

The Mediation Hub

SAMPLE MEDIATION CLAUSES

Note:

These clauses have been reproduced to illustrate examples of the different styles of dispute resolution clauses. Users of these clauses should rely on their own expertise and judgment as to the type of dispute resolution clause which will be effective and appropriate in any instance.

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MEDIATION CLAUSE 1

1. A party must not start court or arbitration proceedings about any dispute arising from this agreement, including a dispute about its validity, breach or ending, or any claim in tort, equity or under any statute, unless that party has first followed the steps in this clause.
2. A party who says there is a dispute under or about this agreement must give written notice to every other party, setting out what the dispute is about.
3. When the other parties receive that notice, the parties to this agreement must:
 - a. work together and make their best efforts to resolve the dispute promptly; and
 - b. if they have not resolved the dispute within seven days after the notice is received, or any longer period they agree in writing, refer the dispute to mediation.
4. The mediation must be carried out under The Mediation Hub Mediation Agreement.
5. The parties must agree on the mediator and the mediator's fee. If they cannot agree, the mediator will be chosen by the current Chair of Resolution Institute or AMINZ on the application of either party.
6. A party that needs urgent interim relief may give written notice to each other party and choose not to follow clauses 1 to 5, but only as far as needed to seek that urgent relief and only for the time needed for the application to be dealt with. Once the application has been dealt with, clauses 1 to 5 apply again, except to that limited extent.

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MEDIATION CLAUSE 2

1. A party must not start court or arbitration proceedings about any dispute arising from or connected with this agreement unless that party has first followed this clause.
2. The parties agree to mediate any dispute under The Mediation Hub Mediation Agreement.
3. The parties must agree on the mediator and the mediator's fee. If they cannot agree, the mediator will be chosen by the current Chair of Resolution Institute or AMINZ on the application of either party.