

FAMILY MATTERS- REQUIRED DOCUMENTS:

Statement of Case which may include but not limited to:

Children- custody access, maintenance- receipts

Affidavits/Affidavits in Response

Valuation Reports

Decree Nisi

Statement of Issues [Form M10]

Any other documents which the parties wish the Mediator to have during the session.

CIVIL CASES- REQUIRED DOCUMENTS:

Statement of Case includes but not limited to:

Statement of Claim

Defence/Reply to defence

Personal injury- accidents reports, medical reports, invoices, receipts, contract, contract of employment

Any other documents which the parties wish the Mediator to have during the session.

MAGISTRATES' COURT OF BARBADOS

Court-Annexed Mediation Pilot Project

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Court-Annexed Mediation – “Accelerating Justice for the Litigant”

MAGISTRATES' COURT OF BARBADOS COURT-ANNEXED MEDIATION PILOT PROJECT

**ATTORNEYS-AT-LAW
MEDIATION GUIDELINES**

ATTORNEYS' ROLE

The role of the Attorney-at-Law during the mediation process is to guide and advise the client on any legal issues arising during the mediation session. Mediation is not an Attorney centered process, nor is it adversarial in nature. The Attorney must allow the client to take an active role in the negotiations which affects them and with a view to reaching a settlement.

ATTENDANCE

Where an Attorney-at-Law intends to accompany the client to a mediation session, he/she must attend, unless otherwise stated. The session may be cancelled upon the parties giving the Mediation Coordinator 24 (twenty four) hours notice of cancellation. Where the session is scheduled for a specified time, all parties must arrive on time. If the parties fail to attend the session after (30) thirty minutes of the scheduled time, the session will be cancelled, where a Certificate of Non-Compliance [Form 9] will be filed with the Court.

The Registrar shall refer the matter to the Magistrate for continuation of the action.

AGREEMENT

Where the parties have opted to keep the terms of the agreement confidential, the agreement must be made during the mediation session and is reduced in writing; the original copy is lodged and retained by the Mediation Coordinator. The Attorneys may file a notice of discontinuance, or have the matter withdrawn.

Where the parties wish to have the agreement made an order of the court. The agreement is adjudicated, attached to the draft order, to be approved by the Magistrate. The original copy of the agreement is lodge with the Mediation Coordinator who retains the original copy at all times.

GENERAL RULE

It is a general rule of the mediation process not to have private meetings with parties without their Attorneys-at-Law present. However at the discretion of the Mediator, he/she may caucus with the Attorney-at-Law with or without their clients.

PRACTICE FORMS

Attorneys are under a duty to inform their clients about the mediation session before it commences. At the pre-mediation session the confidentiality form should be perused and ready for signature without delay at the scheduled session. All forms must be signed by Attorneys-at-Law where indicated.

CONFIDENTIALITY

Mediation is a confidential process. All communication, notes and documents which are used in the process are covered under the confidentiality rules, so that at the end of each mediation session, all notes, documents and writings should be destroyed. Mediation should not be used as a tool to test the other side's case, whatever is said or disclosed during the session cannot be used as evidence in court. The Mediator cannot therefore be summoned or subpoenaed as a witness in the Court. All persons present in the room must also sign the Confidentiality Agreement in [Form M7]

FAMILY MEDIATION- PROPERTY SETTLEMENT

In family law mediations there must be full disclosure of all assets acquired and owned by the parties to the dispute. The relevant and updated valuations of all property should be made available at the mediation session.