



The Law Society Mediation Program

Mediation is a means of resolving a dispute whereby a neutral person, the mediator, helps the disagreeing parties reach a resolution outside of a court room.

The mediator helps the parties clarify the disputed issues and identify possible options but does not impose a decision. It is not the mediator's function to give legal advice to the parties.

Mediation is useful when the parties are prepared to negotiate in good faith and work towards a mutually satisfying agreement.



THE LAW SOCIETY
OF NEW SOUTH WALES

How the Program Works

Upon the receipt of initial fees from both parties, The Law Society of New South Wales (“The Law Society”) appoints a mediator, who is an independent and experienced solicitor.

The mediator arranges a preliminary conference at a time and location convenient for the parties. The parties, their solicitors and other advisors must attend the conference to sign the Agreement to Mediate, which defines the roles of all participants.

After all participants have signed the Agreement, the mediator will conduct the mediation session. This may be held straight after the preliminary conference or at another time.

During the mediation session, the mediator helps the parties identify the cause and nature of the dispute, explore options and negotiate a settlement. The mediator does not impose a solution or offer legal advice.

Where settlement is achieved at the conclusion of the mediation, the parties will be expected to give effect to their agreement in the best possible way. In most cases this will involve one of the parties giving consent or agreeing to be bound by terms of settlement and such agreements may be converted into Consent Orders.

How Much Does it Cost?

Each party to the dispute is initially required to pay a fee to the Law Society, that covers a non-refundable administration charge and the mediator's fee for a:

- preliminary conference of up to one hour (thirty minutes per party), and
- mediation session of up to three hours.

The fee is \$825.00 (including GST) per party - this includes the Law Society's non-refundable administration fee of \$165.00.

If the mediation session extends beyond the initial three hours, the parties will be charged at an hourly rate as determined in the preliminary conference.

The mediation fee is refundable if a party withdraws prior to the preliminary conference. If the withdrawal occurs after the preliminary conference and before the mediation session, 50% of the mediation fee is refundable. These fees may be subject to change.

The cost of venue hire is the responsibility of the parties. The Law Society has mediation and arbitration rooms available for hire.

Other Requirements

How to Apply

Where a party is not an actual person (such as an organisation or company) it will need to be represented by a properly authorised person with authority to settle the matter. Parties may have one or more persons, including a solicitor, to assist and advise them during the mediation.

To apply, parties need to:

- Complete an online Mediation Program application form or contact the Community Referral Service Officer (CRS Officer) on (02) 9926 0396;
- Pay the initial mediation fee; and
- Once the fee is received from both parties, the Law Society will appoint a mediator.