

MEDIATION PROCESS

1. Mediation is one model for participants to use to discuss the issues that need to be resolved to settle a dispute. The Mediator is an impartial neutral party who does not have decision-making power. The Mediator's role is to assist the participants to clearly define the issues that need to be discussed, or are in dispute, and to shape the communication process so that a rational discussion can take place allowing the participants to voluntarily reach their own mutually acceptable settlement of the issues.
2. Mediation is a cooperative problem-solving process where a neutral professional assists the participants to clearly define the issues and reach agreements that account for everyone's needs and interests.
3. The mediation process works as follows:
 - (a) Each client meets with the Mediator, separately, for a Pre-Mediation Interview,
 - (b) The participants meet with the Mediator, together, in an informal office environment,
 - (c) The majority of the meetings will involve all participants, but separate meetings may, if necessary, be called between the Mediator and one of the participants,
 - (d) The Mediator explains the mediation process to the participants and once the process is understood and agreed upon, the Mediator collects the information necessary to understand the issues,
 - (e) The Mediator guides the communication, so each participant has an opportunity to be heard. The Mediator will create an agenda and the issues will be discussed one at a time and various solutions will be explored so that the best possible agreement can be reached. The Mediator **cannot** give legal advice to the participants but may provide the participants with legal information relating to the issues in dispute that are being discussed. The Mediator may offer suggestions and assist the participants to develop options for resolution,

- (f) Mediation sessions typically occur weekly or every 2 to 3 weeks, with each session being approximately two to two and a half hours in length. The mediation process will be scheduled for as many sessions as are necessary for the areas to be discussed to the satisfaction of the participants. Depending on the complexity of the issues involved, there are times when only one or two sessions may be necessary. Generally, it will be clear to the participants when more sessions are required,
 - (g) Certain simple rules apply during the mediation process. These rules provide that each party will be free to speak without interruption by the other(s) and there is to no personal criticism or raised voices during the session, and
 - (h) All communication, correspondence and information exchanged by the participants is confidential and privileged. It follows that should the mediation process fail, nothing said or done in any of the mediation sessions may be used in evidence in a Court proceeding.
4. The goal of the mediation process is to reach a agreement in all areas of concern to each participant. When the final agreement is reached, the Mediator may reduce the agreement to writing (the "Agreement"). The participants will each be provided with a copy of the Agreement and should expect to review the Agreement with a lawyer for independent legal advice before signing it. In this way, the participants are assured that the Agreement reached is consistent with their independent legal rights and obligations.
 5. The mediation process can be used in many areas of dispute. An Agreement reached in mediation, drafted by a lawyer-mediator and signed before independent lawyers, is fully binding on the participants and enforceable as an Agreement reached in any other fashion.
 6. Typically, the cost of mediation is shared equally between the parties. However, other options can also be made between participants and by agreement.