**PROCEEDING NO\_\_\_\_\_\_ OF \_\_\_\_ INTAKE CONFERENCE C:\Documents and Settings\BBarker-Hudson\Local Settings\Temporary Internet Files\Content.IE5\QNWT6PGV\MC900434713[1].wmfSHEET**

**MEDIATOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CO-MEDIATOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date\_\_\_\_\_/ \_\_\_\_ / 201\_\_**

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| **ISSUE** | **SUGGESTION** | | **C:\Documents and Settings\BBarker-Hudson\Local Settings\Temporary Internet Files\Content.IE5\QNWT6PGV\MC900434713[1].wmf** |
| **WELCOME**  **NAME**  *Part III +IV = Code*  *R 47 (1), R52* | **My name** is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   * PNG Accredited Mediator • I uphold Code   • Assist **you** resolve **your** issues • I manage process  • No decisions BY ME • Here to find a lasting settlement | |  |
| **CO-MEDIATOR**  *R 54 (3) (c)* | My co-mediator is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  They will introduce themselves | |  |
| **PARTY**  **INTROUCTIONS** | You were given an Attendance Sheet which you have filled in and I have here. | |  |
| **CASE** | Proceeding \_\_ \_\_\_\_\_ of \_\_\_\_\_\_\_\_\_ | |  |
| **AUTHORITY TO SETTLE** | *Plt* – Do you have authority to settle this case?  *Def* – Do you have authority to settle this case? | |  |
| **SIMILAR CASES** | Do you have other cases on-going which are the same or similar to this one? Can they be joined? | |  |
| **ALL PARTIES** | Do you think all the parties needed to settle this matter are here? *Plaintiff, Defendant* | |  |
| **PATH** *R54 (j)* | 1. This case was referred to me as an Internal Mediator 2. External Mediator, Agreement Signed / Fees paid | |  |
| **CONFLICT OF INTEREST** *R47(4)(a)* | I do not believe I / We have any conflict of interest.  Does anyone have any questions or issues? | |  |
| **FAIRNESS** *R55*  **EQUITY** *R56, R57*  *R47(4)(d),*  *R54 (3)(d)* | * I / We will conduct this conference fairly, equally, respectfully . Please tell me / us if any concerns * I / We expect the parties / lawyers to treat me and each other with respect – listen, no interruption, focus issues not disrespecting others – good faith | |  |
| **REASON FOR INTAKE** *R54(1)* | Intake is held to prepare for our Mediation Conference.  Opportunity for settlement every stage including today | |  |
| **ROLE** *R52 (1)*  *R54 (1)(g)) R 53 (2) (ii), R8* | * To facilitate lasting final, settlement ALL concerns. * Accredited Mediators conduct mediations according to the ADR Rules, have immunity from prosecution. | |  |
| **NO ADVICE** R*46 (1)(a), 54 (1)(h))* | Although I am legally /other qualified, I will not give you legal / other advice during this mediation process | |  |
| **DECISION** *R46 (1)(6)*  **SETTLE MENT**  *R54 (1) (i) (iv)* | I will not be telling you how you must settle this matter.  Settlement is up to YOU. I will **not**  decide this matter  I am here to assist you to reach an agreement **together**. | |  |
| **CONFIDENTIAL** *R11, R13, R53(1) (2)*  *R54 (1)(c)),*  *R 53 (2) (6)* | * All mediation is confidential + documents created * I destroy my notes - I give the court - process documents + Certificate of the outcome of the process. Copies to you + lawyers. * I may speak your lawyers separately / together OK? | |  |
| **PRIVATE SESS’N**  *R54 (1)(i))* | Everything said during a private session is confidential between the Mediator and party. Do you wish there to be private sessions during this mediation? | |  |
| **FORWARD / EVERYONE**  *R46 (9) ,R47 (4)(e))* | Mediation is forward –looking process – **your** future.  We must consider **everyone** , not just parties – is there anyone else involved in these issues? | |  |
| **PARTY ROLE**  *R10 (1) – (8)* | GOOD FAITH” required by ADR Rules. Take part with an open mind - open to settling NOW, open to BENEFITS SETTLING / HARM litigation | |  |
| **ADVICE**  *R 54 (1) (i) (i))* | Good decisions based good information. I suggest you seek legal advice before mediation conference. I may be able suggest sources of advice. | |  |
| **LAWYERS ROLE**  *R54 (1) (i) (iv)* | Lawyers are here to advise you - Legal issues, Options and Counsel on coming to agreement.  Mediators - no decisions - no need to convince me  Mediators may ask lawyers to assist in moving process forward to reach agreement.  Lawyers – I will give time for discussion with clients. | |  |
| **DOCUMENTS**  **SUBMISSIONS** | I have read the documents on the file and Statements.  Are there concerns we can settle today? *Plaintiff / Def* | |  |
| **FACTS** | Is there other information we need? *Plaintiff / Defendant* | |  |
| **SETTLE NOW** | | What is stopping you settling now? *Plaintiff / Defendant* |  |
| **OTHER** | |  |  |

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| ***MEDIATION CONFERENCE*** ***PROCESS*** | | |
| ***PROCESS*** *P IV Div3*  *R54 (1)(a) +(b)*  **Party content / Mediator process**  **Stopping** - *R47 (4)(g))*  *R54 (1)(d)), R58*  **Withdrawl** *R54 (1) (i) (iii))*  **Adjournments** *R58* | * The Mediator guides process, moving forward. * Parties control what we talk about * The Mediator can stop the conference at any time, if they think that necessary. * Parties may wish to withdraw, but before they do that, I would like to discuss this with you. * Mediation is hard work, to consider many options. You can ask at any time to discuss issues with your lawyer or others or for a break.   Adjournments unlikely, as 2 months to complete process. |  |
| **Mediator**  **Opening Statement** | Sets **Process** and **Rules** for the conference.   * Mediation is a respectful process. * You need to listen carefully, therefore interrupting would be a disadvantage to you. * Speak badly of or to other party not helpful in bringing a resolution which you seek. |  |
| **STATEMENTS** | I will ask each party to outline their concerns – not just response other party.  Also an outline of the settlement they seek. |  |
| **ISSUES / CONCERNS** | We will synthesise the points raise and work to create a list - an Agenda for tackling each issue. |  |
| **WORK THOUGH ISSUES** | We will work on reaching agreements on each issue by generating Options to cover everyone’s needs. |  |
| **SETTLEMENTS** *R59*  *R12* | I will assist you / lawyers, write down mediated agreements as they are made.  Mediated Agreement can be enforced in Court or your lawyers may advise on Consent Orders. |  |
| **ALL SETTLED / SOME**  *R53 (2) (c))* | Sometimes there are some issues which need to be referred to a Judge.  If that is the case, I will assist you to note the agreements, then the issues and facts which are in dispute. FORM 2 |  |
| **Agree to process** | Are you agreeable to this process? |  |

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| **CONFIRMING MEDIATION CONFERENCE** | | |
| **MATTER SUITABLE** *R14*  *R54 (3) (a))* | I believe this matter suitable for mediation and we can make arrangements for conference / Form 1.  This is a firm arrangement - put in diaries NOW |  |
| **SET CONFERENCE**  *R 54 (k)*  *R54 (3) (b))* | **Day \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **Time \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **Place \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**   * Do we need to make other arrangements such as for an Interpreter? / accountants etc.? * Do other people need to be present? * Shall we speak in English / pidgin/ mix of both? |  |
| **OTHER DOCS** | Need other people / information / documents? |  |
| **COURT FEES** *R 7* | Please will you give me your **receipts**. |  |
| **?** *R54 (3) (e) (f +(g)),R59 (5)* | Do you have any questions? |  |
| **COMPLAINTS** *Part V* | lodged with Complaints Officer. |  |
| **MEDIATION CONFERENCE** | I will see you: TIME\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  PLACE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  DATE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Do we all agree to be at conference then?  LAWYERS – duties Court for mediation process  Any difficulties contact your Mediators. |  |