

MEDIATION NOTICE (SAMPLE ONLY)¹

1. The (Party A)² wishes to attempt mediation to resolve all of its disputes with the (Party B) and makes the following proposals.
2. The (Party A) /proposes that the mediation may be undertaken without the rules of a particular body / wishes to propose the adoption of the CEDR Mediation Rules. (Copy attached)
3. The (Party A) proposes to appoint a mediator from the Panel of Mediators of CEDR Asia Pacific, Hong Kong as the mediator of the present case. CEDR Asia Pacific will be asked to nominate the mediator/provide the names and CVs of 3 mediators from which the mediator will then be jointly chosen by the parties in the dispute.
4. **Failure to agree on choice of mediator**
Where the parties fail within 15 working days to jointly agree on a choice of mediator CEDR Asia Pacific shall, within two working days of the expiration of this time, appoint a mediator to mediate in the dispute.
5. The CV/s of the proposed mediator/s is/are attached. The costs of the mediator/s is \$ per hour for perusing papers and for \$ per an 8 hour day of mediation for this case. The cost of the mediator/s is/are also enclosed.
6. The (Party A) proposes XXX as the venue for the mediation. Where the parties fail to jointly agree on a choice of venue CEDR Asia Pacific shall, be asked to nominate a venue for the conduct of the mediation. Costs of the venue to be borne in equal share by the parties to the dispute.
7. The (Party A) makes the following proposals as to payment of fees and costs for the mediation and whether the same could be recoverable as costs of the proceedings if the mediation fails.
8. The Parties will be jointly responsible for the Mediator's fees and expenses in accordance with CEDR Asia Pacific's Fees and Costs. (Copy attached)
9. Unless otherwise agreed by the Parties in writing, each party agrees to share the mediation fees equally and also to bear its own legal and other costs and expenses incurred preparing for and attending the mediation ("each party's legal costs") prior to the mediation. However, each party further agrees that any court or tribunal may treat both the mediation fees and each party's legal costs as costs in the case in relation to any litigation or arbitration where that court or tribunal has power to assess or make orders as to costs, whether or not the mediation results in settlement of the Dispute.
10. The (Party A) proposes that the fees and costs for the mediation shall be borne by the parties in equal share and the same could be recoverable as costs of the proceedings.

¹ A specimen mediation notice is contained in Appendix C to Practice Direction 31 (legalref.judiciary.gov.hk/doc)

² **Please Note:** Can use terms "Claimant" "Respondent" "Plaintiff" "Defendant" or simply use the parties' names depending on the type of matter.

11. The (Party A) proposes that agreement between the parties as to the identity of the mediator and the terms of his or her appointment, agreement as to the rules applicable to the mediation (if any) and participation by the parties in the mediation up to and including at least one substantive mediation session (of a duration determined by the mediator) with the mediator should qualify as a sufficient attempt at the mediation.
12. The (Party A) proposes that the mediation should commence within XXX days from the date of this Notice/or when (Party B) shall file and serve its Mediation Response.
13. The (Party A) requests / do not request an interim stay of the legal proceedings pending the mediation process.
14. The (Party A)'s willingness to pursue mediation is not conditional upon an interim stay of the legal proceedings being granted.

Dated this XXX day of XXX 20

Solicitors for the (Party A)

To:

Disclaimer: This Sample Mediation Notice is intended to be of assistance to those persons tasked with drafting a Mediation Notice. However all drafters of Mediation Notice's should complete the Notice relying on their own judgement and this information should not be relied upon as a substitution for consulting a lawyer if that is necessary. The contents of this website have been prepared to provide you with general information only. Information provided on and available from this website does not constitute legal advice or recommendations.