

To Those Who Are Invited to Participate in Mediation regarding the Hague Convention Case

The Tokyo Bar Association operates the Dispute Resolution Center (“Center”) as the institution for alternative dispute resolution aiming at speedy, fair and reasonable settlement of civil disputes through simple procedures.

Under the commission from the Ministry of Foreign Affairs of Japan (the Central Authority of Japan under the Hague Convention. “Ministry”), the Center provides mediation in order to resolve disputes concerning removal or retention of a child by reaching an agreement between the parties on the return of or access/visitation to the child.

On receiving the application for mediation in which you are designated as the respondent, the Center provides you with the following information and invites you to participate in the mediation.

Please note that this is a specialized mediation process, which is different from the ordinary mediation provided by the Center.

1 Those eligible for mediation

Our mediation is available in a case where the applicant obtained a decision for assistance from the Ministry prior to applying for the mediation.

An application may be filed by the parent or person with the rights of custody claiming his/her child has been wrongfully removed or retained from former country of residence.

2 Number of mediation sessions

Up to four sessions will be held for each case; however, additional sessions may be held on certain circumstances (*please see 5(3) and 6(1) below.*).

3 Language

Mediation will be conducted in Japanese or English.

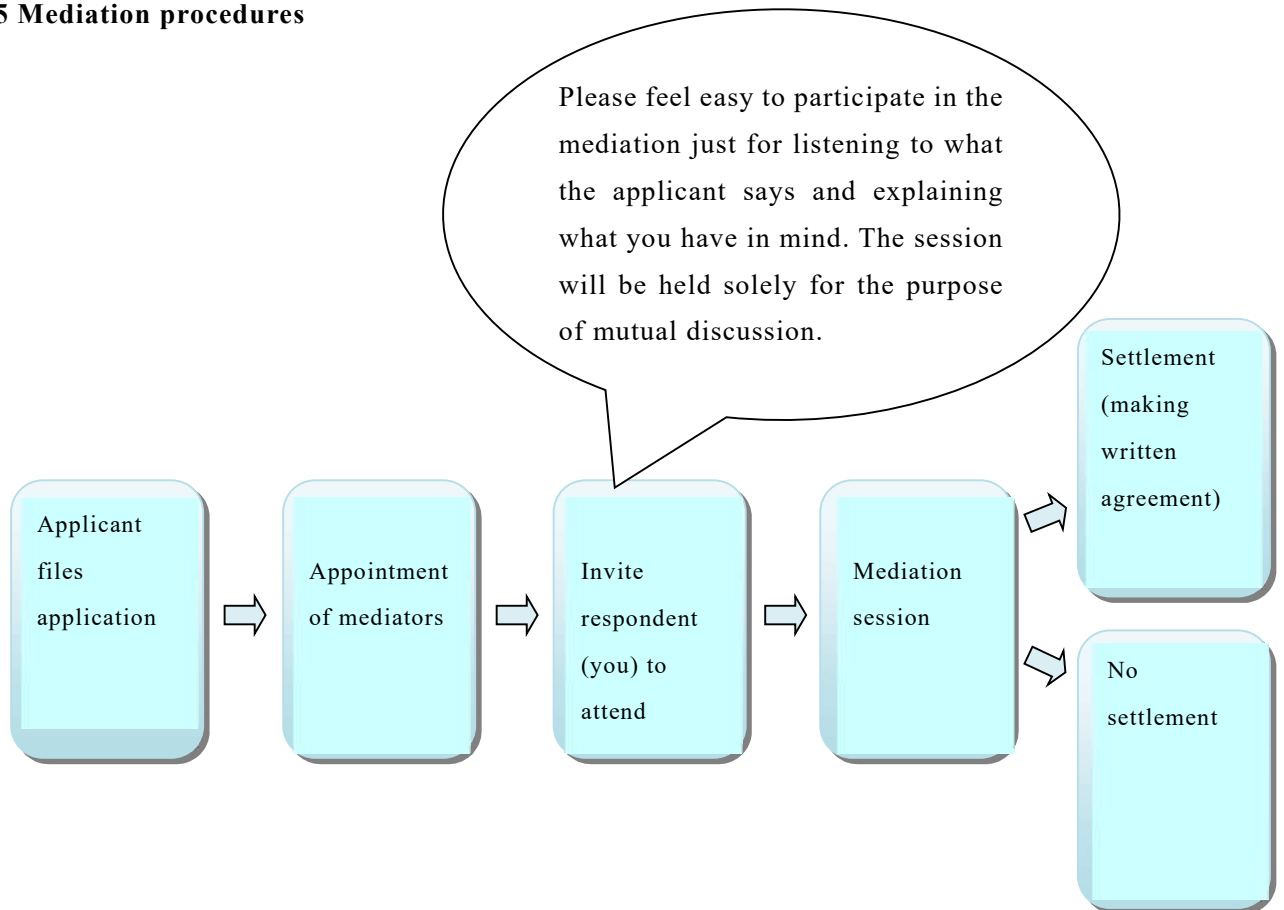
The service of translation or interpretation will be provided if necessary (*please see 6(3) and (4) below.*). However, it may not always be possible to secure an interpreter, for example, in the case of uncommon and rare language.

4 Goal of mediation

The goal of mediation is to resolve disputes between the parties concerning removal or retention of children by reaching an agreement through the discussion between the parties with assistance of mediators.

Child support payment, divorce or other family-related cases can be discussed during mediation sessions if both parties agree to do so (*please see 6(2) below.*).

5 Mediation procedures



(1) Participating in mediation

a. The Center, as a fair and impartial institution, provides mediation process with a view to achieving an amicable solution through voluntary discussions between the parties.

If you have any questions about the procedures, please feel free to contact the Center. We would be grateful if you consider participating.

b. When you submit document in Japanese, please attach English (or other foreign languages) translation as far as possible. When the documents are submitted in Japanese (or other foreign languages) only, the mediators will decide which documents should be translated into English (or other foreign languages). *(please see 6(3) below.)*

Since the mediation is based on discussions between the parties, you may choose not to submit any documents.

When document is submitted in English, the mediators will decide which document should be translated into Japanese and the Center will translate them into Japanese and send it together with original document.

c. You may submit documents via e-mail if you wish.

Until the final agreement is reached, the mediation procedures can be conducted without disclosing any of your contact information to the applicant and you do not need to disclose your address to us if you provide us with your telephone number and email address.

If you would not like to disclose to the applicant any of your contact information given to us, please tell us so.

d. If you decide to participate in the mediation, the Center will notify the applicant. If you decide not to

participate, the mediation procedures will end at that point.

(2) Mediation sessions

a. You will be asked to come to the Center for mediation sessions. However, depending on the circumstances, you may attend sessions by using the Web conference system.

There may be separate sessions for each party if necessary and appropriate.

b. As a general rule, mediation sessions will be held at the office of the Center during our business hours; 10 am to 5 pm on business days. Each session lasts approximately 2 hours.

c. The mediators begins the mediation process by listening equally and carefully to both parties.

Two mediators attend sessions: one is a lawyer, and the other is an expert in sociology or psychology such as a clinical psychologist.

If necessary, the Center appoints one assistant mediator, who is a lawyer, to help the mediators conduct the mediation process smoothly.

d. The mediators may contact each party by telephone or other means outside the mediation sessions for the purpose of obtaining information necessary to facilitate resolution of the case.

(3) Conclusion of mediation

When both parties reach a resolution, a written agreement will be prepared in both Japanese and English (in principle) (in other foreign languages as well if necessary and if the Center can provide translation.). The agreement will be directly handed over to the parties or will be sent by the registered and certified mail (including international mail if necessary and appropriate) etc.

In case the respondent does not attend mediation sessions, either party does not pay fees or costs (including translation and interpretation fees) to be borne by such party, or the mediators believe that the mediation will not resolve the dispute, the mediators will terminate the mediation.

As a general rule, the mediation process shall end within four sessions; however, with the prior approval from the Ministry, additional sessions as Prior Approved Sessions defined below may be held. Additional sessions also may be held if the parties bear a mediation session fee (*please see 6(1) below*).

(4) Arbitration

When reaching an agreement, the parties can use the arbitration process of the Center if both consent. The arbitration decision will be rendered by the mediators considering what the parties has agreed. Please ask the mediators for the details.

6 Fees and Costs to be borne by the parties

Up to four sessions, fee for the mediation payable to our ADR center does not incur as it is born by the Ministry, though, if you retain a lawyer, the legal fees and costs shall be paid by yourself. With prior approval, the Ministry may bear the fee for fifth and further sessions (“Prior Approved Sessions”); however, as the budget of the Ministry is limited, any fee and cost exceeding the ceiling must be borne by the parties concerned.

Please note that the following fees and costs shall be borne by the parties.

(1) Mediation session fee

If the parties wish to have mediation sessions more than four times, ¥30,250 (including tax) for each additional session shall be paid by each party except for the Prior Approved Sessions.

(2) Contingency fee

The parties do not need to pay contingency fee for the agreement on the HagueConvention issues (return

/access/visitation).

However, if the parties can reach a mediated agreement on the issues other than Hague Convention issues (return/access/visitation), such as child support payment, divorce or other family-related issues, the contingency fee will be incurred on the parties, which is to be calculated in the following way. Please ask the mediators for the details.

[Economic gain]	[Contingency fee]
¥3,000,000 or less	8%
Between ¥3,000,001 and ¥15,000,000	3%
Between ¥15,000,001 and ¥30,000,000	2%
Between ¥30,000,001 and ¥50,000,000	1%
Between ¥50,000,001 and ¥100,000,000	0.7%
Between ¥100,000,001 and ¥1,000,000,000	0.5%
¥1,000,000,001 or more	0.3%

Calculation example: supposing that the economic gain is ¥20,000,000. Contingency fee will be ¥700,000 ($¥3,000,000 \times 8\% + 12,000,000 \times 3\% + 5,000,000 \times 2\%$).

※Consumption tax (currently 10%) will be added to the above fee.

(3) Translation fee

When the documents are submitted by the applicant in English (or in other foreign languages) only, the mediators will decide which documents should be translated into Japanese. The Center will translate them into Japanese.

When the respondent does not submit the English (or other foreign languages) translation of his/her documents written in Japanese, the mediators will decide which documents should be translated into English (or other foreign languages as well if necessary and if the Center can provide translation). The Center will translate them into English (or other foreign languages).

However, when the number of total words (English (or other foreign languages) to Japanese)/letters (Japanese to English (or other foreign languages)) of the documents to be translated exceeds the limit, the translation fee beyond the limit shall be borne by the parties.

The Center will ask the parties to pay the translation fee when necessary. Please pay the billed amount by the due date set by the Center. If the parties fail to pay the billed amount, the mediation may be terminated.

The Center may ask the parties to prepare and submit the summary of the documents depending on the content or volume of them.

(4) Interpretation fee

The Center will appoint an interpreter when the mediators consider it to be necessary.

However, when the total fee exceeds the limit, the interpretation fee beyond the limit shall be borne by the parties.

The Center will ask the parties to pay the interpretation fee when necessary. Please pay the billed amount by the due date set by the Center. If the parties fail to pay the billed amount, the mediation may be terminated.

(5) Other expenses

The parties shall bear expenses to use the Web conference system (expenses for purchasing PCs,

speakers, headsets, Internet connection services, etc.). The parties do not need to bear the costs for communication services such as international telephone charges unless it exceeds the limit.

The travel and accommodation expenses shall be borne by each party.

7 Notes

(1) Neither the Center nor the mediators will disclose the information regarding you or your child to the applicant without your consent.

(2) As a general rule, only lawyers under the Japanese law are allowed to participate in mediation sessions as attorneys for the parties.

(3) When the Web conference system is used, it is each party's responsibility to obtain and prepare PCs, speakers, headsets, Internet connection services.

(4) All fees and costs to be paid from the party residing overseas to the Center and to be returned from the Center to such party must be in Japanese yen and made by bank transfer. Bank transfer fee shall be borne by the parties. No other methods of money transfer (check, credit card, etc.) may be used. The costs for refund shall be borne by the parties and will be deducted from the refund.

8 Q&A

Q1. I have been notified by the Center that the mediation application has been filed and provided the information about the procedures. I would like to resolve the dispute through discussions. However, I am concerned about whether what I want to say can be listened enough. And, I do not want to be forced into a resolution.

A. It is up to you whether you choose to attend the mediation procedures; however, it would be a good opportunity for mutual discussions and we would be grateful if you participate in the mediation session.

After listening carefully to you, the mediators assist you to seek possible solutions of the problems. The mediators may make some suggestions toward a resolution, but it is completely up to both parties whether they decide to accept or not. You cannot and will not be forced into accepting anything. If you are not happy with the suggestions, you are completely free to decline and you can ask to modify them. You may also terminate the process at any time.

Please participate in the mediation without anxiety.

Q2. I would like to have opportunities to tell what I have in mind. But, I am worried I may feel uncomfortable when I meet the applicant in person or see his/her face through web conference.

A. You can retain a lawyer to accompany you. Moreover, the mediators may hold separate sessions for you without the applicant attendance. Please contact the Center for more details.

9 Contact information

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