



Solicitor's 10 Step Pre-Proceedings Mediation Checklist

Have you...	✓ Yes
1 advised your Client, in writing, that they should consider Mediation as a form of alternative dispute resolution?	
2 provided your Client, in writing, with information regarding mediation, including the names and addresses of people who provide mediation services, such as Bill Holohan, Accredited Mediator (CEDR, CIARB & MII), together with details of their training and experience?	
3 provided your Client, in writing, with information on the advantages of ADR i.e. (alternative dispute resolution) and the benefits of mediation in particular?	
4 advised your Client, in writing, that mediation is an entirely voluntary process?	
5 informed your Client, in writing, that all communications and records relating to the mediation will be confidential and cannot be disclosed in court, except in very limited circumstances?	
6 informed your Client, in writing, that it is the parties to a mediation only who will determine if and when and on what terms a mediation settlement agreement is reached?	
7 informed your Client, in writing, that it is the parties to a mediation who determine whether a mediation settlement agreement is to be enforceable between them, and to what extent?	
8 informed your Client, in writing, that, before issuing any legal proceedings, you will need to make a statutory declaration confirming that you have complied with your obligations under the Mediation Act 2017 in relation to the foregoing and that the court will adjourn the legal proceedings in question until this statutory declaration is provided?	
9 informed your Client, in writing, that the Court has a discretion to take into account any unreasonable refusal or failure by a party to the proceedings to consider using mediation, and any unreasonable refusal or failure by a party to the proceedings to attend mediation in accordance with sections 16 & 21 of the Act, when considering awarding costs?	
10 before signing the declaration for the Court, obtained from your Client a signed written acknowledgment that you have complied with all of the foregoing obligations?	

Contact Bill Holohan Accredited Mediator for further information: bill@holohanlaw.ie
01/8727120 – 021/4300734 – 087/2920983