

Sample Letter Requesting Mediation in a Personal Injury Claim

Mary Black v. ABC Ltd, XYZ Ltd
The High Court No. 3232 2006P
S15 Civil Liability and Courts Act 2004

Dear Sirs

We refer to the above High Court proceedings [which you have issued on behalf of your client].

We are instructed by our client to make this [open] offer suggesting mediation to you [and to each of the other parties] in respect of all claims arising out of the above proceedings. We do so on the basis that mediation is a process, which could facilitate an early resolution of the claim and offers a less adversarial environment in which to do so. [We are writing similar letters to each of the other parties with this proposal].

We confirm that any mediation which takes place will be entirely confidential and conducted on a without prejudice basis. Both parties to the mediation will sign a mediation agreement in advance under which all will agree to this. If the parties fail to reach a settlement of the claim during the course of the mediation, then the case can proceed to court in the normal way.

We therefore ask you to positively consider this request with your client[s] and confirm that you will be prepared to refer this claim to mediation.

If we do not hear from you in relation to this open offer within 14 days from the date of this letter, we will take it that you reject the offer to mediate. In such circumstances we reserve the right to apply to the Court under section 15 of the Civil Liability and Courts Act 2004 and request that the Court direct a mediation in these proceedings.

Obviously we would prefer that a consensus be reached between the parties to mediate. We also reserve the right to produce this letter to the court when applying under section 15 of the above Act or at the conclusion of the litigation and ask that this proposal to mediate be taken into account when costs are being adjudicated upon regardless of the outcome of the proceedings.

If your client is prepared to accept that this matter be referred to mediation, we can jointly put in place the necessary arrangements for a mediation and in particular reach agreement on the identity of a mediator and the fixing of a date for the holding of the mediation.

We look forward to hearing from you.

Yours faithfully

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