

## CLIENT PREPARATION CHECKLIST

### **Clients are asked to bring the following documents to the mediation:**

- If you have already started a court case, bring a copy of your pleadings (court documents)
- If you have a written agreement, bring a copy of that Agreement.
- If there are any court orders or judge's endorsements (not included in court documents) please bring them with you. This is important if you wish to change an existing order.
- If there is a child or spousal support issue and you are the support payor, please bring your last 3 years Income Tax Returns and Notices of Assessment (unless already attached to court documents) and also your most recent EI/OW/ODSP stub/letter from employer, Employment Contract if applicable, Record of Employment if applicable or termination letter. If you receive, or have received a bonus or severance payment, disclosure is required.
- If you are self-employed, please bring Business Income Statements for the last 3 years in addition to Tax Returns
- If there are arrears of support beyond the last 3 years, please bring proof of income for the years in question.
- If there is a support issue and you have not yet filed a Financial Statement, it is possible to prepare a draft Financial Statement. On-line forms are available at: [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca) (Ontario Court Forms Assistant).
- If you are claiming special and extraordinary expenses, please make sure you bring receipts and the income information above.
- If you are in receipt of OW, subsidized housing, subsidized day care, or ODSP you **must** advise OW or ODSP that you are going to mediation as OW and ODSP must approve any support settlement. If you do not advise OW or ODSP, those agencies may commence a court action against both of you if the settlement is inappropriate. You must also alert the mediator to the fact you are in receipt of some form of social assistance.
- If there are any **recent** reports from the Office of the Children's Lawyer or from a private assessor, please bring the report

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- If a child is represented by a lawyer under the auspices of the Office of the Children's Lawyer, please advise that lawyer that you are going to mediation and provide him/her with the date of the mediation session. If you have had a Disclosure meeting with the counsel for the child, please advise the mediator of any position taken or recommendations made on behalf of your child(ren)
- If you have any medical information you wish to rely on that is in the form of a letter or report, list of medications etc. please bring it with you
- If you have any correspondence from a Children's Aid Society or any court orders from a child protection proceeding, please bring them with you
- **If you are on probation or on some form of Judicial Interim Release (Bail terms or Police Undertaking) YOU MUST SEND A COPY WITH YOUR INTAKE FORM Stating the probation order or terms of release**
- If your mediation involves a division of property, please bring all documentation relevant to your assets and debts that are available, including mortgage statements, credit card statements, RRSP on investment account statements, Line of Credit Statements, house/cottage appraisals

## PREPARATION FOR MEDIATION

### Suggestion for Clients

Here are some suggestions to make the best use of mediation to help you help yourself reach a solution that works.

1. **Be prepared.** Review important issues and facts before you arrive. Be sure that the other party (or his or her lawyer) has all the information you will be relying on in advance of the mediation. Be sure you have all the facts and information you need to make a decision. If not, let our office know. Mediation is most effective if everyone knows the facts in advance and has a chance to think about those facts before meeting.
2. **Consider your options.** Think about a range of settlements that will meet your needs. Think about the range of options the other party might be prepared to accept or offer. Mediation offers the opportunity to resolve disputes in more creative and flexible ways than can a Judge. Do not set a bottom line. You are attending mediation so the other party will re-evaluate their case and seek settlement options. You should be prepared to do the same.
3. **Know your legal costs.** Know what further legal costs may be incurred by you if you do not resolve the matter at mediation. The cost of settling early may be an important factor as to whether or not you wish to resolve the matter by way of mediation. Further negotiations between counsel or further litigation can be very costly.
4. **Participate.** A significant part of the mediation is discussion between the parties as assisted by the mediator. Lawyers have an important role to play, but often it is the clients' participation that makes the mediation successful.

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5. **Focus.** Be clear about your concerns, your needs, and your objectives. Be prepared to discuss these. This type of information assists the other party to formulate settlement offers that satisfy your objectives.
6. **Listen carefully and respectfully to the other party.** Think about how you listen. Let your body language tell the other person you are prepared to listen and prepared to discuss. Speak carefully and respectfully to the other party.
7. **Be assertive in stating your concerns and viewpoints,** but avoid language that will antagonize the other party (e.g. “bottom line”, threats, accusations, sarcasm). You will be more persuasive if you are hard on the problem but easy on the person. Even if you do not feel that you are to blame in this matter, this is a good time to ensure that you communicate in a positive neutral way so that you can achieve what you want—a settlement.
8. **Be willing to persuade the other party** about the sensibility of your position. Look for outside information that the other side will respect, that supports your viewpoint. Our office will provide one form of outside information, namely what Courts have decided about similar cases. Think about what your family’s traditions or practices are. Think about what other families that you both respect have done in similar situations.
9. **Be open to persuasion.** Be on the lookout for creative solutions. Part of what makes mediation successful is that people find solutions no one has thought of before. To do this you must go to mediation with an open mind.