


GETTING READY FOR THE MEDIATION

1. **MEDIATION AGREEMENT:** I will prepare and bring to the mediation for execution by all in attendance (before the mediation commences). The National Mediator Practice Standards can be accessed at the website of the National Mediator Accreditation System (NMAS)).
2. **VENUE:** It is preferable if the parties can agree and arrange a mutually convenient venue. Barristers' chambers or solicitors' offices are fine for Mediations provided the venue is agreed and there is an adequate number of break out rooms. For Mediations at my Chambers, contact my clerk Melissa Brown on +61 (2) 8233 0300 or clerk@mauricebyers.com. I am also happy to suggest possible venues to assist parties.
3. **PRELIMINARY CONFERENCES:** Generally I leave this to the discretion of the parties. If parties wish, I will hold a preliminary conference and issue directions if required. If I determine that a preliminary conference is necessary, I will contact the parties to discuss the matter and my reasons for the holding of a preliminary conference. A preliminary conference is probably desirable for those who are unfamiliar with the mediation process. If no preliminary conference is held, the parties will proceed to the Mediation based on an agreed timetable communicated generally by email.
4. **MEDIATOR'S ROLE:** The Mediator is not a decision maker. Mediation is a process by which parties in disagreement meet in the presence of a Mediator with a view to identifying issues in dispute, so that you can freely discuss these issues from your own perspectives, develop options with a view to trying to come to an agreement to resolve the disagreement that you have. Importantly, the process is a confidential one so that anything you say cannot be used in a Court if this matter were to proceed to litigation and a Court hearing. My role is to facilitate that process. It is therefore essential that parties come to the Mediation prepared to discuss and negotiate on issues and that the necessary people are present to sign an agreement if reached.  In the event that the person with the necessary authority is unable to attend, please inform me well before the Mediation so that arrangements can be put in place for the smooth running of the Mediation.
5. **POSITION PAPERS:** It is highly desirable that parties exchange Position Papers well in advance of the Mediation. Wherever

possible, they should be as brief as reasonably possible, setting out the facts and putting forward the position(s) contended for. The Mediation Agreement makes clear that Position Papers are without prejudice and are for the purpose of the Mediation only.

6. **AGREED BUNDLE OF DOCUMENTS:** The parties should confer and seek to agree a bundle of documents for use in the Mediation. Whilst it is a matter for the parties as to the contents of the agreed bundle, it is usual that the documents will include pleadings, lay evidence (Affidavits) and expert reports that the parties rely on. The agreed bundle of documents should be sent to my Chambers no less than three days before the Mediation in soft copy form to my email address or to:

Geoffrey Gemmell
Maurice Byers Chambers
Level 60
MLC Centre
19 – 29 Martin Place
SYDNEY NSW 2000
(or DX 1070 SYDNEY)

