



## FAMILY LAW MEDIATION INFORMATION

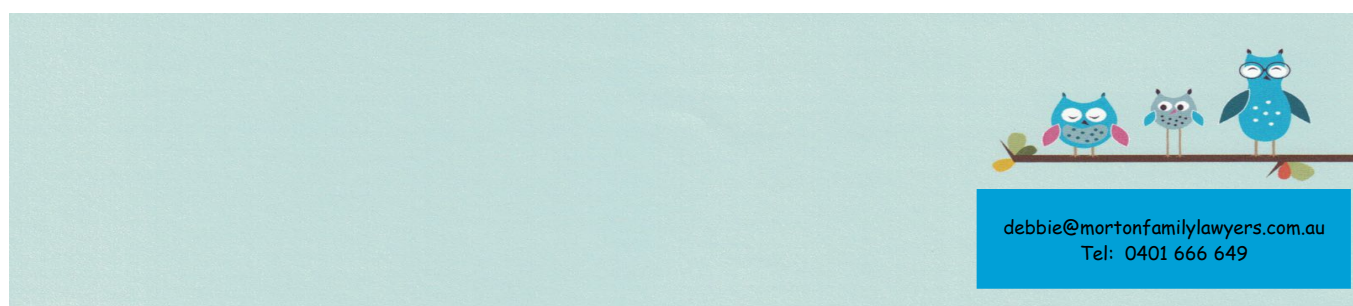
The mediation process is designed to assist the parties in resolving their dispute without the need for costly litigation. We offer a process of 'evaluative mediation'. This does not involve providing legal advice to the parties, which is not the role of the mediator, but to assist the parties in 'reality testing' their positions and facilitating negotiations between them.

The mediator's position is always one of neutrality and confidentiality. The mediator does not 'take sides' and the process is, for the most part, confidential so that parties are free to make offers of compromise. This is particularly important in circumstances where the mediation may, unfortunately, be unsuccessful. That is to say that nothing that occurs in the mediation process can be disclosed by either party in subsequent litigation. The only exception to that is that the mediator is a mandatory reporter in respect of any risk concerns relating to any children.

Prior to the mediation an intake session may be conducted. The exact process will depend upon the nature of the dispute. For example, if the dispute involves only property settlement then that intake process will usually be by way of the provision of certain documentary information for the mediator to review prior to the mediation taking place. However, if the mediation involves parenting issues it is more likely that the mediation process will include a brief discussion between the mediator and each of the parties individually.

In property settlement disputes the mediator will generally require a Balance Sheet (preferably jointly prepared). And a short Outline from each of the parties' legal representatives. Where the parties are not represented we can provide a pro forma word document for the parties to complete.

The mediation process will usually be conducted 'face to face' but can be by way of shuttle mediation if necessary. A shuttle mediation involves each of the parties, and their lawyers if represented, to be seated in separate rooms and the mediator moves between the rooms to meet with the parties individually and to facilitate the negotiations.



Although the shuttle process can lengthen the time required to conduct a mediation it is sometimes necessary for a range of reasons such as current or a past history of family violence, a feeling of power imbalance, or simply the feelings of emotion that discussing a dispute can sometimes invoke.

If at any time during the mediation you feel that you need a break simply inform the mediator. Similarly, if you feel that the mediation cannot continue you should raise your concerns with the mediator. It may be that you just need some time to meet privately with your lawyer and 'regroup'.

At the conclusion of the mediation it is possible to prepare a Heads of Agreement or even Consent Orders if the parties are legally represented. If, unfortunately, the mediation is unsuccessful and there is a parenting issue then the mediator can issue a Section 60I Certificate to each of the parties in parenting disputes.

### COSTS

Mediations are charged at either a half day or full day and includes an intake session, if required, and any necessary pre-mediation preparation.

Intake sessions, preparation + 3 hour mediation	\$2,640 in total –shared equally
Intake sessions, preparation + 6 hour mediation	\$3,960 in total –shared equally
Additional time	\$220 per half hour or part thereof
Room Hire	At cost

A Tax Invoice will be issued in advance with payment required into the mediator's Trust Account at least two business days prior to confirm the mediation date.

## **DEBBIE MORTON**

Debbie has practised in Family Law since her admission as a solicitor in 1995.

- She holds a Masters Degree in International Law;
- Is an Accredited Specialist in Family Law;
- A Registered Family Dispute Resolution Practitioner;
- A Nationally Accredited Mediator;
- From 2016 to 2020 was a member of the Independent Children's Lawyer Panel;
- From 2008 to 2019 was a member of the NSW Law Society's Specialist Accreditation Advisory Committee in Family Law.

