**PROCEEDING NO\_\_\_\_\_\_ OF \_\_\_\_ MEDIATION 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 | POINTS | **C:\Documents and Settings\BBarker-Hudson\Local Settings\Temporary Internet Files\Content.IE5\QNWT6PGV\MC900434713[1].wmf** |
| **WELCOME** ThisMediation Conference relates to Proceeding\_\_\_\_\_\_\_\_\_\_ | |  |
| **NAME - My name** is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. As a PNG Accredited Mediator, I uphold ADR Rules and Mediator CODE | |  |
| **CO-MEDIATOR -** My co-mediator will introduce themselves | |  |
| **PARTY INTRO DUCTIONS -** Attendance Sheet - *Draw Plan* | |  |
| **AUTHORITY TO SETTLE -** *We discussed at Intake Plt* – YES  *Def* – YES | |  |
| **JURISDICTION – me** asAccredited Mediator / this matter mediation. | |  |
| **ALL CASES**  between you **-** *Plaintiff -YES Defendant - YES* | |  |
| **TIMING -** Agreed that we would set aside - half day / day / more | |  |
| **MOBILES -** Now is time to switch off mobiles – unless emergency | |  |
| **CONFLICT OF INTEREST -** Any questions of issues in this regard? | |  |
| **FAIRNESS / EQUITY -** I will manage process but NO decisions. | |  |
| **ROLE -** My role as your Accredited Mediator is to facilitate your coming to a lasting, final, settlement of all your concerns.  It is important that you tell each other all concerns so that ALL issues can be resolved for a true and lasting settlement can be reached. | |  |
| **NO ADVICE -** I will not give you legal / other advice | |  |
| **DECISION – At mediation you make ALL decisions** | |  |
| **CO- MEDIATOR** – assists in process / moving to full accreditation | |  |
| **CONFIDENTIALITY** - All things said / documents confidential. Cannot subpoena to court and I destroy my notes. I give you and Court Certificate  **PRIVATE SESSIONS**  – a Mediator may speak to parties separately. I will not tell the other party what is said in a private session | |  |
| **IMMUNITY –**  Mediators have when mediation conducted by ADR Rules | |  |
| **FORWARD LOOKING** – Mediation is a forward looking process and must consider the effect of decisions on everyone involved. | |  |
| **PARTY ROLE -**  Take part with an “**open mind”** considering BENEFITS settlement / HARM litigation path – mediate in “**good faith”-** | |  |
| **LAWYER’S ROLE-** toassist me to help you to resolve all the issues. - advise you on legal issues, provide counsel on options and good agreements.  Lawyers, I will give you plenty of time to discuss options with your clients  Lawyers, I will ask your assistance in drawing up the Agreement  Parties - may I speak with lawyers separately and together, is that OK?  Mediators expect parties to sign Mediated Agreement at end of conference | |  |
| ***MEDIATION CONFERENCE - Agreements and Procedure*** | | |
| **PROCESS -** We discussed / agreed the Mediation process at the INTAKE  Mediation is a respectful process . Listen carefully – you may hear information you did not know / understand. Interrupting would therefore be a disadvantage to you. Speaking badly of the other party is not helpful. | |  |
| **Party content -** You need to tell the other party about the concerns you need to resolve – you don’t need to speak directly to me – it is the other party and yourself that will be making ALL the decision. REMEMBER the Mediator, unlike a judge, will not decide matters –you make, all decisions. | |  |
| **MEDIATOR DIRECTED PROCESS -** The Mediator guides the process,  **Stopping** The Mediator can stop the conference at any time.  **With-drawl** Parties can also wish to withdraw, but before they do that, I would like to discuss this with you – is that agreed?  **Work** Mediation is hard work. Please tell me if you need a **Break.**  **Adjournments and delay -** not common, must complete within 2 months.  **ARE there other issues?** Discuss | |  |
| **COMPLAINTS -** If you have any complaints about the mediation process, these can be lodged with the ADR Complaints Officer. | |  |
| **OTHER** | |  |