

Form M1: Mediation Referral Order

[Sub-paragraphs 1.4, 1.6, 1.7]

The Eastern Caribbean Supreme Court

In the High Court of Justice

[State/Territory]

Claim No.

Between

A.B.

Claimant

and

C.D.

Defendant

Mediation Referral Order

Made the day of 20 ...

Upon this matter coming on before:

The Honourable Justice/Master/Registrar

[And Upon Hearing Counsel for the Claimant and Counsel for the Defendant]

[And Upon the Claimant and/or Defendant being present]

AND UPON THE COURT being of the opinion that the parties should try to resolve their dispute in a non-litigious manner by way of mediation;

AND THE PARTIES having agreed to refer the matter to mediation;

IT IS ORDERED THAT:

- (1) The parties to these proceedings are required to attend a mediation session with a Mediator from the Roster of Mediators within 45 days from today's date. Parties agree that the mediation shall be conducted by [Mediator 1] as Mediator and [Mediator 2] and [Mediator 3] as Alternates.

- (2) If the parties fail to select a Mediator or cannot agree upon a mutually acceptable Mediator, within 7 days thereafter, the Mediation Coordinator shall select a Mediator from the Roster of Mediators, in consultation with the parties where applicable.

- (3) The parties are to each prepare a bundle comprising their statements of case and other documents on which they intend to rely and to send to the Mediation Office no later than 7 days prior to the commencement of the mediation session.
- (4) These proceedings are stayed pending the outcome of mediation.
- (5) The parties are required to sign an Agreement to Mediate and a Confidentiality Agreement at the commencement of the mediation session.
- (6) The claim will be listed on the [insert date] for [case management directions/pre-trial review/trial direction] unless;
 - (a) the claim has been settled and the claimant advises the Court of the settlement agreement and/or files a draft consent order, or
 - (b) the parties apply no later than 7 days before the hearing for further directions; or
 - (c) the parties apply for an extension of the stay and the extension is granted, upon which the hearing will be relisted on the date to which the extension is granted.

By the Court

[SEAL]

Registrar

NOTICE

1. Mediation fees are to be paid 3 days prior to the mediation session;
2. Failure to pay the fees as required shall result in cancellation of the mediation session and the party failing to pay may be liable in costs;
3. If any party fails to attend the mediation session without reasonable notice, the mediation fees of the defaulting party shall be forfeited;
4. If any party opts out of the mediation session after the session starts, any mediation fees paid will be forfeited;
5. Where a party unreasonably terminates a mediation session before the allotted 3 hours, the Judge or Master may take that fact into account when making any order as to costs in the proceedings; and
6. Where a party and/or his/her Legal Practitioner (where represented) fail or refuse to complete the Evaluation Forms (Form M11 and Form M12), the Master or Judge may take that party and/or his /her Legal Practitioner's failure /refusal into account when making a costs order in the proceedings.