



Isle of Man
Government

Reiltys Ellan Vannin

The Treasury *Yn Tashtey*

Head of Legal Aid Administration
Mr K.M. Blackburn CPFA



Legal Aid Administration

Social Security Division
Murray House
Mount Havelock
Douglas
Isle of Man
IM1 3AR

Telephone (01624) 685369

E-mail: legalaid.treasury@gov.im

Legal Aid Funding of Mediation

The Legal Aid Committee (The Committee) recognizes that primary legislation does not allow payments to be made directly to mediators from the legal fund. Therefore mediator appointments rest with advocates and their costs are met as case disbursements.

The Committee is of the view that mediation is often an effective strategy for the early resolution of disputes (and specific issues within disputes). As regards family cases, where preservation of relationships is of the utmost importance, there are particularly strong reasons why disputing parties should be encouraged to use mediation as an alternative dispute resolution process.

All advocates are therefore encouraged by the Committee to suggest this process to clients as soon as possible in appropriate cases, not limited to family cases, and in any event within 3 months of legal aid being granted to an individual.

The Legal Aid Certifying Officer (LACO) will maintain a list of approved Mediators, which will be subject to annual review. This list will be published on the Legal Aid Committee website. Advocates should make mediator appointments from this list unless expressly authorized by the LACO to appoint some other mediator.

Mediation costs will be met (within the scales below) on the basis that the usual mode of mediation will use a single mediator.

The Legal Aid fund will meet the mediation costs (within the scales below) of **both** mediating parties if at least one of the parties is in receipt of legal aid.

In determining the level of disbursements to be authorised, the ("LACO") will apply the following fee schedule:

Nature of Mediation Service	Fee	Sole/Co-mediation	Comment
Mediation Assessment Session	£75 Sole		Upon agreement of Parties to consider using mediation
2 Mediation sessions to a maximum of 10 hours in total and to include ancillary administration, preparatory costs and correspondence with advocates and Legal Aid Certifying Officer	£550 (£225 per session)	Sole unless special circumstances apply	Upon assessment by mediator that parties and issues suitable for mediation
Drafting Memorandum of Understanding (including specification of further steps to be taken)	£125 Sole		If required on parties' reaching agreement
Drafting Open Financial Summary	£55 Sole		If required
Maximum total in usual circumstances	£805		If all elements of mediation service utilised

Extraordinary Circumstances

Additional Sessions

There will be circumstances where more than 2 (sole mediator) mediation sessions are required. In those circumstances a further 90 minute mediation session may be authorised at the rate of £82.50.

Co-mediation

The Committee recognizes that in certain cases a co-mediation model will be more effective. Those cases include:

- Couples in high conflict,
- Past domestic violence or threat,
- Presence of mental health issues,
- High net worth,
- Emotional neediness,
- Cross-jurisdictional issues,
- Self-representing clients.

Advocates should make clear in their application for approval to incur a mediation disbursement, the mode of mediation requested and where a co-mediation model is requested should make clear the grounds of the request.

If co-mediation is authorised by the LACO the total fee paid for 2 co-mediated sessions will be £715.00

The LACO may agree an additional fee for a further, third, session of co-mediation of £165.00 under qualifying circumstances.

The mediator will be required to provide direct to the Legal Aid Certifying Officer, copy to the Advocate, a summary of the time taken in respect of each of the scheduled mediation services and the outcome achieved. If the mediation is unsuccessful the mediator should indicate if either party has behaved unreasonably or otherwise failed to enter into mediation in good faith.

Forms to be used by Advocates when requesting approval for mediation disbursements are attached.

Form LA-MED1 (Oct15)



To: Legal Aid Certifying Officer
IOM Courts of Justice
Deemsters Walk
Buck's Road
Douglas
IM1 3AR

Date: _____

Name of Advocate _____

Address _____

Dear Madam,

My Client: _____

Opponent Party: _____

Opponent Advocate: _____

Application for authorisation for mediation with one Mediator

My client is being advised under a Green Form dated _____

My client has the benefit of a Legal Aid Certificate LA/_____

(Please tick the option which applies to this application)

I write to apply for a disbursement as follows:

Mediation Assessment £75

Mediation Sessions x2 £550

Memorandum of Understanding £125

Open Financial Summary £55

Total: £

Reasons for application:-

Please set out brief details of the case, include whether the case relates to contact, residence or both.

Signed _____

Legal Aid Certifying Officer

Dated _____

Form LA-MED1 (Oct15)

FOR USE BY THE LEGAL AID OFFICE

I hereby **authorise** the sum of £ _____ in respect of mediation with one Mediator.

Signed _____

Legal Aid Certifying Officer

Dated _____

I **refuse** the application for authorisation of £ _____ for mediation with one Mediator.

The reasons for the refusal are:-

Signed _____

Legal Aid Certifying Officer

Dated _____

To: Legal Aid Certifying Officer
IOM Courts of Justice
Deemsters Walk
Buck's Road
Douglas
IM1 3AR

Date: _____

Name of Advocate _____

Address _____

Dear Madam,

My Client: _____

Opponent: _____

Application for authorisation for co-mediation with 2 Mediators

My client is being advised under a Green Form dated _____

My client has the benefit of a Legal Aid Certificate LA/_____
(Please tick the option which applies to this application)

I write to apply for approval to a disbursement as follows:

- | | | |
|-----------------------------|------|--------------------------|
| Mediation Assessment | £75 | <input type="checkbox"/> |
| Mediation Sessions x2 | £715 | <input type="checkbox"/> |
| Memorandum of Understanding | £125 | <input type="checkbox"/> |
| Open Financial Summary | £55 | <input type="checkbox"/> |

Total: £

Circumstances where two Mediators are required:

(Please tick the situation which applies to this application)

- | | |
|---|--|
| <input type="checkbox"/> Couples in high conflict | <input type="checkbox"/> Emotional neediness |
| <input type="checkbox"/> Past domestic violence or threat | <input type="checkbox"/> Cross jurisdictional issues |
| <input type="checkbox"/> Presence of mental health issues | <input type="checkbox"/> Self-representing parties |
| <input type="checkbox"/> High net worth | |

Signed _____

Legal Aid Certifying Officer

Dated _____



Reasons for application:-

Please set brief details of the case, include any evidence to support your argument.

FOR USE BY THE LEGAL AID OFFICE

I hereby **authorise** the sum of £ _____ in respect of co-mediation with two Mediators.

Signed _____

Legal Aid Certifying Officer

Dated _____

I **refuse** the application for authorisation of £ _____ in respect of co-mediation with two Mediators.

The reasons for the refusal are:-

Signed _____

Legal Aid Certifying Officer

Dated _____

To: Legal Aid Certifying Officer
IOM Courts of Justice
Deemsters Walk
Buck's Road
Douglas
IM1 3AR

Date: _____

Name of Advocate _____

Address _____

Dear Madam,

My Client: _____

Opponent: _____

Application for authorisation for extra sessions of mediation or co-mediation

My client is being advised under a Green Form dated _____

My client has the benefit of a Legal Aid Certificate LA/ _____

(Please tick the option which applies to this application)

On (please insert date) _____ you approved a disbursement:

in respect of mediation with one Mediator

in respect of co-mediation with two Mediators

Two sessions have taken place but it has proved necessary for a further session to be held.

I apply for authorisation of a further sum of £82.50 in respect of a further 90 minute session of mediation.

I apply for authorisation of a further sum of £165.00 in respect of a further 90 minute session of co-mediation.

Reasons for application:-

Please set out the reasons why the extra session is necessary, include any report or comments of the Mediator(s)

Signed _____

Advocate

Form LA-MED3 (Oct15)

FOR USE BY THE LEGAL AID OFFICE

I hereby **authorise** the sum of £82.50 in respect of 1 extra session of mediation

I hereby **authorise** the sum of £165.00 in respect of 1 extra session of co-mediation

Signed _____

Legal Aid Certifying Officer

Dated _____

I **refuse** the application for authorisation of £82.50 in respect of 1 extra session of mediation.

I **refuse** the application for authorisation of £165.00 in respect of 1 extra session of co-mediation

The reasons for the refusal are:-

Signed _____

Legal Aid Certifying Officer

Dated _____