

Agreement for the provision of facilitation services

Dated:

Parties:

1.

2.

3.

Facilitator: Grant Brittain KC

THE PARTIES AND THE FACILITATOR AGREE:

Participation

1. The Parties are parties in a civil proceeding, CIV-_____. The issues arising in the proceeding include matters of expert opinion. The parties are calling competing expert evidence.
2. The expert witnesses are required to attend a conference under r 9.44 of the High Court Rules 2016 (HCR).
3. The parties wish to appoint Grant Brittain KC to act as the facilitator at the conference.
4. Prior to the conference, each party shall confirm the names of representatives who will attend the conference.

Exchange of information

5. Prior to the conference, the parties and the facilitator shall agree on an exchange of information and documents for the conference.

Conduct of the conference

6. The facilitator will act neutrally and impartially.
7. The facilitator shall assist the experts to identify and discuss the issues between them and to comply with r 9.44 of the HCR.
8. The facilitator shall not give legal advice.
9. The facilitator shall not coerce any expert into agreement.
10. The facilitator may conduct the conference in the manner he thinks fit.
11. The facilitator shall comply with the Code of Ethics of the Arbitrators' and Mediators' Institute of New Zealand Inc.
12. The parties and the facilitator shall maintain the confidentiality of the process to the extent that the parties have agreed on confidentiality.
13. The parties agree that the facilitator shall not be in any way liable to the parties for any act or omission in any way connected to the conference. The parties, jointly and severally, indemnify the facilitator in respect of any such claim.
14. Unless agreed otherwise, the parties agree to pay an equal share of the facilitator's fee. The facilitator's fee shall be agreed prior to the facilitator's appointment. The facilitator's fee shall be payable regardless of the outcome at the conference.

Grant Brittain KC

Party

Party

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