

On-Line and Expedited Mediation

1. As a Mediator I have adapted the traditional mediation to on-line or expedited in person use.
2. The Parties shall prepare a summary of their position. Not more than 3 pages plus only one relevant short exhibit. No case authorities. The brief shall be emailed (no fax, regular mail or courier delivery) and marked "Without Prejudice" to me and to the other side at least one week before the on-line mediation.
3. The expedited mediation is at least one hour, normally about two hours and not more than three hours. If on-line I will use the computer program <https://zoom.us/meetings>. This program allows me to create and control breakout rooms, so that the on-line mediation process operates like the expedited in person mediation. If you wish to participate by video, then a download is necessary. If you wish to participate by phone only (which is normally what is preferred and easiest to do and I have found just about as effective) no down load is required. I will provide call in information which as part of the <https://zoom.us/meetings> process is a long-distance number. There is no toll-free number. The phone cost of the conference call is paid for directly by each participant.
4. An expedited in person mediation will be held in one of the Party's offices. Both on-line and expedited in person mediation will start at 9:30 and end no later than 12:30.
5. The process is conducted almost exclusively in caucus with any party including the lawyers. This is a settlement orientated style of facilitation and not the traditional mediated approach parties may be familiar with. Accordingly, the Parties need to come with a clear understanding of their options and position.
6. My fee is \$1500 plus HST for two parties and normally \$300 plus HST per each additional party usually represented by a different lawyer, for up to a three-hour on-line or expedited in person mediation. Thereafter \$375 plus HST for each additional hour or part thereof for an on-line mediation. If an expedited in person mediation is used it cannot be extended beyond the 3 hours. If it is expected to be longer than 3 hours a traditional type of mediation should be chosen with a different fee rate. Once booked the cancellation fee is \$1,000.
7. The cost is divided between the parties unless otherwise agreed to. Solicitors are personally responsible for their client's account.
8. The discussions between me and the Parties are confidential and without prejudice and no evidence of the discussions is admissible nor will I be called as a witness in any subsequent legal proceeding except as may be required by law. All discussions during a caucus will be treated as being not confidential within the on-line or expedited in person mediation and may be disclosed to the other Party when in my opinion it may assist settlement unless I have been specifically requested to keep the information confidential.
9. I shall not be held liable to the Parties for any act or omission arising, directly or indirectly, in connection with the services he provides as mediator unless I act in bad faith. The Parties are advised to obtain independent legal advice throughout the on-line mediation and before reaching a final agreement.
10. The Parties are deemed to have agreed to all the above by proceeding with the on-line or expedited in person mediation with me, Peter J. MacKeigan Q.C.,C.Med.,C.Arb, as mediator.

Peter J. MacKeigan, Q.C., C.Med., C.Arb., (902) 434-0458, petermackeigan@eastlink.ca, mackeigan.ca