

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 2016**

**MEDIATION PROCESS AND TERMS**

**Mediation process** - is non-adversarial in nature. It is a party-centered process, where the parties to the dispute play an active role in determining the outcome of the matter. Where Attorneys are in attendance during the mediation session, they guide the client during the session and assist the mediator in the preparation of an agreement.

**Confidentiality** -Mediation is a confidential process. All communication and documents which are used in the process are also 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 sides' case so that whatever is said or disclosed during a mediation session cannot be used as evidence in court. The Mediator cannot be summoned or subpoenaed as a witness in the Court. All persons present in the room must sign the Confidentiality Agreement in [Form M7].

**Joint Session-** during the initial stage of the mediation session, the Mediator welcomes and inform the parties about the process, lay the ground rules, allow parties to sign agreements and during a caucus inform the parties if authorized, about offers made to the other side to encourage any further negotiations.

**Caucusing-** a private meeting between the Mediator and a side to the dispute to probe, clarify and to discuss the strengths and weaknesses of that side's position with a view of settlement. Each side is afforded equal opportunity for a caucus.

**Venting** -each party is allowed adequate opportunity to tell their story to give the Mediator a better understanding of what issues and or concerns that affects them.

**Ground Rules** - these are statements made and observed by the Mediator to ensure that the session is

conducted in a safe environment e.g. establishing respect and setting the tone and climate for the discussion.

**Position-** what each party sees as the foundation of their dispute. During the discussion the mediator seeks to move the disputants from their positions to interest.

**Interest-** what fundamental goals are to be achieved by each party. It is a collaborative approach that seeks to bring to the table the interest of both parties.

#### **Fees**

- a) **Supreme Court** - the first mediation session is scheduled to last for three (3) hours which is \$750.00 per party to be paid (7) seven days before the scheduled session to the Registrar of the Supreme Court. If an additional session is deemed necessary, the cost is \$250.00 per party per hour.
- b) **Magistrates' Court** – the first mediation session is scheduled to last for three (3) hours which is \$350.00 per party to be paid (7) seven days before the scheduled session to the Registrar of the Supreme Court. If an additional session is deemed necessary, the cost is \$150.00 per party per hour.