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

**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 meMediators 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 processAny difficulties contact your Mediators. |  |