

15 APRIL 2020

ADR Homework 2: Prepare a proper opening statement by mediator for mediation process.

OPENING STATEMENT OF A MEDIATOR:

Mediator : Good morning, welcome to Malaysian Mediation Centre (MMC). Please come in and have a seat. Welcome to your mediation session. Allow me to introduce myself, my name is Lisa Lau, please call me Lisa. I am a certified mediator for 10 years of experiences and training. The agenda today is I would like to assist both of you in resolving disputes such as what have been discussed earlier. Thank you for coming and committing yourself to be here today, that both of you have the intentions to settle the disputes. Now, I hope that everyone could silence your electronic devices during this mediation. What are your names and how would you like me to address you.

Lorna : Call me Lorna.

Lucas : Call me Lucas.

Mediator : Please review the Agreement to Mediate and other appropriate paperwork I have given you and if it is okay with both of you, please sign on the paper. The Agreement to Mediate provide most, if not all, of what I will be sharing with you in this, my opening statement. Also, you have agreed the fee will be paid immediately at the end of this mediation session or, if multiple sessions, at the end of each session. Also, are capable of, and can you make a decision(s) regarding the resolution of this matter, if you deem it appropriate? In other words, can you make a decision without talking with anyone not here?

Lorna : Yes, I can decide on my own.

Lucas : Yes, I can decide on my own.

Mediator: Please tell me what you think I need to know to bring

Good morning/afternoon, my name is Carmen, your Mediator for today. Welcome to your mediation session. Bear in mind that this is not a court, we are here to resolve the issues between the two of you and reach an agreement. I can see that both parties have a lawyer present, therefore I will have to remind the parties that only the lawyer can talk during the mediation, the parties may speak when asked to do so. I am here to provide you with assistance within the negotiation process as I have no prior relationship with any of you and I am impartial to the outcome of your dispute. There will be ground rules in the process: Firstly, no one talks over each other, when one party speaks, the other party listens; secondly, both parties must respect the process and my role as a mediator. Other details should have been discussed in your signed Agreement to Mediate that the lawyers showed you. Also, this process is completely voluntary, you may withdraw at any stage of the process if you wish. This mediation will be confidential as all the documents that will have been received and all the discussion we will have during the process are protected by the law and the public will have no access to them. Please ensure that each party has signed a confidentiality agreement; if not, you may do so now. I am sure both parties have some understandings about this mediation. I am going to walk you through the key steps of the process and let you know what will happen in this mediation:

1. Each party will have some time to present their opening statement and explain to the other party about what they want and why they want it.

Mediator Opening Statement Sample

Wenbin Ji



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