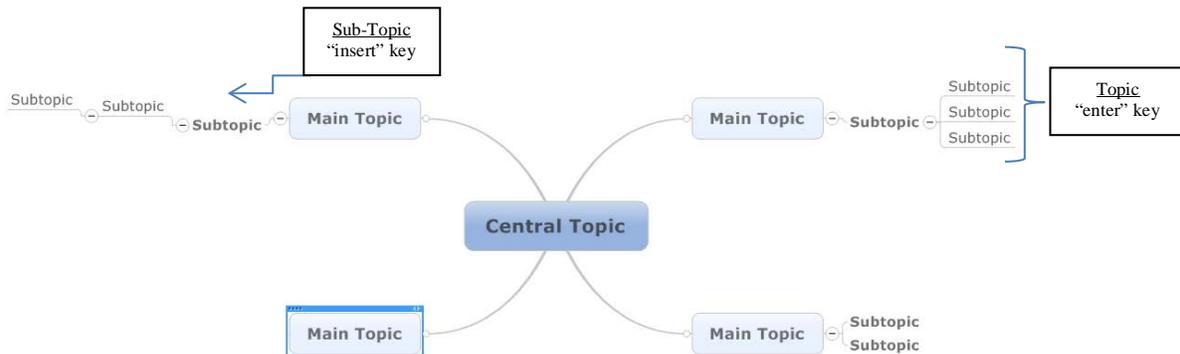
If you start a new map with only a central idea as the starting point, you will need to add branches to it. To insert your first topic off the central idea, click on the central topic and click “enter”. A new “main topic” will appear. To add more branches at the same level, click “enter” again. You could also use your mouse and click on the Home tab, “insert new topic”. Use the “enter” key anytime you need to add a new topic at the same level as the previous topic.

### ***Insert New Sub-Topic***

Once you have one topic, you can add as many sub-topics as you need. To insert a sub-topic at the next level, click “insert” on your keyboard, or go to the Home tab, and click “insert new sub-topic”.

### ***Delete Topic***

You can press the “delete” key to remove any topics or subtopics. If you accidentally delete a topic, click “undo” under the Quick Access tool bar, or press Ctrl + Z.



### ***Insert Floating Topic***

Inserting a floating topic can be a handy tool because it allows you to add a topic without committing to where the branch will be organized. It “floats” on the map. Once the thought is organized, you can drag-and-drop it to any branch. I find this tool helpful in such cases where one party may go off-topic and need to discuss an item, and counsel may have difficulty figuring out where to place the thought or topic. The floating topic allows you to get the idea down without worrying about organization until there is a break in the flow.

### ***Organizing the Mindmap***

During or after a meeting, you may want to change the way the branches are organized. You may have placed a topic under the wrong heading – it’s easy to organize the mindmap later by selecting the branches you wish to move, then dragging-and-dropping it/them to a different location. The software is smart in that it will have a translucent red line to show you where you will be dropping the branch as you drag it around the map. If you drop it at the wrong location, just re-select and drag it somewhere else!

### *Inserting a Boundary*

Sometimes one topic can appear to blend into another because the branches are close to one another. I often use the “insert boundary” feature because it allows the branches to feel distinct. There are a number of different boundaries to choose from. Click on the Insert tab, then Boundary.

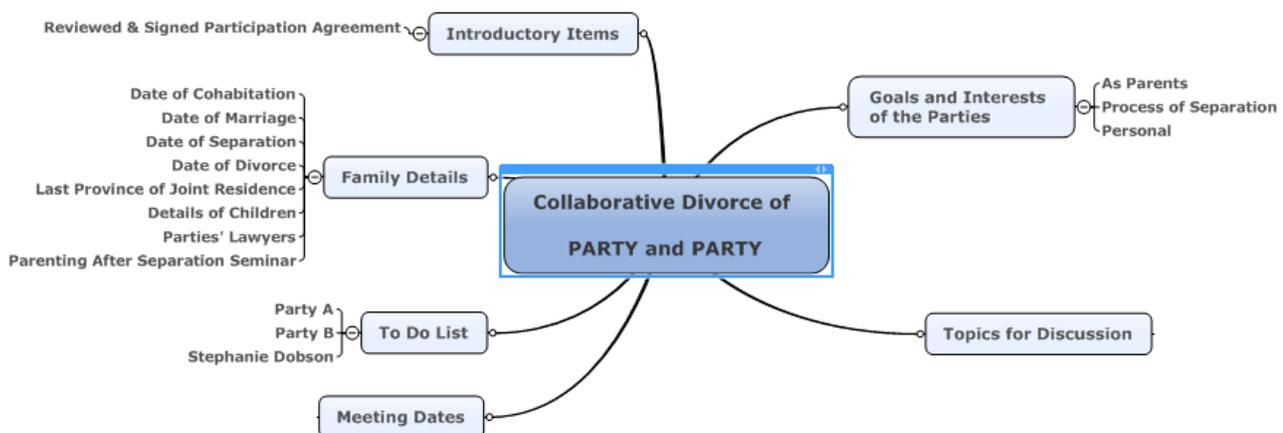
### *Inserting a Relationship*

The Relationship button is right next to the Boundary button in the above explanation. It allows you to connect two branches together to show that one relates to the other. For example, you may want to relate the discussion about commercial property in one section (division of property) to the discussion about the rental income which arises from that property in another section (spousal support).

## ii. Preparations Prior to First Mediation

I have developed two templates for use within the Collaborative Process and Family Mediation. You may not need to do these preparations if you are in a traditional mediation. In that case, you may wish to start the meeting with a blank “new document” which simply starts with the central idea, or you may want to customize your template for your practice area.

I usually start with using my “basic template” for the first meeting, which is pictured below. I would change the central topic to read either “Collaborative Divorce” or “Divorce Mediation”. Outside these processes, you may wish to have the central idea read “Mediation between...” and have the rest remain blank:



Above is my initial template I would use for Collaborative Law/Mediation meetings. My second template will be discussed later in this paper.

Based on my meetings with my client(s) as well as my meeting with opposing counsel (in the Collaborative Process), I am usually able to complete many of the family details, add in the first meeting date at least, and start to insert some of the goals and the topics for discussion. If you prefer to build the entire mindmap from scratch with the clients and opposing counsel in the room, you may want to simply start with this type of template blank at the first meeting, and insert details as you go with all parties present. It depends on your style. I prefer to work together with the other Collaborative lawyer on the file to complete as much of the introductory details as possible prior the first meeting. I find that clients are appreciative of this prep.

### **iii. First Mediation**

Certainly, if you have not done any prep on the template at the first meeting, you would start out the mediation by adding in the details on the left side of the above template, then start adding to the list of goals and topics for discussion. If you are outside of the Collaborative Process or Mediation Process, you may prefer to skip the “goals” portion. The “topics” list is an excellent way for all participants to stay on top of the items for resolution.

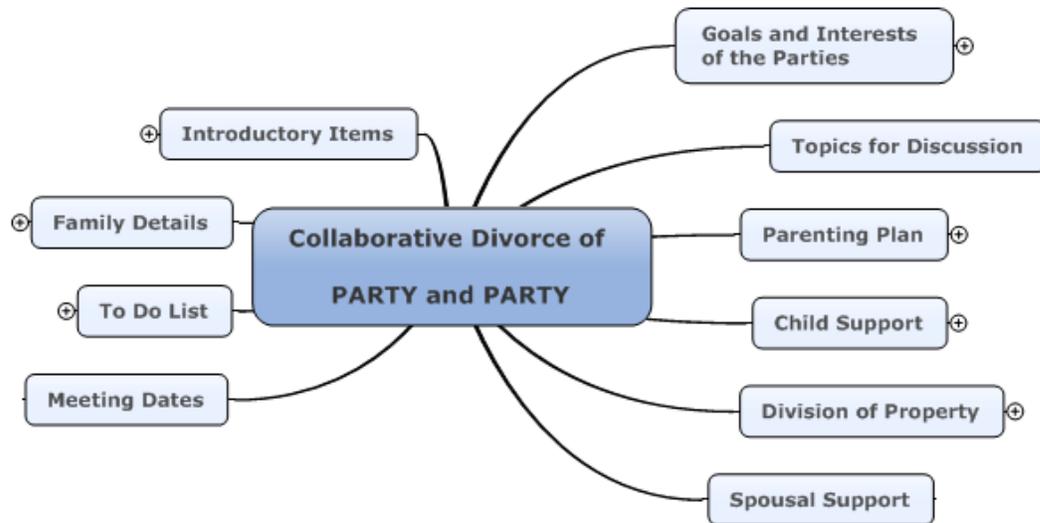
**Priority Icon:** Once the topics have been listed, I recommend taking a moment to prioritize the issues to determine the order the topics will be discussed. Keep track of this by using the “priority” icon on the Home tab to prioritize the topics. It keeps everyone on track as to the order that the parties want to talk about certain topics. In subsequent meetings, parties can review and revise priorities as needed.

### **iv. Subsequent Mediations**

I believe that one of the most important things to keep in mind when using Mindjet is that as you progress through a number of meetings with the same parties, any part of the mindmap can be revised as needed, with the click of a button. Using the flip chart, I found it very difficult to keep track of the most recent priorities of the parties when each meeting would start with new series of flip chart paper; in my experience, the continuity from meeting to meeting was lacking. I use two methods to preserve the ideas from meeting to meeting: (1) At the start of each meeting, click on “File/Save As” and mark the current meeting date in the file name; if you need to refer back to a previous meeting, it will be preserved in a separate file. (2) Create minutes at the end of each meeting which will be printed and filed for ease of reference especially for those who don't have the software at home. The final version of the mindmap will contain all of the discussions as well

as all of the most recent points of agreement. At each meeting, if one agreement is superseded by another, simply delete the old and replace with the new.

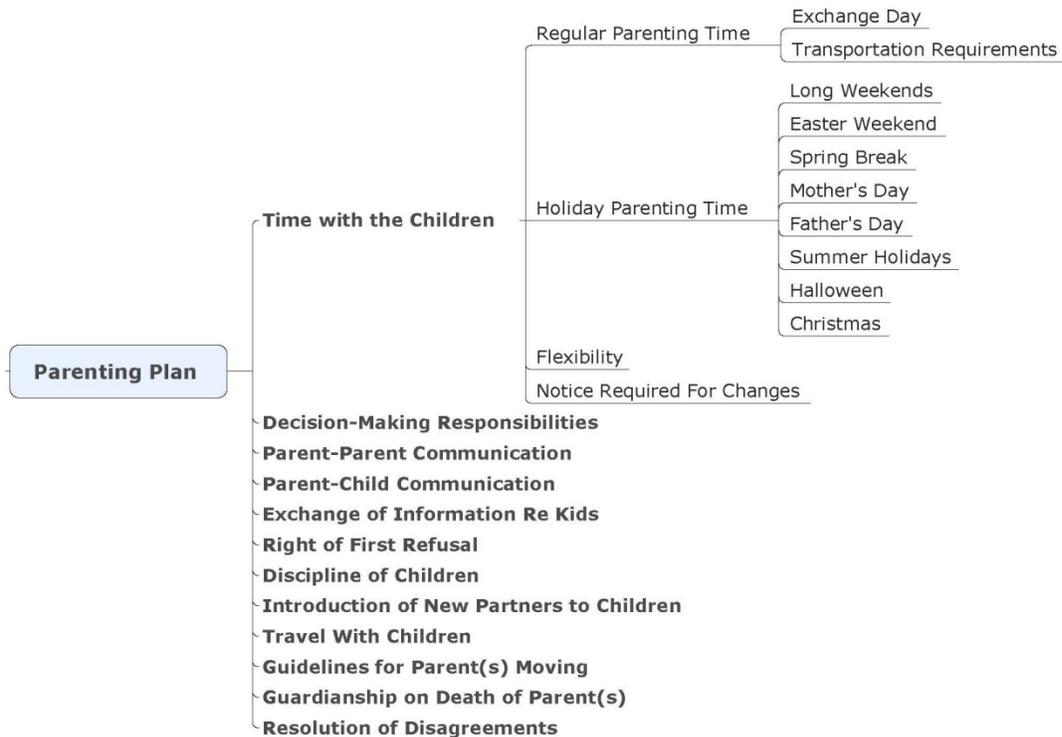
Once you are ready to begin discussing your first topic, I simply copy and paste each topic as a main branch off the central idea, as below:



The second template I created includes many topics that parties would customarily want to discuss; this template becomes a type of checklist for me to review before we complete a topic, to ensure that all items have been covered. Of course, not all these topics apply to each case, which is why I do not use this template as my “starter template”. In order to create this template, I reviewed my precedent Separation Agreement, and inserted many of the topics into the template. It is very important that before you start to use the software in an actual meeting, you become familiar with how to use it, but also that you create a template that works for you.

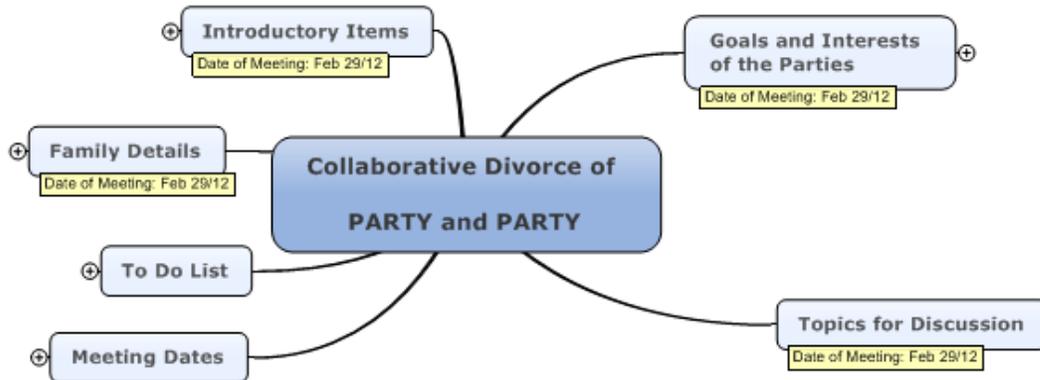
Below is an example of one topic that I have in this second template to use as a checklist. As you can see, it would be presumptuous to use this as a starter template, as many parties would not want to include all of these topics in their parenting plan. This is why I use this template simply as a checklist to ask parties whether they want to discuss these items. It avoids the situation where counsel has to return to the clients after meetings have ended to ask about some detail that was neglected during the meetings. I know I often had this occur (usually it was the topic of CPP credit splitting which I used to inevitably have to contact clients about later because we would forget to

discuss the split or waiver). I have a similar completed branch for child support and division of property.



**Tags:** As meetings progress, it's easy to keep track of what was discussed at each meeting. You can customize tags to add to any branch – this is essentially a way to categorize the branches. Under the Insert tab, select Tags, then click on “Add new tag” and call the Group “Date of Meeting” or “Meeting” – the Name is the actual meeting date. Once created, you can right click on any branch (or select a number of branches) and click Tags, then select the correct meeting date. It is possible to add more than one tag to any topic, so if you discuss division of property over a number of meetings, you may add more than one “Date of Meeting” tag to any topic or sub-topic. If you want to view all of the topics which were discussed at a particular meeting, simply click on the Home tab, “Marker Index” and it will bring up any tags or icons you have added to your mindmap.

See below for example:



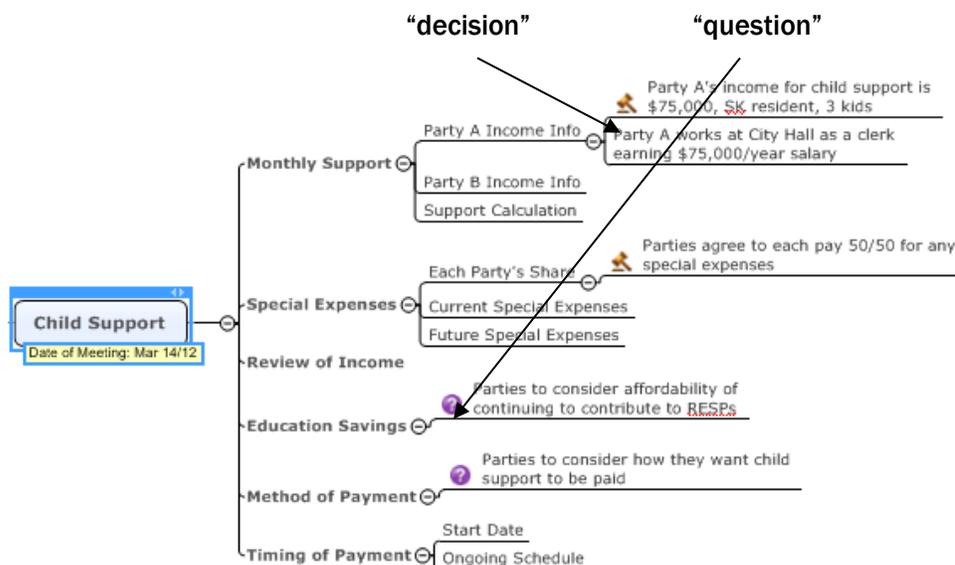
**“Show Branch Alone”:** Sometimes as more and more information is added to the mindmap, the screen can start to be cluttered. There is a feature that allows you to view only one topic on the screen at a time under the View tab called “Show Branch Alone”. I have outlined the advantage of having all the notes on one page. If the map is in the “collapsed” view (all sub-topics are hidden from view), the map may be viewed on one screen. However, as the discussions progress and the notes expand, in my experience the parties have a difficult time focusing on a topic if there are too many words or topics on the page. This is why I often use the “Show Branch Alone” feature. To get out of this view, click on the button “Show One Level Up” which takes you back to the main map. I use the feature of “Show Branch Alone” as well when I create the meeting minutes, as will be discussed below.

**Focus on Topic:** Under the View tab, click on “Focus on Topic” to quickly expand one topic and view the sub-topics below. It is easier than clicking the + and – signs repeatedly!

**Progress Icon:** As you move through the topics, it’s helpful to keep track of the progress that the parties are making by using the “progress” icon. It is a circle that starts out with a white background to mark the item as “incomplete”, then progresses through one-quarter, half, three-quarters complete, then the fully filled in icon with a checkmark in the centre shows the item as “complete”. At the end of the settlement meeting(s), all of the topics should be labeled as “completed”. This is also your final checklist to ensure that nothing has been left without resolution.

**Decision & Question Icons:** There are a number of available icons in the software, but two that I use often are “decision” and “question”. The decision icon is used to mark any agreements the parties make on a particular topic. The question icon is used to keep track of any topics that require follow up at a future meeting. The “Marker Index” under the Home tab can be used to find all of the icons that you have scattered throughout the map. At the beginning of each meeting, I typically review any outstanding “questions”. When drafting the Separation Agreement, it is easy to find all of the most current “agreements” between the parties by finding all the locations in the mindmap where the gavel is placed.

These two icons are shown below:



**Attachments and Hyperlinks:** Two of the items that I insert regularly into my mindmaps are: attachments and hyperlinks. Under the Insert tab, select either of these buttons either to attach a document (Word, Excel, PDF, etc.), or to add a link to a website. When you click on the link for either function, it will open up on the left side of the screen inside Mindjet, but can also be opened full-screen by clicking on the icon in the top-right corner of the attachment / webpage.

Examples of useful attachments are: budgets, family property distribution spreadsheets, child support summaries, and financial disclosure (such as any scanned documents you may have on your computer for the parties: income tax returns, pay stubs, property appraisals, bank statements, etc.).

Examples of useful links are: child support online lookup, registered pension information website, Canadian Black Book valuation website, school information website, etc.

#### **v. Minutes of the Meetings**

After each meeting, the minutes literally only take minutes to complete (once you've had some practice).

#### **Review of the Mindmap**

I recommend reviewing the mindmap to ensure that all of the tags (meeting date) and icons were inserted where appropriate. I also add any attachments or hyperlinks that I feel would be helpful for the parties. Sometimes things move quickly in the meeting, and there is no time to be tedious. See Schedule "A" attached to this paper for a sample set of minutes from a real case, which facts have been modified for privacy and confidentiality purposes.

#### **PDF Minutes – Printable**

There's the easy, and the very easy way to do minutes. This first method is the easy way, and the one that can be easily printed for the file. The minutes entail a number of "screen shots" of the mindmap. Even after the first meeting, the mindmap will be too large to print on one letter-sized or even legal-sized paper. I recommend picking a topic, expanding that topic, then creating a PDF of that expanded topic. The first page of my minutes is always the overall view of the mindmap, with all branches collapsed, or perhaps the "meeting dates" branch and the "to do list" expanded. For the minutes of the first meeting only, I keep the left-side of the mindmap expanded for reference. If it is not referred to after that, it stays collapsed for the subsequent minutes.

Each branch, including the goals, list of topics, and any topics that were discussed that meeting will be a separate page of the minutes. In order to do so, I select "Show Branch Alone" under the View tab, then choose "Expand All Branches". Depending on the size of each discussion item, you may have to expand only certain sections to fit on one page for the purpose of the minutes. Once I am satisfied with the branches to be on one page of the minutes, under the File tab click "Export", then "Export as PDF". This feature will allow you to create a PDF version of exactly what is on your screen. Expand any of the branches you want shown as part of the minutes, and collapse the rest.

I will repeat this step for each branch which has been discussed in that particular meeting. Each PDF will be a separate document. All of the pages together become the minutes of your meeting.

Include any attachments to your minutes as necessary. In keeping with the theme that all documents within a file are scanned to the network, my assistant will scan all of the pages including any attachments and save them to the network. This creates a time-stamped record of the discussions during that meeting. This is important because if you modify the mindmap in subsequent meetings, it is often beneficial to have a paper record of the discussions at previous meetings that may have been over-written.

For subsequent meetings, I re-open the saved mindmap, do a "save as" (as discussed above), and continue to build the mindmap. If parties change their mind on a particular issue, I overwrite the old idea with the new idea. This prevents confusion when it comes time to drafting the Agreement. I found that when using the flip chart, and creating static minutes after each meeting, it became confusing to determine the most recent decision of the parties on a particular topic by the time the settlement meetings came to a close; if the parties had revised their thoughts at a subsequent meeting, there was no document to which I could refer which showed their most recent decisions on all topics. If you delete the old idea, and replace it with the new idea on your mindmap, you will never again have to wonder about the most recent decision of the parties.

### **PDF Mindjet Viewer – Non-Printable**

The *easier* way to create your minutes takes about 30 seconds, but is not easily printable for your file. In this method, you create a *clickable* mindmap to be sent to your clients in a PDF format. By going to the File tab, and clicking on Export, then "Export as Mindjet Viewer (PDF)", you can email all participants a mindmap which they can open with Adobe Reader (the free version) and they can click on any branch to expand or collapse it. This allows the participants to review any part of the mindmap. It is not printer-friendly, but it allows them to expand and collapse branches. The attachments and hyperlinks will appear on this PDF, but will not be able to be opened from the PDF. Therefore, you will have to send any attachments by email.

I used to do the *easy* method, but more and more I am now opting for the *easier* method. My clients prefer the clickable PDF (2<sup>nd</sup> method). Perhaps you want to send both versions to the clients – the static PDF and the dynamic one.

## **E. Other Mindmapping Software**

### **I. Mindjet**

Mindjet is only one of many types of mindmapping software available on the market today. It is the only software with which I have first-hand experience. I chose this software because it was recommended to me by a mediator who used the software in her mediation practice on a daily basis. She recommended it because it has the visual effect of a mindmap, but the framework for the map seems to be most conducive to counsel whose brain is accustomed to a more linear approach.

Mindjet has a few purchase options:

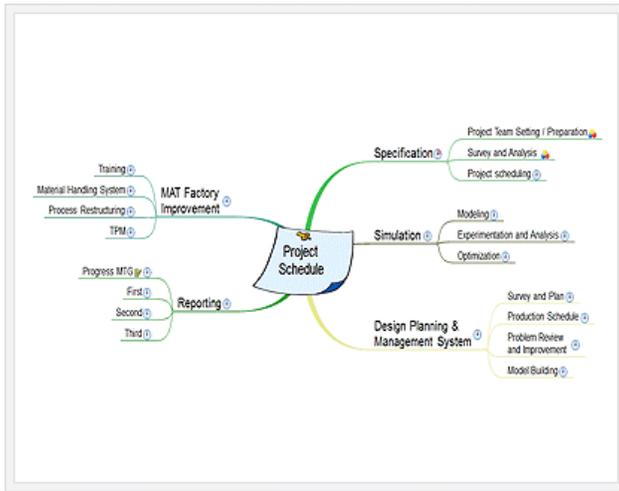
	Individuals	Business	Web-based
Monthly	\$15/month/user	\$30/month/user	\$15/month/user
Annual (1 <sup>st</sup> year)	\$90/year/user	\$270/year/user	Unknown
Annual (year 2~)	\$180/year/user	\$190/year/user	Unknown

Mindjet for Business and for Individuals both offer the desktop software (Windows and Mac versions) as well as the web-based software. The main difference between the two is the number of users you can share your mindmap with over the web. Both versions come with the web-based program included. To share your mindmap, simply login to your mindjet.com account, upload your mindmap to the site (or create a new one), then click on "share". If you have the Individual account, you may invite 2 people to view your map at a time, under the Business subscription, you have unlimited sharing ability.

The nice feature about the web-based program is that you can use any laptop to access your mindmap and the software – the program is not loaded onto your computer. Therefore, if you want to share the mindmap with clients, and have them either view and/or edit the mindmap, all that is required is an Internet connection. Similarly, if you have a mediation at another office, as long as they have a computer they can connect in the boardroom to a monitor, you can use their technology without lugging your computer all over.

This program is also available to purchase as a perpetual license. It is \$360.00 for either Windows or Mac platforms. For the first year after your purchase, you receive a free subscription to the

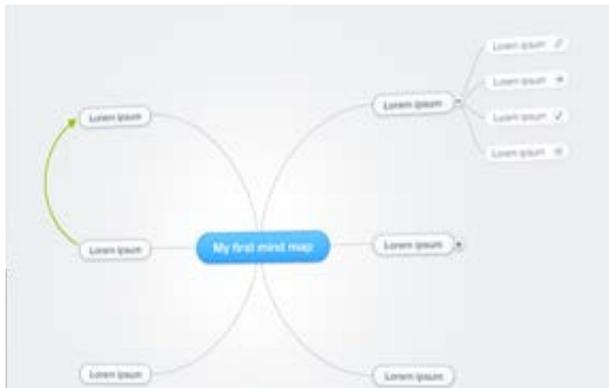




#### iv. Mind Meister

This software is exclusively Internet-based. It offers three maps for free, and after that the user is required to purchase a subscription for the software. There are three versions: Personal for \$4.99 per month (single user only), Pro for \$9.99 per user per month, and Business for \$14.99 per user per month.

Below is a screen shot of this program:



The above comparison of software programs is not intended to recommend any one software program over another. This section is written simply to encourage you to find the program that works best for you and your practice.

### **III. SETTING UP YOUR BOARDROOM**

To be able to have all participants in the mediation looking at the same monitor, it is essential to have some type of projector to display the content of your screen either onto a wall or onto a monitor which is large enough so that all participants are all able to focus on the same view. I have a rather small boardroom; for me, the best option was to purchase a 42" TV and mount it onto my wall. I place my computer on a table under the monitor, plug it into the TV with an HDMI cable, and use a wireless mouse and keyboard to control the computer. The keyboard and mouse is key to ensuring that everyone is focused on the same page. If the person typing is focused on a laptop screen rather than the monitor/projector, then it will feel as though you are just as removed from the conversation as if you were up at the flip chart; this is something that can be easily avoided. As well, the laptop can be a physical barrier on the table that causes the person typing to be "separated" from the rest of the table. Small points, but it does make a difference.

### **IV. INTERNET RESOURCES**

Now that I have a laptop set up in my boardroom, I find myself toggling between my mindmap and the Internet quite often for various reasons. For example, in one session, parties had a detailed question about the CPP credit split on breakdown of marriage. We were able to look it up on the Internet and have our answer immediately. In another case, we needed information on the children's school calendar for that year. Or, you may want to look up the black book value on a vehicle.

### **V. CHILD AND SPOUSAL SUPPORT CALCULATOR**

If you conduct dispute resolution processes for divorcing families, many of you use a software program to calculate child and spousal support. I have Child View installed on my laptop, and find it useful to be able to open the program and to manipulate the data right there in the meeting. For example, we can change incomes to see the different child support that would result or the different proportionate shares of Special Expenses that each party would pay. As well, we can view any available reports which may be helpful for discussion purposes during the meetings. These reports can span across topics beyond just child support. For example, when discussing spousal support, the Cash Flow Calculator can be very useful. Instead of simply offering to complete the report after the meeting and attaching it to the minutes (which often can cause mass confusion when clients try to read the report on their own), you can create the report and review it on-screen during the meeting. The more immediate the results, the more relevant it seems to be for the clients.

## **VI. PROPERTY STATEMENTS**

I used to wait until after our first discussion about the division of property to create the property spreadsheet, and attach it to the minutes. Now that I bring the laptop into the meetings, I simply open the spreadsheet precedent I have saved on my network, and start building the spreadsheet as the various property items are discussed. This draft spreadsheet can then be attached to the mindmap and updated at each meeting. I find that when the spreadsheet is created after the meeting, that parties were more confused about the content because they are not engaged in the creation of the spreadsheet.

If you are the type to do a lot of prep before meetings, you may want to start filling in the spreadsheet with assets and debts that you are aware of prior to discussions starting. My clients complete a detailed questionnaire prior to engaging in any mediation; therefore, I have a lot of information which I could fill into the spreadsheet before our first meeting. Especially if you are engaged in a litigation matter, you would likely have a lot of the disclosure ahead of time, and quite possibly would have a draft Matrimonial Property Statement already started. An idea is to project it onto the monitor in an editable format (Word, Excel, etc.) so that it can be edited as the meeting progresses.

## **VII. REVIEW OF BUDGETS**

If you encourage your clients to send their budgets to you electronically, you can review them on-screen during a settlement meeting. This is helpful because the person who created the budget can explain each line, and the budget can be revised if necessary as it is being discussed. Once again, all eyes are on the same page and hopefully on the same line item as the discussion progresses. How often do you experience one party moving ahead to another part of the document and therefore not listening to the person as they explain their reasons for the expenditure(s). In the end, the team has a completed budget that can be made part of the minutes, without the need for further revisions post-meeting.

## **VII. REVIEW OF FINANCIAL DISCLOSURE**

Since my office has been moving toward a more paperless approach (we are far from truly being “paperless”, but more so “less paper”), we scan every piece of financial disclosure as it is received, for both parties. During a settlement meeting, I open the client’s folder on the network so that I can quickly open any financial disclosure documents needed. Any documents are easily shared, then, by email, or printed for either party to take home to review.

From a space-saving perspective, it is great to have all of the disclosure in electronic format, because the physical file will likely be reduced exponentially.

## **IX. REVIEW OF DRAFT AGREEMENT**

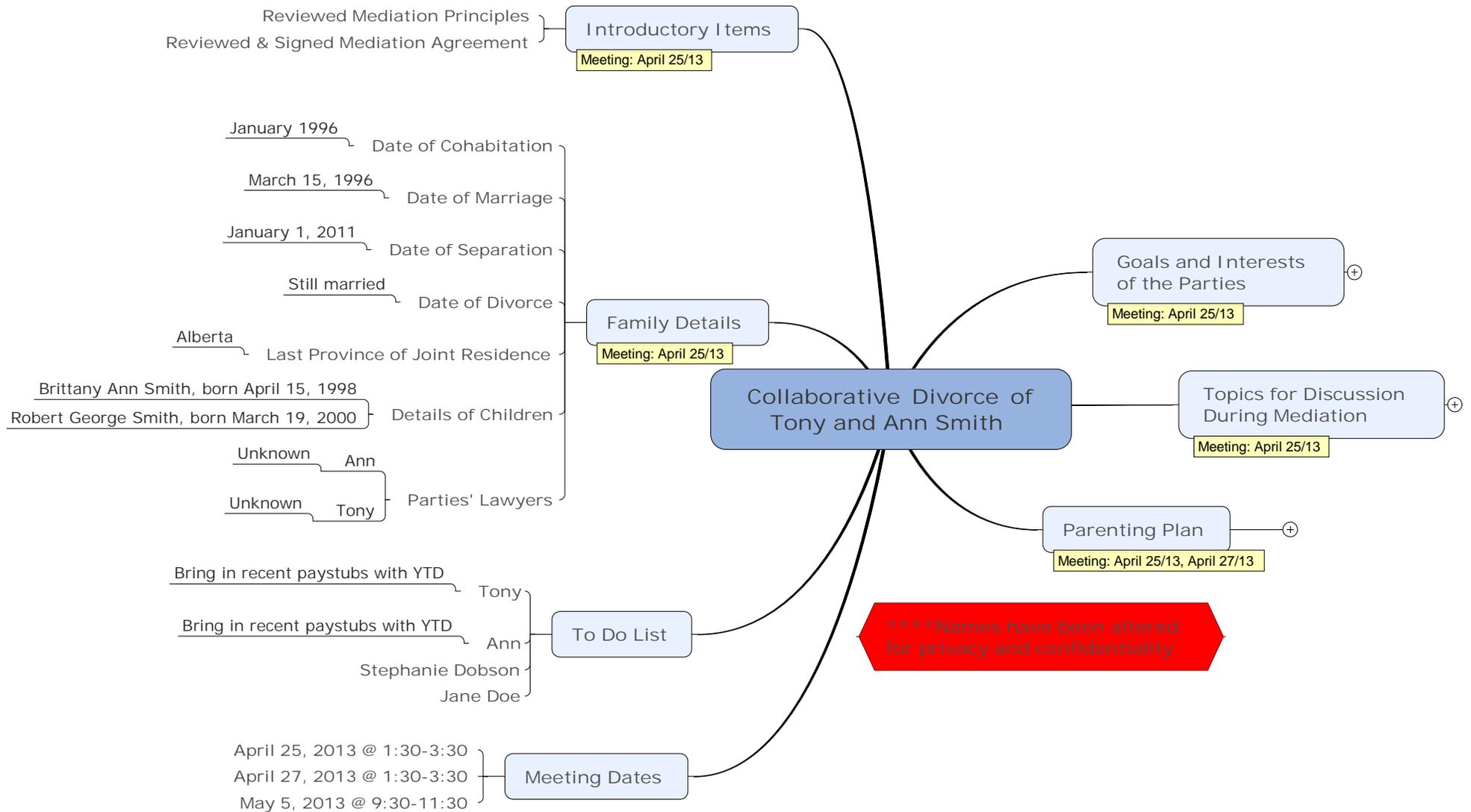
In some cases, you may want to have the parties come together for one final meeting once the Separation Agreement has been drafted in order to review the Agreement together. This is often done especially in the Collaborative Process. It is helpful to project the Agreement onto the screen so that, again, all eyes are focused on the same paragraph. Reviewing it electronically also allows counsel to revise any part of the Agreement as it is being discussed. Then, revised wording can be reviewed together, and further revisions become less likely to be necessary.

## **X. Conclusion**

The use of technology within the boardroom has opened up many opportunities which did not exist before such integration. In my experience, it has enhanced my client's experience in mediations significantly, both in the amount of preparation that is done before meetings in inserting information into the mindmap as well as in the way that documents can be displayed on-screen and manipulated during the meetings to arrive at a finished product on the spot.

I find myself toggling between the mindmap and other pieces of information regularly during the meetings, whether it's the parenting calendar, a website with information requested by the parties, financial disclosure, budgets, or otherwise. All of the information is at my fingertips as it is needed. This change in structure of my boardroom fits in perfectly with my concurrent goal of becoming more paperless in my office. Can you imagine going back to the ol' pen and paper?

# Schedule "A" Sample Minutes



Goals and Interests of the Parties

Meeting: April 25/13

As Parents

Both be active in the kids' lives

Remain flexible in parenting schedule

Maintain good communication between parents

Keep kids out of any conflict

Ensure that the kids know that they are free to go between each parent without fear of upset / emotion

Ensure that the kids have a similar standard of living between the homes

Raise the kids with values held by both parents

Avoid the "Disneyland" parent syndrome

Give kids all the opportunities they want / need

Work together if need changes to schedule

Be able to discuss holiday plans as they arise

Ensure that any plans that are made are with the intention that kids will do whatever is most fun for them, not for parents

Consistencies between households re: rules

Homework at each house

Ensure that the kids don't start choosing where they want to live based on how each party parents

Both parents contribute to the kids' needs regardless of which household they are in

If better to move out of Lloyd for these opportunities, then need to look seriously at the possibilities

Process of Separation

Remain "fair" with each other

Keep business running

Get loose ends tied up and formal agreement completed

Keep things "clean"

Keep "greek chorus" out of the conflict / discussions

Help to be steered in the right direction

Start off as separated parents on a good footing

Avoid any negativity / negative stigma

Work together, not against each other, to have Ann bought out of the business

Keep it simple

Keep decision-making between parties

Young when started dating

The relationship just ended because grew apart - doesn't have to be negative

Personal

Maintain good relationship between parties

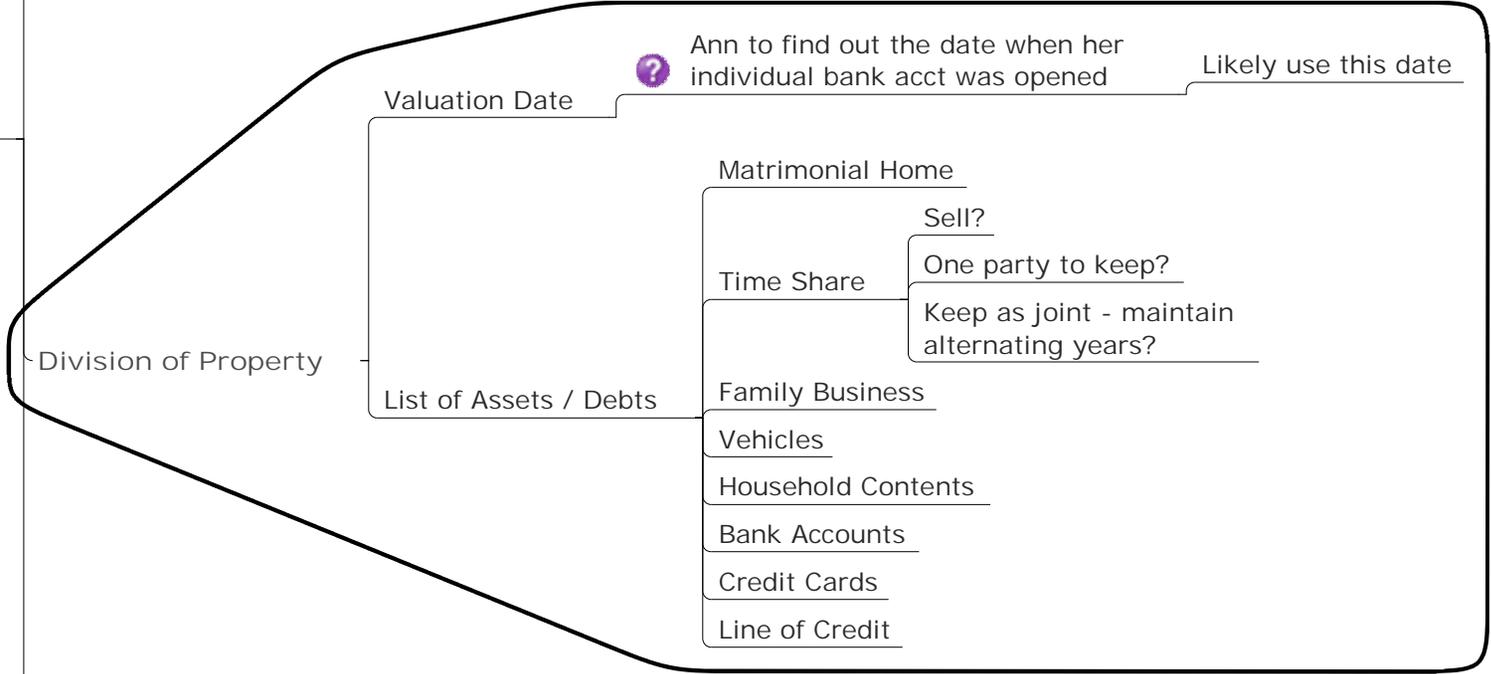
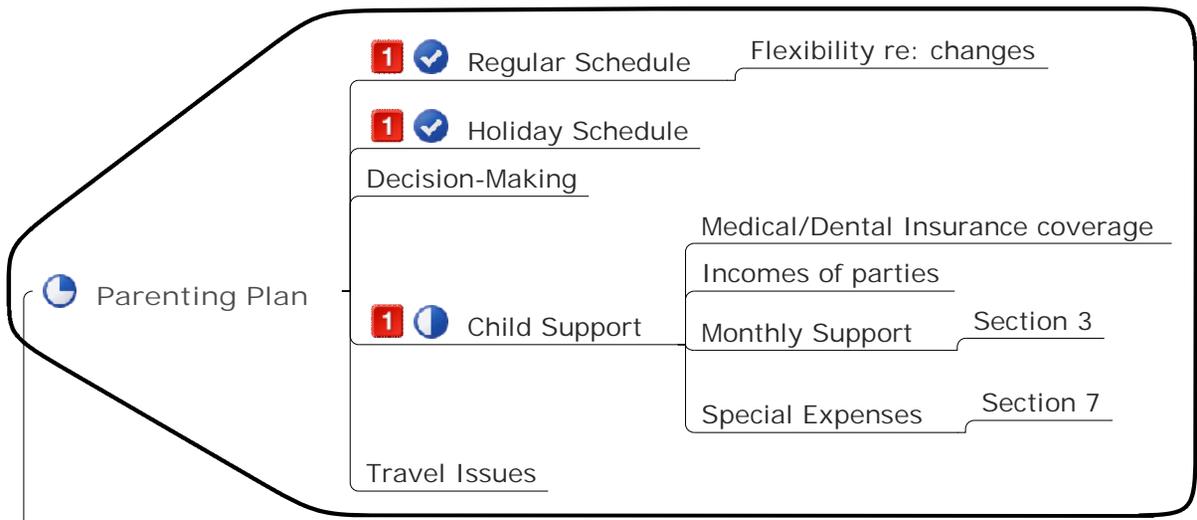
Get some space from Lloydminster

Ann would like to be in a position to buy a house in Edmonton eventually

Ann decided to move to Edmonton

Topics for Discussion During Mediation

Meeting: April 25/13



Parenting Plan

Meeting: April 25/13, April 27/13

Parenting Schedule

Meeting: April 25/13, April 27/13

Holidays

Christmas Christmas 2013 and beyond

- Ann has Kids from Dec 24-Jan 1 (2013 and odd numbered years)
- Tony has Kids from Dec 24-Jan 1 (2014 and even numbered years)

Easter

- 2014 and even numbered years Kids with Tony
- 2015 and odd numbered years Kids stays with Ann
- Defined as Good Friday to Easter Monday

Thanksgiving

- 2013 and odd numbered years Tony has Kids
- 2014 and even numbered years Kids with Ann
- Defined as Friday thru Monday

Summer

- In the past, Tony's parents have traditionally taken grandkids to the cabin near Prince Albert (Usually in July)
- Ann would like to take Kids to Newfoundland for wedding (August long weekend)
- Keep rest of summer schedule same as regular schedule (One week trip)
- Let each other know about any extended holiday plans with or without Kids
- Both parties ok with making this continue to happen

Kids's birthday

- May 18th Usually on the long weekend
- No change to regular parenting schedule
- Parent who is not on duty for that day will have to celebrate with Kids on a different day
- Kids bday party Each plan own on regular parenting time

Mother's Day Ann gets Kids for the day of Mother's Day

Father's Day Tony gets Kids for the day of Father's Day

Long weekend Extend parenting time to include the holiday day

Flexibility

- Consider parents' work schedules
- May need to re-arrange weekends if one parent ends up with many in a row

Flexibility (+)

Weeknight Parenting Schedule (+)

Regular Schedule (+)

Exchange (+)

Child Support

Meeting: April 27/13

Tony's Income (+)  
Ann's Income (+)

Parenting Plan  
Meeting: April 25/13, April 27/13

Parenting Schedule  
Meeting: April 25/13, April 27/13

Holidays ⊕

Flexibility

- 👤 If one person wants a change Agreed to make the change happen if it works
- 👤 If additional time required Be flexible with each other

Weeknight Parenting Schedule

- 👤 If off early, try to pick up Kids from daycare Parties are agreeable to this continuing
- Ann's job ends every day between 4:30 and 5:15 (latest) Ann will pick up Kids from Tony's house

Regular Schedule

- 👤 Tony has Kids alternating weekends
- Tony usually has Friday off
- Ann usually drops off Kids Thursday night or Friday morning
- Assume that Ann will drop off Kids on Friday morning unless arrange otherwise
- At the end of the weekend, will arrange whether to exchange Kids before or after supper
- Tony needs some unwinding time at the end of his 11 days of work
- If Tony wants to take Kids on the Thursday evening, will provide as much notice as possible, but Ann cannot guarantee that it will be immediately

Exchange

- 👤 Ann will drop off at Tony's or Tony will pick up at Ann's in the driveway (Tony's preference, not required)
- This is Tony's preference while Ann is living at her parent's place
- This may change once Ann moves out

Child Support

- ⊕ Tony's Income
- ⊕ Ann's Income

Meeting: April 27/13

