

MEDIATION SESSION GUIDELINES

SEQUENCE OF STEPS	NOTES
<p>1. Introduce yourself and have participants do the same</p>	
<p>2. Identify the Parties and their Representatives <i>(Verify identity documents and powers of attorney for the Representatives of the Parties)</i></p>	
<p>3. Introduce AMCA and its role in the mediation process <i>(AMCA acts as a permanent mediation institution registered in the registry of the Ministry of Justice of the Republic of Armenia. itself does not resolve disputes; it administers mediation cases. Mediation is carried out by the mediators appointed by the AMCA, who resolve the disputes in accordance with the Rules. (Mediation Rules, Article 1(3))</i></p>	
<p>4. Clarify AMCA's participation in mediation <i>(Secretary functions and the participation of the mediation case manager. Mediation Rules, Article 21</i> - <i>The administration of each case of mediation, including the communication, is carried out by the Secretariat.</i> <i>Mediation Rules, Article 15:</i> <i>1. The Mediation case manager, subject to a prior consent of the mediator and the parties to mediation, can also participate in the entire mediation process or in a part of it.</i> <i>2. The Mediation Case Manager takes part in the mediation as an observer and has no right to interfere in the conduct of mediation:)</i></p>	
<p>5. Clarify what mediation is <i>(Mediation is a dispute-solving process, agreed by the parties and aimed at amicably resolving the dispute between the parties with the help of an impartial third person, a mediator: Briefly outline the benefits and outcome of mediation).</i></p>	
<p>6. Clarify what the mediator's role is <i>(-A mediator is an independent, impartial, natural person with no interest in the outcome of the case, who has obtained qualification of a licensed mediator in accordance with the established procedure and is appointed by the AMCA to conduct mediation in order to amicably settle the dispute between the parties. (Mediation Rules, Article 3(1))</i> - <i>The mediator does not have the right to provide legal advice to the parties to mediation or other participants or to express a position on any substantive issue of the mediation. (Mediation Rules, Article 20(2))</i></p>	
<p>7. Upon necessity, inform the Parties that the mediation session can be held in joint or separate meetings</p>	
<p>8. Clarify the confidentiality principle (provide the agreement if necessary.)</p>	

<p><i>Mediation is a private and confidential process. The parties to mediation, the mediator, the AMCA and other persons engaged in mediation shall in all cases maintain the confidentiality of any information related to the entire mediation process. (Mediation Rules, Article 24(1))</i></p>	
<p>9. Clarify that the session is being recorded and that the recording can be provided to the Parties if requested <i>(Parties may decline recording of the session.)</i></p>	
<p>10. Describe the mediation process and associated costs and fees <i>(Outline the format and the steps of the process. The process normally lasts up to four hours. Under Point 3(2) of the Appendix of the Mediation Rules, after four hours hourly rate of AMD 50,000 shall apply.)</i></p>	
<p>11. Clarify that participation in mediation is voluntary and can end at any time if any of the Parties so chooses</p>	
<p>12. Ask the Parties to present their respective positions on the dispute and to specify the subject of mediation</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Request that the Parties:</i> <ol style="list-style-type: none"> 1) <i>present the background of the dispute,</i> 2) <i>outline the scope of issues they wish to discuss during mediation,</i> 3) <i>provide insights into the desired outcomes.</i> <input type="checkbox"/> <i>Encourage the Parties to focus on the issues at hand rather than on each other.</i> <input type="checkbox"/> <i>Prevent unnecessary interruptions and mutual accusations.</i> <input type="checkbox"/> <i>Take proactive measures to prevent potential conflicts.</i> <input type="checkbox"/> <i>The Parties can pause the proceedings and seek advice from their representatives.</i> <input type="checkbox"/> <i>Practice active listening and pay attention to the suggestions raised during the session by the parties,</i> <input type="checkbox"/> <i>Try to identify potential options or concessions that are acceptable to each party, as well as their "red lines" or non-negotiable positions.</i> <input type="checkbox"/> <i>Be prepared to assist the parties in formulating and finalizing both preliminary and ultimate settlement agreements.</i> 	
<p>13. The end of the mediation process <i>(The mediator(s) adopts a protocol on the termination of mediation or a settlement agreement is signed):</i> Article 23</p>	

1. In the case of terminating the mediation process amicably, an agreement is signed between the parties to amicably settle the dispute. At the request of the parties to mediation, the AMCA may provide the parties with an opinion on the settlement agreement.

2. In addition to the parties, the settlement agreement concluded as a result of the mediation process is also signed by the mediator, noting that the agreement has been concluded as a result of mediation.

Article 22

The mediation process initiated under these Rules shall be terminated with the mediator adopting the corresponding protocol about the termination of the mediation process, which shall be provided to the parties no later than the next day. At the same time, the mediator shall notify the AMCA about the protocol on the termination of the mediation, providing information about the mediation procedure, the agreement reached between the parties or the reasons for not reaching such an agreement, the basis for the termination of the mediation and providing a copy of the protocol.

14. End the Process with a Brief Closing Statement.