

# Scheulderman Mediation

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Private mediation is an essential part of the litigation process in Ontario. It is a unique and valuable opportunity for the parties themselves as key decision makers to determine the resolution and outcome of a dispute with the guidance of the mediator. It can and must take on such form as circumstances require and continue to be innovative, available and effective in the resolution of legal disputes.

Please note that in these challenging times I am offering online dispute resolution (ODR) as an alternative format to continue to offer mediation services to assist in the resolution of litigation matters. ODR offers the essential components of in person ADR but allows for social distancing, providing a framework that is safe and comfortable to all participants. During the covid-19 crisis and after it subsides the judicial system will be under many pressures to provide traditional forms of dispute determination. Now more than ever innovative and effective private dispute resolution must be relied upon to supplement the public justice system and provide access to justice to those in need.

I have over 15 years experience as a mediator in the resolution of civil disputes covering a broad range of legal issues arising in insurance, personal injury, disability, estates, environmental, construction and commercial claims. I have over 30 years experience in civil litigation in all levels of courts in Ontario to draw on to provide effective and efficient alternative dispute resolution. I am a current member of the Law Society of Ontario, ADR Institute of Ontario and ADR Institute of Canada. I can conduct an in person or online dispute resolution (ODR) process tailored to the parties needs.

I have attended educational programs specifically directed at developing and improving mediation skills to assist parties in arriving at a mutually acceptable resolution. I have the experience and capability to conduct online dispute resolution (ODR) sessions via a videoconference link available to all parties and counsel with access to a basic computer, tablet or smartphone so as to facilitate continued resolution of legal disputes. Participants will also have the ability to communicate privately where necessary during an ODR session via virtual breakout rooms

My fee for Mediation is based on the fee schedule below.

## **2020 FEE SCHEDULE - 2 PARTY MEDIATION (INCLUDES PREPARATION)**

Half day mediation (3 hour session)	\$1,500.00 + HST
Full day mediation (6 hour session)	\$2,500.00 + HST
Fee per additional party	\$500.00 + HST
Hourly rate for extra session time +3/6 hours	\$350.00 + HST
Facilities charges and lunch and refreshments billed at cost	

Brief Memorandums attaching the most important documents relied upon should be exchanged by the parties and delivered to me on behalf of the parties no later than 7 days prior to the mediation date. Electronic delivery of materials by email is preferred. The mediation session can be scheduled for either a half or full-day. As an alternative to an in person mediation session the parties and counsel can participate in an ODR mediation session hosted using the Zoom video conferencing platform, eliminating the need for travel and maintaining social distancing, allowing all parties to participate from a comfortable and familiar space. Upon agreement to a mutually convenient date and time I will schedule a session providing a secure and encrypted video link at no additional cost to the participants. All that is required is an internet connection and video and audio enabled computer, laptop, tablet or smartphone.

Once appropriate, in person mediation may again take place as was previously the case at a convenient location arranged by my office or as the parties determine. For in person mediations my office will make arrangements for a boardroom and break-out rooms. Refreshments will be available during the course of the mediation. If the in person mediation is scheduled for a full day, appropriate lunch arrangements can readily be made.

In my experience a pre-session video conference or conference call with counsel 2 weeks prior to the scheduled session is beneficial for all concerned. In the case of an ODR session it is particularly useful to include the parties briefly to familiarize them with the process and the videoconferencing platform and its operation and to insure it will operate satisfactorily. Typically this will require no more than 15-20 minutes and does not result in any additional cost.

Upon scheduling the mediation I will provide a written Mediation Agreement that I request counsel and the parties sign and return to me 7 days prior to the commencement of the mediation. I would encourage counsel and the parties to read it carefully and feel free to ask questions about its terms so that they will know how the mediation will proceed and be in a position to sign the Mediation Agreement in a timely way.

If you have any questions or wish to discuss how ODR may assist in a legal dispute you are involved in please don't hesitate to call or email me at the coordinates above.