

Mediation Information Service Policy

Mediation Information Service Guidelines

Thanks for agreeing to volunteer on the Mediation Information Service.

Background and General Guidelines

The Mediation Information Service has operated out of the Adelaide Magistrates Court approximately 3 years. It's a volunteer service allowing litigants to speak with a mediator to discuss what's involved with mediation: what it is, how it works, that it's confidential and so on.

Few litigants are aware of mediation as a dispute resolution option. It's hoped that by having a mediator present at the Court's directions hearings, mediation as an option can be made more accessible. The mediator will generally not conduct a mediation at the time as there is little time and there are liability consequences. The mediator will be helping people to understand mediation better and hopefully try it out. If you decide to conduct a mediation at the time, it is at your risk.

If after discussing matters with you, the parties decide to proceed to mediation, they will return to the court and when the matter is called back on ask the Magistrate if the matter can be referred to mediation. Assuming the Magistrate agrees, the matter will be referred to the Mediation Unit which will contact the parties about mediation dates in due course. Even if they do not decide on mediation, they can be given the information about mediation services to consider later.

Insurance and National Accreditation

A mediator must be insured before offering his/her services on the Mediation Information Service. A certificate of currency must be provided to the coordinator in advance of attending the Mediation Information Service and annually at the end of the financial year. It is preferred that the mediators on the Mediation Information Service are nationally accredited.

No advertising

The service is not an opportunity to advertise one's own mediation services to litigants. Mediators are volunteering within a public service authority - the Court - and so in this setting, such advertising is not appropriate. If parties decide to try mediation it must be through referral by the magistrate to the existing court mediation services.

Further, the Service is not an opportunity for mediators to advertise one's own mediation services to Magistrates, other Court officials or other mediators who are part of the service. Mediators are professionals and it is expected that as a member of this Service a mediator will operate professionally.

On the day

The service operates on Mondays and Tuesdays in the Adelaide Magistrates Court between 10 and 11am. In advance of attendance please take about 6-8 Mediation flyers with you. It's not essential to hand out the flyers so if you aren't able to print them, don't worry. If you have run out of flyers drop in to court room 4 on the ground floor to pick some up from MCLAS.

I recommend that you attend the Court at about 9.45am, check the cause list (on the eastern ground floor wall) and make a note of which Magistrate has the longest list of matters at 10am and 10:30am. Note the Court room number. Go to Court 4 – there will be a MCLAS student ready to accompany you to observe and assist with the questionnaires (see below). Then head upstairs to the relevant court and let the Magistrate's tipstaff know that you are the mediator attending for the Mediation Information Service. The Magistrates and tipstaff are generally aware of the service.

Bow to the magistrate each time you enter or leave the courtroom. Don't talk.

Then sit in the back of the Court and play it by ear. There are numerous Magistrates, many parties and numerous possible ways the morning may go. For example:

- you may sit in the Court the whole time and there may not be any matter needing referral to you;
- the Magistrate may let everyone know about alternative dispute resolution options at the commencement of the sitting and you may then wait outside the court room for parties to approach you;
- the Magistrate may refer matters to you on as they arise.

The time that the list takes is variable. As you're a volunteer you have no obligation to stay, but so that we have a 'useable' service that the Magistrates can rely on, I'd ask that you stay from 10-11am as a minimum. If you need to leave earlier, please let the tipstaff know so that the Magistrate can be informed. When matters are referred to mediation, the party may need to pay the cost of the mediation.

There are three questions to record at the start of any discussion – these can be done by you or by students accompanying you. There is also a short exit interview that you should ask people to complete then hand to the students who will record this data. There is no identifying material in either set of questions.

Administration

The Adelaide Law School MCLAS clinic organises the roster for volunteer mediators every two months, and a student from MCLAS will accompany volunteers on most days, except occasionally during University Semester Breaks. We are gathering some very basic data about the impact of this service – there are three questions to ask people at the start, and a short exit interview. It is probably more convenient for you to ask the questions, but the students can collect and process the data.

Please let me know if you have any queries and I'd be keen to know how things go. Thanks for your assistance.