

Nationwide Academy of Dispute Resolution UK Ltd

Stockland Cottage 11 James St, Treforest, Pontypridd Wales CF37 1BU UK : Phone +44(0)1443 486122 : Fax + 44(0)1443 404171

DEFENDANT'S NOTICE OF INTENTION TO CALL WITNESSES FCSM04D

CLAIMANT'S NAME:

v

DEFENDANT'S NAME :



Date: ▶

NADR No ▶

IF YOU WISH TO CALL A WITNESS(ES) IT IS ESSENTIAL THAT YOU NOTIFY THE OTHER PARTY IN ADVANCE OF YOUR INTENTION TO DO SO.

YOU MUST ALSO INFORM NADR IN ADVANCE SO THAT ARRANGEMENTS CAN BE MADE TO ACCOMMODATE THE WITNESS(ES) AT THE MEDIATION.

SEND ONE COPY OF THIS FORM TO NADR AND A COPY TO THE OTHER PARTY.

Witness 1 : Name ▶

Nature of Evidence eg evidence of fact or of opinion ▶

Profession / status of witness ▶

Witness 2 : Name ▶

Nature of Evidence eg evidence of fact or of opinion ▶

Profession / status of witness ▶

Witness 3 : Name ▶

Nature of Evidence eg evidence of fact or of opinion ▶

Profession / status of witness ▶

It is not usual practice to call witnesses to give evidence at a mediation. In order to persuade the other party of the reasonableness of your case it is normally sufficient to provide and exchange written statements, perhaps in the form of an affidavit, as proof of evidence of fact or of opinion. In exceptional circumstances you may choose to call a witness because you deem that the other side will not accept or consider your viewpoint in the absence of corroboration by a third party.

A mediation is not a court hearing. The mediator is not a judge. The mediator's function is to assist the parties to reach an agreement. It is not to make a decision and a ruling. You do not have to prove your case to the mediator and do not therefore need to call witnesses to prove your case to the mediator. However, as in a court of law, witnesses will be invited to take an oath and expert witnesses have a duty to the mediation process to provide objective testimony.

Witnesses will be called to give evidence during the latter part of the opening joint session. The other party will be afforded an opportunity to ask the witness questions and the witness will have an opportunity to respond. That apart there will be no cross examination of witnesses on the stand. Witnesses may not attend private / caucus sessions. Usually witnesses will leave the mediation at this stage and take no further part in the mediation. However, where it is anticipated that a witness may be required to give evidence at a subsequent joint session, the witness will be placed in a private room until his attendance is next required.

It is your responsibility to arrange for and finance the attendance of your witnesses at the mediation and to advise the witness about the mediation process.

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What to Do Next.

Tasks	Checkpoint		
	ACTIONS	YES	NO
Check.			
1 Have you considered seeking or sought legal advice ?	SOUGHT	<input type="checkbox"/>	<input type="checkbox"/>
2 Inform your independent advisor (if any) of the contents of this Notice (if not issued by him).	INFORMED	<input type="checkbox"/>	<input type="checkbox"/>
3 Send this Form (Mail or Fax) to the other party and to The NADR Administrator Stockland Cottage, 10 James St, Treforest, Pontypridd CF37 1BU UK E-Mail : Administrator@nadr.co.uk Fax : 0044 (0)1443 404171	SENT	<input type="checkbox"/>	<input type="checkbox"/>
4 Send NADR any outstanding documentation requested	SENT	<input type="checkbox"/>	<input type="checkbox"/>
5 Prepare for mediation – compile & submit documents etc	DONE	<input type="checkbox"/>	<input type="checkbox"/>
6 NADR will send you Notice of Mediation (date, time, location etc)	RECEIVED	<input type="checkbox"/>	<input type="checkbox"/>
7 Send NADR any outstanding documentation requested. You may receive additional documents from the other party	SENT	<input type="checkbox"/>	<input type="checkbox"/>
8 NADR will send you a Notice of Initiation of Mediation Process	RECEIVED	<input type="checkbox"/>	<input type="checkbox"/>
9 Notify everyone in your team about attendance details	NOTIFIED	<input type="checkbox"/>	<input type="checkbox"/>
10 Attend the Mediation	ATTENDED	<input type="checkbox"/>	<input type="checkbox"/>

We hope that you are satisfied with the service that NADR has provided you with up to date in relation to your dispute and that will be able to reach a quick, amicable and acceptable settlement of your dispute.