

Most jurisdictions now allow for parties in dispute to mediate a solution instead of commencing or continuing with costly court proceedings. Mediation can be used to finalise anything from a fencing dispute to a complex commercial litigation, in fact anything except a criminal issue.

Why mediate?

- Mediation allows parties in dispute to air their views frankly in an informal setting, controlled by a neutral third person, the Mediator. Individual rights are respected, both parties are heard equally.
- Mediation is a voluntary & quick local process, unlike court proceedings which can drag on for months or even years. Parties can arrange a date and time that suits them.
- Mediation is relatively inexpensive compared to court proceedings which may involve legal fees, court fees, filing fees, and witness expenses, and often time & travel to a distant court, as well as accommodation.
- Mediation sessions are held privately and in confidence. No

public galleries, media reports, or records kept.

- Mediation is flexible. A party can opt out during the session, either temporarily or permanently, without any repercussions, unlike court proceedings. There are no formal procedures.
- At mediation, the parties make the decisions – not a court, nor a lawyer, not a mediator or third person.
- Mediation is not adversarial, it allows parties to maintain a civil relationship. In contrast, court proceedings can damage a relationship beyond repair.
- Decisions in mediation are not legally binding, unlike court orders. However, they can become binding if both parties take any draft written agreement to their respective lawyers for legal advice and mutual finalisation.

Is Mediation suitable for me?

- Mediation is a voluntary process and may not be suitable for everyone, or for every dispute. Prior to mediation, the Mediator will

undertake a screening process to determine whether mediation is an appropriate option for the parties.

What happens in Mediation?

Sessions generally run for 2-4 hours, but may require longer or additional sessions, particularly if a party needs to seek further outside information or legal advice.

Generally, steps are as follows:

1. Each party tells their side of the story, without interruption;
2. An agenda of major concerns and common ground is agreed and prioritised;
3. Parties are encouraged to discuss each agenda point together, and explore options;
4. One or more individual private sessions with the Mediator is conducted to allow each party to privately discuss their concerns and possible options;
5. Parties then rejoin the Mediator to discuss with one another, more concrete options and concerns.
6. If any agreement is reached, the Mediator will draft an informal document of agreed actions, for each party to take away.

How much does Mediation cost?

The parties share the costs equally. The Mediator will obtain a brief background to the dispute from each party and read any necessary documents. Initial costs will range from \$100 each to \$300 each, depending on the complexity. The average is about \$150 (GST inclusive). The Mediation session itself is based on an hourly rate, currently \$250 (GST inclusive) per hour (\$125 each party). Any Mediator travel and room hire costs out of the area can be agreed with the Mediator. Mediation is far more affordable than court litigation, where court filing fees alone may exceed the total mediation cost.

How do I arrange Mediation?

- The first step is to contact our office to discuss or arrange a confidential individual appointment with our Mediator/Solicitor, Mrs Joan Hagan. At that appointment Mrs Hagan will explain the process, assess the suitability of the dispute for mediation, and answer any questions. Provided the other party agrees, we can then arrange a mediation session. A confidentiality agreement will then be forwarded

to both parties to participate in the process; and a date, time and venue arranged.

- If you are a solicitor or third party, simply contact our Mrs Joan Hagan, Mediator/Solicitor, to arrange a mediation session.

Baker & Borthwick Solicitors
1 Wharf Street TUNCURRY NSW 2428
PO Box 69 TUNCURRY NSW 2428
PH: (02) 6555 5555
FAX: (02) 6554 5891
EMAIL: hagan@bigpond.net.au

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