

OPENING STATEMENT OF THE MEDIATOR

- Introduce yourself, your standing, training, and successful experience as a mediator;
- Express your hope that the proceedings terminate in a settlement;
- Request the parties to introduce themselves;
- Enquire with the parties as to their language of choice, and the manner in which they would like to be addressed;
- Welcome the parties' counsels;
- Enquire about the previous experience of parties and their counsels in any mediation process;
- Declare impartiality and neutrality, and describes the role of a mediator;
- Address confidentiality and neutrality by using appropriate eye contact, words, and body language;
- Emphasise the non-adversarial aspect of the process, like the absence of recording of evidence, pronouncement of judgment, or award, or order;
- Emphasise the voluntary nature of the mediation process;
- Inform the parties and their counsel that you can go beyond the pleadings, and may cover other disputes;
- Explain the procedure that will be followed (that is, gives a road map) and the possibility of having private sessions;
- Explain the relevant procedures that would apply to cases with and without a settlement; and
- Inform parties that the Court fee will be refunded on settlement.

Source :All India Bar Association Preparatory Material, ed. 2010, Mediation, Dr. AmanHingorani