

SCHEDULE 1 – MODEL AGREEMENT TO MEDIATE

1. This agreement to mediate is made by the parties hereunder, on the date mentioned below.

| | |
|----------------------------------|--|
| <u>Name of Initiating Party:</u> | |
| <u>Address:</u> | |
| <u>Tel / Mobile / Email:</u> | |
| <u>Name of Opposite Party:</u> | |
| <u>Address:</u> | |
| <u>Tel / Mobile / Email:</u> | |

2. The parties to this agreement have a dispute,

arising out of agreement dated _____
 which is non-contractual

and would like to resolve the dispute by mediation under these Rules.

3. The parties hereby agree that

- a. The dispute will be mediated by the following Mediator(s), appointed by The MCCIA Mediation Centre by consent of parties;

(insert name of mediators in order of preference)

- b. The mediation will be confidential;
- c. The mediation is being conducted with the purpose of arriving at an acceptable resolution by settling the dispute by consensus;
- d. The MCCIA Mediation Centre Rules and procedures shall apply for mediation;
- e. The entire process is a voluntary process and until the parties reach settlement and sign the agreement, any party is free to opt out of the process;
- f. In executing this agreement, the parties expressly agree to mediate in good faith and to either attend said mediation in person or to have a representative having final and binding settlement authority;

Signature of Initiating Party

Signature of Opposite Party



SCHEDULE 2 – SETTLEMENT AGREEMENT FORMAT

FORM OF SETTLEMENT AGREEMENT

Case number:

Initiating Party's name / lawyers:

Opposite Party's name / lawyers:

Mediator(s) name:

Mediation service provider:

Date of agreement:

Terms of settlement:

By consent, and in full and final settlement of [...]’s claim:

[[...] shall pay the following to [...]:] *

To specify payment dates and when interest shall run.

[other terms of settlement] *

may be deleted / modified as necessary

Initiating Party's signature

Opposite Party's signature



SCHEDULE 3 – RECOMMENDED CLAUSES

FUTURE DISPUTES

Parties to a contract who wish to have any future disputes referred to mediation under the MCCIA Mediation Rules may insert a dispute resolution clause in the contract, using any one of following model clauses, according to their requirement.

SUGGESTED MEDIATION CLAUSE

“In the event of a dispute arising out of or relating to this contract, including any question regarding its existence, validity, interpretation or termination, the parties shall seek settlement of that dispute by mediation in accordance with the MCCIA Mediation Rules, which Rules are deemed to be incorporated by reference into this clause.”