



What to Expect? - Your Mediation Steps.. In general, steps in mediation may include:

**Step 1 - Pre-mediation discussion:**

- Why do you want to mediate?
- What would be the best option for you; Counseling, informal mediation or formal mediation?
- Provide background information, including location and phone numbers.
- State the primary issues to be mediated.
- Conduct preliminary screening for abuse (as applicable).
- Receive information on the mediation process, confidentiality and fees.
- Identify solicitors – if any are going to be involved.
- You may receive an information package regarding mediation and a client questionnaire.

**Step 2 - Mediator may want to meet with you and your counsel (if you have counsel) in order to:**

- Discuss whether mediation will be open, partially open, or closed.
- Decide whether a collaborative mediation process can be used.
- Identify what issues (parameters) are to be mediated.
- State payment of fees/terms.
- Review and sign the retainer contract and/or Mediation Participation Agreement.
- Provide an opportunity for legal representatives, to summarize significant issues in the case and note any legal steps that may have been taken.

**Step 3 - Meet with the parties in mediation:**

- Mediator will explain his/her role as an objective, impartial professional.
- Mediator will work with parties to establish some ground rules in reaching a resolution to the issues in dispute.
- Mediator may inform one or both parties regarding the importance of independent legal advice to review final agreements.
- Mediator will explain concepts such open, partially open, and closed mediation, confidentiality, caucus etc..
- Mediator may review the sign retainer contract.

### **Step 3 - Meet with the parties in mediation, continued..**

- Mediator will facilitate, observe and try to improve the communication between the parties.
- Mediator will assist the parties to identify the positions and interests and encourage parties to work towards their own resolution of the issues.

### **Meet with each party individually in caucus:**

- To discuss each person's needs, interests, concerns and goals for the mediation.
- To facilitate a "reality check" and explore THE BEST ALTERNATIVE TO NEGOTIATED AGREEMENT.

Mediator may request information or direct parties to obtain information from sources relevant to the issues in dispute, such as legal professionals, schools, family doctors, mental health professionals, (and when property or financial issues are involved) accountants, property appraisers, business valuers, etc.

### **Step 5 - Mediator will help prepare a Memorandum of Understanding and/or Mediation report:**

- To set out the agreement reached.
- May advise parties to take a 32 hour review (legal?) of the agreement.
- If parties do not reach agreement, any written report will be subject to "open" or "partially open" or "closed" mediation.

**FOR MORE INFORMATION PLEASE CONTACT US TODAY...**

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