



# MCLE

## Program Materials

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# Amplifying Your Presence in Public Speaking, Court Appearances & Meetings

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S E M I N A R

# Amplifying Your Presence in Public Speaking, Court Appearances & Meetings

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# About the Faculty

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JUSTIN L. KELSEY is a mediator and collaborative divorce attorney and a partner at Skylark Law & Mediation, PC in Southborough. Mr. Kelsey is a past president of both the Massachusetts Council of Family Mediators and the Massachusetts Collaborative Law Council. He is currently the chair of the Massachusetts Bar Association's Dispute Resolution Section Council. Mr. Kelsey is an adjunct professor at New England Law | Boston, teaching mediation. He is also a partner in three other businesses: Gray Jay Endeavors LLC (retirement division/qualified domestic relations order (QDRO) consulting and divorce forms), The Collaborative Outpost (a collaborative coworking space), and Divorce Mediation Training Associates (offering forty-hour divorce mediation trainings). Find Mr. Kelsey on TikTok @thatmediator and learn more at [duckinabottle.com](http://duckinabottle.com).

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**Section 1**  
**PROGRAM MATERIALS**

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## Section 2

### UNEDITED PROGRAM TRANSCRIPT

>>: Seminar, amplifying your presence in public speaking, court appearances and meetings. My name is Bruce Richard. I'm a program attorney at MCLE. I'd like to thank our faculty panelists, both of whom are volunteers, for their time and commitment to this program. You'll receive an email with a link to an evaluation form for the program. We encourage you to take a few moments to complete it. I want to remind you about MCLE's subscription product, the online pass, which offers everything MCLE has online - hundreds of live and on demand webcasts, our entire book collection - all for one low annual fee with unlimited 24/7 access on your various electronic devices. Subscribe today, and MCLE will deduct the cost of today's program from your first-year subscription. We encourage you to share what you're learning in today's program via Twitter. Tweet us @MCLENewEngland. You can also interact with us on Facebook, YouTube and LinkedIn. And we encourage attendees to ask questions all throughout the program. It's now my distinct pleasure to introduce the speakers for today's program. Catharine Blake is with Atwood & Cherny in Boston. She focuses on matrimonial matters with particular expertise in complex divorce cases, including valuation, asset division, support, custody and removal. She's also involved with prenuptial and postnuptial agreements, as well as paternity judgments. Ms. Blake is a member of the Massachusetts Association of Women Lawyers, the Greater Boston Family Law Inn of Court and the Massachusetts, New Hampshire and Boston Bar Associations. And Justin Kelsey is a mediator and collaborative divorce attorney, and the owner of Skylark Law & Mediation in Southborough. He focuses on the peaceful resolution of family disputes. He's the past president of the Massachusetts Collaborative Law Council, vice president of the Massachusetts Council on Family Mediation and member of the Massachusetts Bar Association Dispute Resolution Section Council. Justin also prepares QDROs and sells family law templates through Gray Jay Endeavors. Justin trains other mediators and collaborative law practitioners through MCLE, MBA, BBA and Divorce Mediation Training Associates, and is one of our featured trainers for the Family Law Mediation Workshop starting on July 11. And with that, Cate and Justin, I'm going to turn the program over to you.

>>: Thank you.

>>: Thanks, Bruce. A lot of organizations and stuff there. I think the main lesson here is if you do enough presentations at MCLE, they ask you to present about presenting...

>>: (Laughter).

>>: ...So that's what we're going to do today.

>>: So I'm going to begin today by talking about how you can best present yourself from a litigation perspective. And my experience so far has been that courts are trying to move back to in-person, particularly when it is contested matters. I think that the idea is that a lot of cases just were not settling because people were not meeting in person and trying to work things out. And so you're seeing a lot more people settle on the courthouse steps, which is why judges are trying to push people back into the courtroom. But certainly uncontested matters, and then it also depends on the county and the judge about whether or not they are going to do things by Zoom. I am finding that judges are willing to accommodate for health reasons, contested matters by Zoom. It is important to note that they cannot do things by hybrid. That's been my experience so far. So I'm going to focus on the litigation aspect. And also keep in mind that a lot of depositions are still being done electronically by Zoom. My understanding from speaking with stenographers is that they are simply not wanting to be back in person, so they are looking to continue to make those depositions by Zoom. Just as a reminder, this Zoom court is still a court formal proceeding. It's not a casual meeting. If you were in court, you wouldn't be having a cup of coffee or drinking water unless perhaps you were on trial. So there's no reason why you should also be doing those things during a Zoom hearing. It is appropriate dress attire for both you and your client. Yes, nobody can see your bottoms but it's still best to be dressed appropriately. One of my colleagues was actually interviewing a litigant as part of a guardian ad litem investigation, and at one point, that person stood up and lowered their camera because they were on their phone and my colleague could see that they were not wearing any pants. So wear pants (laughter). I also encourage you to make sure that you're wearing appropriate attire, even up top. I have seen attorneys appear in Zoom court in a hoodie. It's just not appropriate attire. And

it does reflect on you, and the judges do take notice of these things. Just as vital to prepare your client for the Zoom hearing. Make sure that they can use the technology. Practice with them, if necessary. This would include turning - how to turn the camera on and off, how to turn the microphone on and off, making sure that they can get into a breakout room if the clerk is going to be using a breakout room. They should be make - you should make sure that you and your clients are using an appropriate name, and that you and your client know how to change the name on the screen. It is important to make sure that they can change the name. I have had some clerks who like people to put docket numbers after their name so they can appropriately assign people to the Zoom breakout rooms. It's important to be in an appropriate setting. You need to make sure you are in a quiet place with minimal distractions. I once heard a judge share that they had a Zoom hearing, and it became very apparent to them early on that one of the parties was in their bathroom attempting to take a shower. So even if you don't have the camera on, we can still hear what is going on in the background. I once was in a Zoom hearing, and it was very clear to me that one of the litigants was at an airport because we could continuously hear all of the boarding calls in the background. The judge was none too pleased when they tried to get that person on, and they could not hear them and that - they could not hear the person, and the person could not hear them. And so they were given a second call. Make sure that you and your client have an appropriate background. You don't want to look staged. For instance, if there's a custody issue going in front of a judge, don't put children's artwork or photographs behind, it just look staged, and it's not appropriate or necessary for a judge to see those types of things. If a person cannot have an appropriate background then their background should be blurred. So again, it's important that your client knows how to blur the background. Similar, and actually even almost more important than if you're in person, is a client's demeanor. You want to make sure that they have no facial expressions, that they are wearing their best poker face, that they're not laughing when comments are made about them. I think that this is more important than being in person because when you're in person, you can turn to your client and say, you know, whisper, knock it off or get them to stop. But when you are on a Zoom hearing, it's more difficult to communicate directly with your client and make sure that they're under control of their emotions. You want to make sure that your client is going to have their whole head on the camera. I've seen judges admonish people because their client is only from the eyes up, and it's distracting to a judge not to be able to see the parties and for them to have to keep reminding people to have themselves on the screen. They're - they need to listen to what it is you want to say. So you want to minimize the distractions as much as possible so that the judge doesn't have to keep saying those things. As I mentioned, everyone should know how to get themselves into a breakout room, and it is important to let clients know that it is possible that you will end up in a breakout room with everybody involved in that case. And it may be a while that you are sitting there waiting to be called. So it may be appropriate that the cameras are turned off or that the volume is turned off so we're not - everybody is just sitting there staring at each other for a time until they're called. Make sure that, you know, every formality that you would want to use in court, in person, you would want to make sure that you're doing that in Zoom court, as well. And now I'm going to turn it over to Justin to talk about the flip side of alternative dispute resolution.

>>: Yeah. So on each of these topics where Cate's talking about doing, you know, how does this fit into presenting to the court, I'm going to talk about, you know, what's different in presenting in a dispute resolution context or in a training context. And so when it comes to presenting yourself in a training context, I think it's important to always be thinking about branding. So, you know, all the things that Cate talked about in terms of, you know, your appearance on Zoom is not just when you're, you know, presenting individually, it's, you know, just what you're wearing and what you bring with you. On Zoom, you've also got this box of what's behind you. And so when I present on a Zoom, I've got a corner of my office set up with a banner behind me with my logo. And you also see some people will have a virtual background, like Bruce did at the beginning here with the MCLE logo up behind him. I actually think virtual backgrounds look a little weird on me. My hair, it kind of - it's a little fuzzy, and it shifts and it looks like I'm coming in and out a little bit. So I don't like using virtual backgrounds but it's something that you might want to use, you might want to test out. And obviously, it depends on what your seating situation is. The other thing is thinking about lighting. So we're going to talk a little bit more about technology. But just from, you know, the space that you're in, you want to be well-lit, as well. If you're - especially just in addition to what Cate was saying, if you're in front of a judge and you're, like, really darked out and they can't see you, that's also distracting from if there's, you know, good lighting around you. So thinking about what this box looks like in a training, I'm also using technology that I'm going to talk a little bit about later of having slides right on my video screen. You can do that or you can share screen, but obviously I need to make sure I know where I'm standing if the slides are going to be on screen, that I'm not behind them - right? - or if I'm using the PowerPoint feature where I'm in front of the slides, that you can see, you know, the slides, not just me. So all of that is about how you're presenting, you know, this window

as opposed to just your individual self but also the dress appropriately piece. When I'm presenting in a training, I'm often thinking about not just the branding behind me, but how am I dressing for this training? What am I presenting? I don't do much litigation work, so I don't wear a suit very often, so I don't wear a suit for my training. It's not the - it's not my brand, it's not what I'm presenting. And that, you know, shifts over to when I'm mediating, the clients don't expect me to be wearing a suit. While some clients do hire me because I'm an attorney mediator, they're specifically hiring a mediator, and they want that focus. And so if I wear a three-piece suit, fancy tie, they're actually going to be a little thrown off, even more so in person. They expect something different from me, and I dress to the part that I'm expected. What message am I trying to send? It's meant to be still professional - right? - but more inviting. And so I think about that in the way that I dress for my clients. I do have what's in the slide. I do have branded sneakers that say Skylark on them, and my colors are blue and orange, and I'll wear those if that - again, if I think the context in which I'm often presenting or meeting with clients, that's appropriate for the work that I do, and meets the expectations of my clients. And when I'm presenting a trainings, I am thinking about the - constantly the brand match. There's one last thing I'll say there is that brand matching is something when you're thinking about marketing that matches what you do with every sentence. So it's not just professional, you know, matching the colors and logos and things like that but matching the context. You know, if your work is primarily work where you're going to be wearing a suit, litigation and court, clients might not expect you to wear the full suit outside of the court but they're going to expect your background to be professional. They're not going to expect you to be at your kitchen table or something like that, or outside when you're doing a meeting. If I do a mediation meeting and the background is actually my backyard and trees and I'm outside, clients might comment but they're typically actually going to be OK with it. They're going to want to know I still have privacy. Like, I'm outside but there's still a confidentiality to the meeting. But they're not expecting the formal office behind me. It's a different expectation. And so thinking about that when I'm not branding, I still might be particularly setting a tone by how I'm - how - where I'm sitting, where I'm presenting and where I'm asking my clients to present from. Most of my clients in mediation are, like, at their kitchen table or on their couch. And I'll sometimes ask them about that setting and thinking about are they comfortable, as opposed to the court, you know, don't have a coffee. I want my client to have a water, have a coffee, have a snack. To be thinking about the setting and how they're presenting themselves, it's different. It's about comfort, you know, being respectful of the other person but not having to be to the level of professional of going to court and making that distinction. And similarly, when they come into the office, I have food on the table, it's a different setting. And so the setting and how I'm presenting myself should match that. And we'll move on to the next section in terms of presenting material.

>>: Sure. One thing that just came into my mind when we're talking about making sure how you know how to use a technology, make sure if there's filters, or, you know, you know how to use those. Because if you haven't seen, it's a good comic. Go online and Google cat attorney. There was this attorney who I guess his children had done something and when he appeared on Zoom court, he was a cat that was talking, and he had no clue how to correct that. But I don't think that that's really a brand that people want to make for themselves. So those types of things are very important to make sure that you're addressing those. So when we talk about presenting material, that is also very important. In terms of the court, you want to make sure that you have filed all of your material in advance of any hearing, whether that's by e-file, mail, in person or use of the virtual registry, make sure that all of your pleadings have been filed and are on the docket before your hearing. Many times I've logged into the Zoom court, and the clerk is trying to figure out where all the paperwork is because it hasn't been received by the clerk, and it just causes a lot more problems for them. And you want to make sure that you are making the clerk's lives easier and not harder. On the day of, have all of your paperwork in order. Don't be at the - making your arguments and looking around and fumbling through your paperwork. I think it's a best practice to prepare your talking points well in advance. Most of my experience with court work is that preparation is really where it is and where you want to be spending your time. When it comes time to actually, I mean, making your argument, look at the camera. One of the things that we've unfortunately lost in this new world is making eye contact with people, and it can be very distracting to the judge if you are looking down at your paperwork and all they're seeing is the top of your head. So look at the camera, not on your screen. And if you really do need to rely on paperwork, a trick that I've seen people use is perhaps you have your computer up against a wall, and then you tape your paper with your talking points behind it so that you are somewhat looking at the camera but can still follow along with your notes. The courts, in my experience, are not really using screen sharing, so that's why it is important to have all of your material filed with the court in advance. But certainly for depositions, screen sharing is a common tool. So knowing how to be able to screen share, and mak-

ing sure that you have that up on your screen and that you're not sharing something that you don't want to. That's all I was going to say on that piece, Justin.

>>: Unmute myself. So in terms of this idea of delivering your message with the materials that you have, I think there's three components of that to think about. There's the audience - right? - so for what Cate was just going through, you know, the audience in court is the judge or a jury, you know, if that's the setting. And thinking about who you're presenting to so, you know, they're not going to allow screen sharing, you've got to have all that stuff in ahead of time - that's the delivery of the materials to the audience, right? In presenting a training or in doing ADR work, my audience is very different. So the first thing is I'm identifying the audience. If I'm doing a training, is my audience beginners or are they advanced practitioners? And the way I'm going to deliver materials might be different and the level of materials I might be delivering is different. When I do mediation trainings - intro to mediation trainings, we're delivering a whole binder ahead of time. I want to get them those materials ahead of time so they can flip through it, but it's hundreds of pages. And going online and doing that electronically - I'm sending them a link ahead of time so they can decide whether they want to print it out or not. But I'm still giving it to them ahead of time. It's a significant amount of material. When I'm doing a more advanced training, I might have them read something ahead of time, but more likely I'm working on materials in the moment. So how am I getting those to them during the presentation? You know, MCLE has this format where you can download stuff during the presentation. When I'm doing stuff on my own, I'm more often making sure I've emailed it ahead of time so people can print it if they want. And that is a real shift to being online is thinking about - some of the people are still going to want that stuff in-hand. So I like being able to give it to them ahead of time and they can print it out, have it in hand if I want it, especially if it's a - you know, a multi-day training, a significant number of materials that they're going to want to be able to flip through or a fact pattern they're going to work with multiple times. A bit jumping ahead, but in terms of technology when presenting material, for myself, I have a large screen I work with when I'm presenting. I'm actually on a two-screen setup right now, so I can keep the materials up on the screen and I can still have the video pretty large and have it all close to where my camera is, so I can be looking at the camera most of the time. I like that idea. If you don't have that, you know, having it behind the computer, that - you know, posted to the wall, that's a good idea too. So it's a little bit about managing your space, but more I want you to focus on how is the audience getting the materials that they need and what is the message that you want to send with your materials? Again, a more basic training, I'm giving a lot more visuals, charts, articles, things like that. So there's these three components - audience, the materials themselves, the message or the story, and then how you're delivering it, all right? So moving online, we've got to deliver stuff more ahead of time. But thinking about all three of those components as separate components of this idea of how you present your material. So I've talked a little bit about the audience from a training perspective, let me talk about it - the audience from a dispute resolution perspective. When I'm doing a mediation, that's very different than doing a collaborative case. So I've got a team of professionals I'm working with when I'm doing a collaborative case and we want to coordinate the materials that we're presenting. I'm not just - I might be sharing stuff with my client, but I'm not just sending stuff to the other client or the other attorney without, you know, usually working with the team on that. And we think about who's going to be the person to send out those materials. So when it comes to the agenda for a meeting, that's usually being sent out by the coach rather than one of the attorneys, continuing the message that the coach is running this meeting, right? In a mediation, I'm facilitating that. So even if there's attorneys - most of my mediations are without attorneys, so it's just me communicating with the two parties and then them communicating with their attorneys. But when I do a mediation with the attorneys, I'm copying everybody. I'm usually trying to have an agenda out ahead of time. If there's resources I'm sharing, I'm sending it to everybody when I can ahead of time. When it comes up in a meeting, right after the meeting I'm trying to get those resources out. Again, this is the type of thing where, in person, I often would've been printing something out and sharing it with clients in that way during a meeting or maybe following up by email afterwards. Now that's all happening electronically. I will save the chat. I have that as a feature turned on. So I might share resources with clients during the meeting, but they may not have saved it, so I also want to email it to them afterwards. I'll make sure I save the chat, I pull out the resources I shared with them and I email them to them afterwards as well so they have it. So in the dispute resolution conferences, really my focus is on making sure any materials I'm sharing - everybody has them and they're coming from a source that makes sense. So it's really - it's always about that transparency of information and making sure that they have that recorded somewhere that they can go back and reference it. So audience, delivery of the message - I want to talk about the thing in between I said - is what is the message, right? And how are you defining your message? In trainings, this is something that you've got to spend a lot of time on. I like to spend time on thinking about what my story and my message is by creating an outline and creating the slides that I

want to go with that outline. I'm going to talk about this a little bit more in the technology section, but from just - you know, working backwards - when I did litigation work, I'd write the order that I wanted before I'd write the motion. You know, I'd write the proposed judgment before the trial presentation or even doing a pretrial memo. I mean, what do I want, then how do I get there where I want? So a lot of times when I'm doing a presentation, I'll actually start with the slides. What do I want people to see? And then kind of walk back TO - that helps me figure out what the message is that I'm trying to get across - what the components are that I want to get across. And in training, you know, you've got the goals to go from the learning objectives to kind of walk back at - how am I going to hit each of those points? In a dispute resolution, it's more being led by the client, so I'm not often having to think about what's the message I want to send? It's more often the resources that I want to share. But there might be times when I am thinking of doing a presentation to clients. So an example of that in my practice is if I know that the agenda for the next meeting is child support. There's a lot of information in the child support guidelines that clients can't necessarily digest on their own, so I might actually be doing a short presentation on how does child support work to the two clients so that they can have an educated conversation about what they want to do. And how am I going to present that information? You know, if I do a child support presentation to professionals, it's going to be a very different message and delivery of that message than to two clients who aren't going to know the legal terms, who are thinking more about how it affects their budget than how the formula works. You know, that delivery - but the message - you know, the same information I'm delivering but in a very different way, and I have to think about the level of detail they want to get into or maybe check in with them as it - you know, that's a back and forth. But I'm prepared to present that whole message. So that may be having the child support guidelines open - sending them to the clients ahead of time but having them open on my screen that I can share screen and go right to certain sections and actually read the sections with the client as a way of delivering - this is what, you know, the guidelines say about second job income. Let's read it together. That's - for me, I'm not giving them advice when I'm in that mediator role, so I'm not just telling them, this is probably what will happen and how you can handle it or this - we could argue it this way or that way. I'm presenting it specifically where I want them to be making that decision, so I'm presenting in a very different way than I would as an advocate. I want to almost go through it with them. So I have to have it ready to do that, hopefully have it to them ahead of time, and probably be thinking about how I'm following up with them afterwards because they may not be prepared to make that decision in the moment. So there's a very different approach to delivering that information in a mediation than in a training setting or in an advocate setting. And the audience - you know, in the advocates setting versus the mediation, the audience - the client may be a very similar audience. But because my role is different - because my role as mediator, as neutral is not to provide advice, I'm going to deliver that information differently. And so I'm very thoughtful about not just the audience, but what my role is to that audience, how I'm going to deliver that information. And so the same information in the child support guidelines can be delivered in three different ways, depending on the audience and my role. But in terms of screen sharing and those types of things, I might be presenting it all the same because I'm interacting with all of those audiences through Zoom now. The majority of my practice over the last two and a half years, even with mediations, has still been over Zoom. And so that's sort of what we're going to talk about next is how to use that technology effectively in all those different settings. But it still comes secondary to what are you delivering, right? If I'm meeting in person or on Zoom, I start to think about who is my audience. I still have to think about - what is the message I want to deliver? What level of depth am I getting into - you know, beginner versus advanced, client versus professional? And how am I getting that information? Advanced professionals - you know, they're going to do some of that work themselves. Clients - I need to give it to them as many ways as possible because they're not necessarily going to be prepared for it, or they might just be different types of learners. I don't necessarily know that ahead of time. So giving it to them as many ways - ahead of time, sharing it on the screen, verbally going through it, giving them a chance to ask questions, following up with resources, and even encouraging them to follow up with conversations with their attorneys if the attorneys aren't part of that conversation in the room so that I'm also letting them know that's - it's an ongoing conversation. All of that is very different than when I'm just in an advocacy or just in a training scene. So that back and forth is different. I don't know if that raised anything additional that you wanted to say, Kate.

>>: No. I think the question about knowing your audience is a really important one. And unfortunately, what we lost with having court move to Zoom was we had new judges come on the bench who - you may have known them in private practice, but you don't know what their judicial temperament was going to be. So, you know, I have cases where I have a brand new judge - maybe not new at this point - who's been on the bench for a year or so and I've had limited experience. And the benefit of being in person was you could sit there while you were waiting to be called and get an idea of how they were, you know, proactive, not proactive - you know, what things that, for lack of a bet-

ter word, set them off that they didn't like hearing from an attorney. So we've lost that. And I would suggest that, if you're new to practice or if there's a judge who's relatively new or you've never appeared before, go sit in the back of the courtroom and listen to a half-day motion session or a pretrial conference so you can get some idea of what they do and don't like and you can learn more about your audience. The other piece that I would just add also is that, again, as I was saying, it's a very formal process being on court by Zoom. And I think that some of it is even more formal than when you're in person, because Zoom really does not allow you to speak over another person. You have to be more patient and wait your turn and be a bit more deferential and respectful to the judges, in my opinion. I don't know if that prompted you to say anything else, Justin.

>>: Yeah, I would say, I mean, that comes up in mediation all the time. Even more so, I'm having to encourage clients not to interrupt each other because Zoom just doesn't let both people talk at the same - you only hear one of them. Whereas in the room, I can get some of the crosstalk. I won't always reprimand interrupting. But on Zoom, I kind of have to say I can't hear both of you if you talk at the same time. So I sort of have to police that a little bit more. And that's part of the back and forth of getting used to the tech with clients. But other, I guess, just comments about delivering material to an audience - in person, it's just a lot easier to connect with your audience. So you're getting to know the judge by everything else that's going on. You're also just - we see a lot more body language. We see - you get to see people's faces closer up in this Zoom setting, so you might get more of, like, what's going on with people's expressions than I might get across a courtroom or in a big training room, but I'm losing all the - you know, are people's shoulders slumped? Are they leaning back? Are they fidgeting? You know, all - I can't make individual eye contact with clients. So the delivery, I think, has to be far more - from a standpoint of - if - it needs to be a personal connection with an audience, which is something that I need to do with my clients in a dispute resolution setting and sometimes I'm trying to do in a training, depending on how interactive of a training it is. I have to be more thoughtful about that on Zoom. I can't make eye contact, so do I use people's first names more? Do I let them know, you know, right now I'm focused on you and then I'm going to come to the other person and ask them questions? Because they can't tell who I'm looking at. And I might have to ask more questions about how people are feeling because I just can't get it from body language in the same way that I would in the room. Similarly, in trainings. I might have to do more polling of the audience or things like that to get a feel for, you know, are people getting this or not? Whereas during a break, I think - you know, in a half-day training, we took a 15-minute break, and I get a feel for - are people enjoying it? Are they getting - are they asking questions? What are they saying to each other? On Zoom, everybody just goes black and they take a - their video goes off and they go take a coffee break, I don't - I have no feedback. So the - I get a lot less out of Zoom in terms of that back and forth, that means I have to plan for it more. That engagement with the audience, the - you know, in these settings that aren't as formal as court where you want that interactivity, you have to plan for it. You have to make it happen in order to know, is your material getting across, right? Is your message getting connected?

>>: OK. So I think we're going to move on to technologies. And I think the idea was we were going to talk about new technologies. Unfortunately, I still find that the court is very antiquated and moving to Zoom was, you know, them taking about a 10-year leap in time in a very short, you know, couple of months, which they - was very surprising. In terms of just, you know, getting your materials out - again, as I mentioned, knowing how to e-file, if you can - every so often, they are expanding what is available to e-file. I'm a family law practitioner, so my understanding is that they recently allowed people to start e-filing paternity cases. I believe that I did hear at a bench bar recently that even litigants who are representing themselves - so somebody that may have gone to Justin for mediation - they, I believe, have the ability to e-file their own pleadings as well, and that way it's just not getting lost in the mail. I have had experience mailing things to court that could not be e-filed, and it takes months depending upon how backlogged they are for them to actually make their way to the docket. So e-filing, making use of the virtual registries - which are still available - and then even filing in person so that everything is there for your hearing and your judge has all that information. The other good thing about the Zoom technology is I have experienced courts to be able to bring interpreters into the courtroom by Zoom or by telephone so that they can get those cases heard. That does make it a little bit more of a - interpreter services have always been a little bit of a clunky experience in terms of arguing because you need to make sure that the interpreter has the opportunity to translate, and when they're not physically in the same room as the person that you're translating for, that can delay that experience - that argument even more as you wait for the translation to go through. There, I'm sure, are many seminars you can take on how to take a deposition electronically. I have done depositions by Zoom where I am screen-sharing exhibits or I have sent exhibits in advance. Sometimes, I've done a hybrid because I don't necessarily want the other side to know all of the

documents that I will be referring to allow them to prep their answers in advance. So I might send things like financial statements or pleadings that I don't mind if they have it in advance, but more of the aha, surprise documents, I am sharing that by a screen-share. There are companies also that have - they do the deposition by Zoom, but then there are other programs that they have for sharing and marking exhibits as well at depositions. And that's a useful tool as well. And those are really the technologies that I'm seeing from the litigation side.

>>: So there's a question, but I'm going to hold it because I'm going to get to it in a minute, actually. And so I'll read that question off when I get to that part of what I want to talk about. In terms of the technology, it's impossible to talk about doing this work online without talking about the technology, too. We've already kind of dipped into it here and there and what Zoom can do. I want to mention, you know, that there are other - for all of these, you're always picking the technology you're working with when you have the choice. When court says, this is what we're using, go to court with what they're using. And so if you're doing court in Massachusetts, they're using Zoom. You better familiarize yourself with Zoom, even if that's not what you're using in your practice, right? In terms of what you use in your practice or in trainings, you might have some more control over that. So you might want to shop a little bit. And there are other options - Google Meet, join.meet, Citrix and WebEx, Microsoft Teams, and they all have pros and cons. I have been using mostly Zoom because I have found - first of all, I do a little bit of court work because I help preside on contested hearings - so helpful for me to know what the court's using. Also, I have just found more clients have more comfort with it. And when I'm doing mediation, it's more of a volume business. It's easier if this is what most of my clients are using. That's what I'm going to use. It's just going to make that easier, more comfortable for my clients rather than trying to teach them a new program. So a little bit because Zoom became quickly ubiquitous, that's what I'm using in my casework and what I've gotten most familiar with, not because I did actually shop the differences.

And I will say one of the differences that I knew of early on was Google Meet had built-in captions because Google owns YouTube, so they had a captioning service built in. They added that early on. For some clients, that accessibility of having live captions is a huge advantage. Zoom did not have that. There were add-on services, and just recently, one of the updates was Zoom added captioning built in, and I haven't - I paid for one of the add-on services. I use that in my trainings, and I actually need to still check out the built-in Zoom live captioning to see if it's as good or similar. But when I'm doing trainings, some of my trainees find that very helpful. When I am doing mediations, I'll ask clients, do they want that service turned on or not? It's not perfect. It creates a transcript, so sometimes my clients don't want that. But for clients who may have a difficulty hearing or following along, that can be hugely helpful for them. So when I'm doing mediation, they both have to agree to it. But if they both agree, that's something I can turn on. So knowing the features of these different things is important. For me early on, that was something I paid to add to Zoom because it was something I thought - it was good that Google Meet had it. My clients were still more comfortable with Zoom. So I wanted to add that functionality.

And that's - it's a choice between these programs. It's also something that they're constantly changing, they're constantly updating. So if you're using Zoom, you may want to check to see if you have auto updates on or not or just periodically plan to update the software. It has - like I said, the live captioning service, that was a recent update. So you want to be checking to see what these updates are so you know what capabilities the program has. This is not a learn the technology once and then live with it. It's constantly changing and, the good news is, constantly improving, in my opinion. If this pandemic had happened 10 years ago, you know, internet service was so much choppier. Video streaming services were not as good as they are now. I don't know that I could have done mediation to the level I've been doing it, presenting and training to the level I've been doing it over the last two years if this pandemic had happened 10 years ago. There's a privilege level I've had, that I can afford the technology, that most of my clients have internet service. But it's also allowed me to keep my business going pretty much as it was, in some cases busier than pre-pandemic because this technology is constantly improving and available. So I'm a little bit thankful for that, honestly. But also, I want to focus in on some of the actual specifics around the technology that I use for presenting and also just to connect to clients, Zoom versus other things. And that's pretty much how I'm going to use most of the rest of the time and invite Cate to jump in when she has a comment about one of them as well. But also, throw out questions as we go here. So the question - and here I'm going to read it - what tips do you have for delivering through a PowerPoint presentation, either in person or on video conference? Should you have talking points for each slide? And the commenter said, I want to avoid reading the slides verbatim. And you kind of read my mind here because I'm going to show you a slide that I've used called the worst slide ever. I actually use this sometimes when I

have a bunch of text to put on a slide. I'll put this picture next to all the text because I am one of those people who hates slides with all the text on it.

Choose your moments. So when I use this picture is when I have to give people definitions. So I do mediation trainings, collaborative law trainings, dispute resolution trainings. Sometimes, I got to give definitions. And so it's important sometimes to highlight pieces of the definition. I'll put the whole definition on screen, but I'll put this picture next to it because I recognize - I don't like slides where I have to read everything. I actually think if you have a whole presentation that's just slides where you have to read everything, probably better as an article format. You know, some things do have to be in a verbal format, but if you're just reading your slides, I'm the type of audience member who's going to get really bored by that. I need the contrast. Show me - if you have a slide, it should be showing me either just something to highlight what I'm talking about or advance it, a chart or a table or something, an image that helps convey the message but not just what I'm saying out loud because I can read them, right? Here and there, certain types of practice, you got to put the tax statute up there. You got to put the definition up there. When I work with clients, I got to put the child support guidelines up on the screen sometimes and work with them specifically. But when I'm presenting, you know, I think less words on the screen, the better. I want people listening to me, not reading.

In terms of, you know, tips for PowerPoint, you may have noticed I have my slides on my video. You can also share screen, and then people get the side-by-side view. They get the full slide, which is useful for certain things that you're presenting. You might need more screen space to get what you want to convey. And in certain circumstances, I think it's actually more helpful to just have the slide on the side of your picture. I'm using a program called Prezi, P-R-E-Z-I, to do this and an overlay called Prezi Video, which has the nice feature of I can turn the slides on and off really easily. I can go full slide if there was something I wanted to show, and then I can come back. I think it's really seamless, and I like that over the share screen, which feels a little bit more clunky to me, but that's my preference. And I'm comfortable with it, and I've taught myself how to use it. Or I've gone into the tutorials, and I've let Prezi teach me how to use it. You got to take the time to do that if you're going to use something in your presentation. So I think, you know, ideally, learn one of those things really well. Learn PowerPoint really well or learn Prezi really well, and then use it for as much as you can. Don't try to learn everything because there's a little bit too much out there.

If you're going to use PowerPoint, Zoom has an integration where you can have PowerPoint slides behind you. And different than the way Prezi is kind of in front, you can have the slides behind you. Or you can share a screen and have them take up the full screen with your video being a small piece. Either way, try to mix it up. Have within the program some slides that are just pictures, some slides that are charts, some slides that are informational. Where you can include a video, include a video. The more - the longer your training is, the more you should be mixing up different formats as well and having interactive - using the software for breakout rooms and things like that. But, you know, my advice when it comes to presentation software is don't overly rely on it to deliver your whole message. If you're in a video setting like this or you're in an in-person setting, you are part of the message. You're - what you're saying, how you're presenting it, when you have interactions, the instructions you're giving, the slides are one other part of it. If you're thinking your whole presentation is the slides, ask yourself, what do you need to be there for? People can read on their own, right? So it should be interactive. It should be a combination of both. So that's sort of my advice in terms of that question about presentation, points for each slide, that kind of thing.

How many slides I have is going to depend on how long the presentation is. And again, pick a technology that you like. I happen to like Prezi. I just - I like the animation and style of it, but it's something you have to learn to use. It's different than PowerPoint, and it has different functionalities and different abilities. In terms of Zoom, you know, learn the technology. I can't tell you how many meetings I've been on where you just have to remind a presenter who's two minutes in, you're on mute. (Laughter). It happens to all of us, for sure. You know, it's the type of thing that can come up over and over. But, man, it's frustrating when that happens - right? - where someone's, like, talking, and you can't hear them. It's even more frustrating when they think you can hear them, they're not on mute and their tech is just not working. People have to leave the meeting come back. So like Cate was saying, with clients, test that ahead of time. You don't want to be having that happen with court. With mediations or collaborative meetings, we'll offer to people to test that kind of thing ahead of time 'cause it can be - if they really want to use that hour or two hours to dig into substantive issues, these are the things that happen during family law, things that people care about

- their kids, their money - and then they're stuck like they can't hear the other person or they're freezing over and over. Man, is that frustrating. You're trying to have a really important conversation, and you can't. You know, that is really upsetting to people for good reason. So testing the technology ahead of time - and ultimately, if they can't get it to work, maybe that needs to be an in-person meeting. We're at the point where we are offering that. Masks, we asked our clients to share that they're vaccinated. But we can make it work. And sometimes the technology's just not going to work. And I know the courts feel that way, that there are certain things they just want to be back in person for. You know, there are some advantages to being a person. So they can't fully rely on the tech and - sorry. There's a question - what am I saying with presentation software? It's Prezi with a Z. P-R-E-Z-I. So hopefully that cleared it up. Cate, did you want to add anything? Yeah.

>>: Yeah. What I wanted to say was make sure you're not doing this the day before, making sure you know that the tech works - especially with your client - in advance. For instance, I have a client right now who's elderly, and he has no ability to Zoom. So we have agreed that he and I will get together and be together somewhere to do the Zoom hearing so that I know that he's going to be there. I just did not feel comfortable leaving it up to him to figure that out. I wanted to make sure that he was going to be adequately prepared and able to participate in that upcoming hearing.

>>: Other things to prepare in advance. So when I'm doing a training, I'm going to test things in advance. I'm going to set up things in advance. And I also do this sometimes, depending on what I might be doing with clients. I know coaches running collaborative meetings, or if I'm a mediator running a meeting with attorneys, I want to know ahead of time that I got confidence in how to use breakout rooms in the software I'm using. I had meetings early on in the pandemic where, you know, a mediator is supposed to be running the meeting, and they don't have breakout rooms turned off or that a four-way meeting, a settlement meeting is scheduled, and the other attorney says, oh, I'll set up the Zoom. And they set it up and we go in and they're like, oh, you have to leave and go to another Zoom room if you want to have a meeting alone with your client. That's really frustrating and not very efficient. Know how to set up breakout rooms if you are running the meeting or have someone in your office run the meeting. I know some of the community mediation centers have a dedicated person running the meetings so that they could do the breakout room stuff in the background. People need to be able to have private meetings, if necessary, and that's a feature you have to turn on ahead of time. If I'm running breakout rooms in a training, and it takes me five minutes to set up the breakout rooms, that's problematic. It's slowing down the training. People are waiting for that. So I can have someone else co-hosting the meetings, setting up the breakout rooms, or practice setting this up ahead of time. Or in certain circumstances, if I know what I'm going to do ahead of time, I might be able to actually set it up ahead of time, as well. Similarly, if you're going to use polls in the training - it's a very helpful thing - Zoom has polls built in, but you have to set them up ahead of time. You can use a software called menti.com - M-E-T-I - they run polls in real time. And Google has something called Jamboards where you can have people log in and be adding to the same software at the same time. They're very useful in trainings. Test those things ahead of time. Set them up ahead of time. It can make trainings much more advanced. But you have to have these things all set up ahead of time. If you're doing it in the meeting, it's really not going to come across in the same way. You're not going to deliver your message the same way. Another example of that is sharing screen. Practice sharing screen. One of the great things that the Massachusetts Collaborative Law Council did during the pandemic is they ran a weekly program called Silver Linings, where members could come talk about practice tips but also practice with technology. And MCLC, for their members, said, let's practice. You do the screen share, and then I'll walk you through what you're doing right and what you're doing wrong. Nothing's more embarrassing than, you know, sharing the wrong part of your screen with clients, showing them - I mean, it could be malpractice, you're showing them other client information if you have stuff up on your screen or your inbox or something. But even just, you know, you think you're sharing something with them that will be helpful, and you're sharing a different part of your screen. Practice that. And I have found particularly frustrating when I go to trainings and people have made the point of having multiple types of content, and they have video content ready but they don't know how to share it with the sound and video correctly. When you share screen in Zoom and you're planning to share a video, you need to check a box to share your sound and to optimize video for a video clip. If you don't check both of those boxes, what you think you're showing people as a video, they're not getting the full effect. When I've been on the audience side of that, I find it very frustrating that a trainer wants to convey a message, and I'm not getting the full message. I'm not getting that. So doing a good training is practicing that ahead of time. And there are times in dispute resolution scenarios where I will show clients a video of something or present something where I want the sound on. So I need to know how to do those things to

present effectively to my clients in the mediation sessions. So that - so the big message there is prep, practice the technology ahead of time, but it's also getting to know what are all these great features that these technologies have. A lot of software engineers are out there putting all this work in. But also, I'm paying for it, right? So I want to use what I'm paying for, get the most out of things. And when I do longer trainings, you know, do day-long trainings, I got to be switching it up. If I'm just reading slides to someone for a day, they're tuning out after a certain point, especially on Zoom, where people can start doing their email and stuff on the side. I need to go into breakout rooms. I need to make it interactive. I need to be able to share a video if I'm going to keep someone's attention. And that's the extra work that we have to do to do things effectively online. But it also - you know, it's extra work, but it also gives us so much great ability to do things that weren't as easy to do in person in the past. And I've had to learn how to switch some of the activities that I would do during a training in person and how do I do them effectively on Zoom? I had to be a little bit creative. I used to have a thumb wrestling exercise that I did with people in interest-based negotiation training. Trying to turn that into an online - you can't quite have people thumb wrestle online. But an interesting thing. But what I've found is I've actually found really new, interesting exercises that I can have people do online. But when I do go back to doing in-person training, I think they're going to make those trainings better. So I appreciate the extra stuff that technology has given us here, plus just the ability to continue to do our work, in the meantime, during this pandemic and stay safe. I've had three different people at my house have COVID over the last three months. So the ability to keep working with all that's going on and still take care of people is really important. So I'm thankful for it. But you've got to do the work to make sure that you know how to deliver your message effectively and have clients feel that you are professional or have trainees feel like this - I'm getting everything out of this presentation that I can. Anything you want to add, Cate? Or we have - take more questions. Feel free to put them in, and I'll read them off.

>>: I don't think I have anything else to add.

>>: I'm just looking at my notes to see if I had any other points I wanted to make. I mentioned captions, but that's just a lesson, I think in general about knowing what the technology can do and knowing that it changes. So I only found out today that Zoom had added that, and I want to go on and investigate it. I guess in terms of just some wrap-up stuff, if there aren't any questions - you know, overall, this is about thinking about when you're presenting to any audience, who's the audience, what's the message you're trying to present and how are you presenting it, how you present individually and how your message presents. And you've got to think about all of those pieces. And it's different depending on the audience, the message and the delivery. But online, the - I think the - what we've learned is you can do almost all the same things. You just have to do it a little bit differently in order to connect in the same way with your audience, in order to convey the same message. But it does give us the ability to connect in ways we couldn't before, you know, with clients over a greater geographic area, to do work in more courts than you might have presented for - you know, presented in before, to reach trainees. I have a trainee in our current mediation training who's in California who probably wouldn't have flown out here to take the in-person training. So there are advantages to it as well.

>>: Well, thank you to everyone for coming today. And - two of us are happy to answer questions now or offline.

>>: I think MCLE sent out some of our contact info, too. But you can always feel free to reach out to me at [jkelsey@skylarklaw.com](mailto:jkelsey@skylarklaw.com). And you can find info about all my businesses at [duckinabottle.com](http://duckinabottle.com).

>>: My email is [cblake](mailto:cblake@atwoodcherny.com) - B-L-A-K-E - @atwoodcherny - A-T-W-O-O-D-C-H-E-R-N-Y - .com.

>>: Right at the hour mark, so I assume Bruce will come in and wrap us up. I'm actually going to log off. We haven't received any questions. So thank you to those who attended. And thank you, Cate, for doing this presentation with me.

>>: Thank you, Justin. I learn something every time I do something with you. Have a good day, everyone.

>>: Take care.