

c) If the parties fail to make an application to the court for an order in the terms of the signed agreement within (7) seven days after the agreement is signed, the Master or Judge shall make an order under Part 26 of the CPR Rules.

Where no agreement is reached that resolves all the issues in the dispute, the matter shall be returned to the Judge or Master for case management.

What are the benefits of Mediation?

Mediation offers:

- A quicker and more cost effective approach to solving court matters.
- An opportunity for parties to face each other and discuss their dispute in good faith with intent to settle.
- An opportunity for relationships to be restored and maintained.
- The process is informal and completely confidential.
- The process facilitates better and effective communication between parties which is crucial for a creative and meaningful negotiation.

SUPREME COURT OF BARBADOS
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Court-Annexed Mediation – “Accelerating Justice for the Litigant”

SUPREME COURT OF BARBADOS

COURT-ANNEXED MEDIATION PILOT PROJECT

What is Mediation?

Mediation is a tool of the Alternative Dispute Resolution process. It is also a voluntary process where a neutral third party (the Mediator) assists the parties to a dispute to arrive at a voluntary settlement. The parties and not the neutral Mediator are the focal point of the mediation process.

What disputes can be heard at Mediation?

Section 2 of Practice Direction No.1 of 2016 expressly states that, there are (5) five matters which are excluded from mediation. These are: Proceedings under the Administrative Justice Act Cap 109 of the Laws of Barbados, Writs of Habeas Corpus, Bail applications, Admiralty proceedings and Land title proceedings. All other matters not expressly excluded can be mediated. These include but are not limited to:

- Contracts
- Employment
- Landlord and Tenant
- Personal Injury
- Environmental
- Family

How is a case referred to Mediation?

At any stage of the proceedings:

A Master or Judge may make an order referring any civil action filed in the Court to mediation.

- Upon the filing of the defence, defences or where no defence has been filed, 30 days after the date for the filing of the defence, a Judge or Master shall make an order referring any action filed in the court to mediation.
- The parties may by consent notify the Court that they wish to have their case referred to Mediation and in such case, the Judge or Master shall make a referral order.
- By formal written request to the Registrar of the Supreme Court. The Mediation will be conducted by a trained Mediator, approved to be on the Roster of Mediators for the Supreme Court. If the parties cannot agree on a Mediator, one will be appointed for them by the Mediation Coordinator.

Who are the Mediators?

Mediators are persons of diverse professional backgrounds with good standing in the community, who have been specially trained by the court and whose names appear on the Roster of the Supreme Court. The roster of Mediators may be obtained from:

-The Court Office

- The Office of the Mediation Coordinator.

What is the time for conducting the Mediation session?

Mediation will be conducted within forty five days of the Referral Order by the Judge or Master. The life cycle of a matter referred to mediation is (90) ninety days, unless otherwise ordered by the Judge or Master.

Who should attend the Mediation session?

All parties who have an interest or can affect the outcome **must** attend the Mediation session. If a party is represented by an Attorney-at-Law, the Attorney **should** also attend. The Attorney-at-Law **may** not attend in place of a party unless otherwise provided for in the necessary authorized documentation.

What is the cost of Mediation?

Court-Annexed Mediation fees are regulated and set by the Court. Each party must pay to the Registrar of the Supreme Court \$750.00 for the first (3) three hours and \$250.00 per hour for each additional session. For sessions held in the Magistrates Court the sum paid is \$350.00 per party for the first (3) three hours and \$150.00 per additional session per party.

Where is the Mediation held?

Mediation sessions will be conducted in the Supreme Court Building or in facilities under the management and control of the Court.

What happens when an agreement is reached?

1. At the end of the mediation session the Mediator shall complete and lodge the notice of Outcome of Mediation [Form M8] with the Mediation Coordinator for filing at the Court Office.

2. If there is an agreement resolving some or all of the issues in the dispute:

(a) it shall signed by the parties and the Mediator and lodged with the Mediation Coordinator for filing in the Court Office; and

(b) within seven days after the agreement is signed the parties shall apply to the court for an order in terms of the Agreement and the Judge or Master may make the order;