

CONCILIATION INTRODUCTION

OPENING REMARKS

Introduce your-self, and introduce all present.

Explain the purpose of conciliation: assess strengths/weaknesses of case, explore settlement, if no resolution, prepare/assist parties in getting the case ready for trial.

Explain the Conciliation Report: report the results (settled/not settled), case referred to other ADR processes, conciliation rescheduled, etc... See sample conciliation report.

Explain the process: conciliation is a confidential, voluntary process which brings parties together in order to discuss the issues of the case and come to a mutually acceptable agreement.

Ask about authority to settle.

EXPLAIN THE DIFFERENT CONCILIATION ROLES:

Process convener - forum for communication

Case conferencer - engage parties about status of case and legal issues involved

Evaluator - discuss strengths and weaknesses of the case in private sessions with each party

Facilitator/Negotiator - manage expectations, explore settlement

Screeners - offer referral to other ADR options like mediation or case evaluation, if appropriate

Attorney - expedite trial preparation

Case manager - move case to disposition

EXPLAIN HOW CONCILIATION WORKS:

1st, we talk to everyone together

2nd, we meet with you one at a time

3rd, we come together to formulate an agreement or plan for trial

EXPLAIN ABOUT CONFIDENTIALITY:

Will not tell anyone what we hear in conciliation

Will not repeat any information told to us in a private session, unless you say it's okay

Conciliator will, however, file a conciliation report with the court if the case does not settle

EXPLAIN THE GROUND RULES:

Please listen, do not interrupt, speak respectfully, and keep an open mind

EXPLAIN THE ADVANTAGES OF CONCILIATION:

The parties can focus on the resolution of their dispute

The parties control the outcome of conciliation

Conciliation is a voluntary, confidential process

Conciliation allows both parties to fully explain their case

Conciliation is a successful way of resolving disputes without ongoing litigation

Conciliation agreements last because they are based on the best interests of the parties

If the conciliation is unsuccessful, the parties may continue to litigate