



What Happens at Mediation?

If you have agreed or been ordered by the Court, to attend Alternative Dispute Resolution, which is a form of Mediation, you may be wondering what happens.

A Mediation can be held to resolve care arrangements for your children, a property dispute, or both.

[Mediation](#) can last anywhere between 3 hours and a full day. As such, you should arrange to take a day of annual leave from your employment and arrange for a family member or friend to collect the children from school.

To attend Mediation, you will need to agree to appoint an independent mediator. In Western Australia, this will either be a retired judicial officer, who now specializes in mediation or a Barrister or Family Law Solicitor who is also trained as a mediator. There are also cheaper services available through the Dispute Resolution Unit at Legal Aid Western Australia, if you or your former spouse is able to qualify for these services.

Once a Mediator has been agreed, all parties will then need to complete some pre-mediation paperwork. This helps the mediator understand your case and often includes a schedule of assets, liabilities, and superannuation (if it is a financial mediation) and the issues which need to be discussed that you do not agree about (if it is a child-related mediation).

If the matter is already before the Court, you will also need to provide any documents filed for the proceedings to the mediator.

Once the mediator has been appointed, and all of the documents provided, the parties, and their solicitors if they are represented, will then attend a pre-mediation meeting with the mediator.

This pre-mediation meeting gives the mediator a chance to meet the parties, and discuss the structure and conduct of the [Mediation](#) with the parties. The mediator will also discuss any issues that they have identified from the parties' documents.

Once the day of the Mediation arrives, it may be carried out in a few different ways such as:

1. A shuttle conference – in this instance the parties do not meet, and the mediator will go between the parties to convey offers of settlement that one party may wish to make to the other;
2. The conference may formally convene, and the parties meet in one room to discuss any issues
3. A combination of the two above options – the parties may formally convene to discuss any issues which need to be discussed, and then a shuttle conference occurs where offers of settlement may be made.

There is no style that is better than the others, and the mediator will usually suggest a style that they believe will suit the parties the best, and provides the best chance of assisting the parties with resolving their dispute.

If you need advice in relation to proceedings in the Family Court of WA, please contact us on 08 9221 2666 or reception@calverleyjohnston.com.au to make an appointment to speak to one of our solicitors.