



# NINESTJOHNSTREET MEDIATION

## GUIDANCE FOR THE CONDUCT OF MEDIATIONS

### HELD AT 9 ST JOHN STREET

#### *Attending mediations in person*

1. Consideration should be given to whether the mediation can take place remotely (using Zoom). It is only where it is thought that there will be a significant advantage in the mediation being held with all the relevant parties attending in person that parties should consider such a mediation.
2. Chambers is available to host mediations where the parties and their legal representatives attend in person. Everyone attending will be expected to comply with the guidance given by the Government in relation to Covid-19 as well as the guidance set out below, which is intended to give practical effect to the Government's guidance. It is also important that all participants are content to engage in the mediation notwithstanding the increased risk that inevitably will arise from the additional contact that it will involve.
3. It is important that the risk that anyone attending the mediation might pass on the virus is minimised. Therefore, if any participant or anyone living with them has had any of the main symptoms (i.e. high temperature; new, continuous cough; or loss or change to sense of smell or taste) within the 14 days before the mediation, then they should inform all the other parties involved immediately and either the mediation will be postponed or conducted in a way that avoids the need for them to attend.

#### *Preliminary remote meeting*

4. Before the mediation itself, a meeting between the legal representatives and the mediator will take place which will be held remotely; ideally, between 2 and 5 days before the mediation. This meeting will form part of the mediation and, therefore, will be subject to the same terms as to confidentiality that will apply to the mediation itself. At this initial meeting, the participants will seek to identify what the main issues are that will need to be addressed in the mediation. Therefore, it is important that the mediator has the mediation bundle and (if possible) the parties' position statements in time for this meeting. In addition, practical issues in relation to the conduct of the mediation will be discussed (including who is to attend the mediation in person) and the representatives can also confirm that everyone is fit and able to attend (see paragraph 3 above).

5. Only those who need to attend the mediation should attend. If someone's involvement is necessary (for example, Counsel or an expert) then consideration should be given to whether they might participate remotely.
6. The mediation bundle and position statements should be provided electronically.

*The mediation itself*

7. Any mediation in Chambers will be restricted to Chambers' opening hours, which are currently 9am until 6pm. The fact that any mediation must end before 6pm means that the time will have to be used wisely, although it is hoped that time will be saved as a result of the discussions that take place at the preliminary meeting.
8. In relation to the conduct of the mediation:
  - (1) Each party will have their own room, which should allow them to maintain distancing. Joint sessions will only be held if absolutely necessary.
  - (2) Doors will be propped open save where it is necessary for them to be closed.
  - (3) The accommodation that Chambers has means that it should be possible to maintain distancing at all times, although care will have to be taken when moving around the building.
  - (4) Separate toilet facilities will be assigned to each party.
  - (5) Gloves and hand sanitiser will be provided.
  - (6) Refreshments will not be provided, save for bottled water. If you require your own food or drink, you will have to bring these.
  - (7) No pens or notepads will be available in the rooms.
  - (8) Generally, you are asked to comply with all directions given to you about use of or movement around the building including by any signs around the building.
9. Any mediation can be concluded remotely; for example, if substantial progress is made but it is not possible to finalise the terms of any agreement before the Chambers closes.