



Preparing for Mediation

- *An average of 80% of successful outcomes at Mediation is based on good preparation prior to the Mediation*

Some useful tips to prepare:

Most people get nervous when attending a Mediation and this may cause you to forget to mention something important. This is normal.

If you are fully prepared prior to the Mediation, this will help you.

1. **Carefully read** and understand the terms of the Mediation Agreement and all other information that the Mediator has sent to you.
2. **Ensure that you pay** the Mediation fees on time as requested so that your date can be confirmed.
3. **Prepare your state of mind** leading up to the Mediation day: Be in the space where you are ready to bargain. Understand that Mediation is about compromise and to finally move on with your life. It is not about who wins or who loses. It is about reducing stress in your life, lessening the damage to the relationship particularly where there are children involved and severing that financial tie, so that you can focus on your own future and the next part of your life. Consider that if your matter was to end up in Court it can take years before the outcome is even known and it comes at a huge financial and emotional cost to both of you (and your children) while the matter proceeds through Court. Consider the affect that it would have on your children. You have control of the outcome.
4. Inform the Mediator if there are **any issues about safety and/or family violence** (can be noted in the Intake Form) so that appropriate arrangements can be made to conduct the Mediation to ensure that you feel safe and free to make decisions.
5. Gather a bundle of **documents to support your case**. You will be better off making disclosure to the other party prior to the Mediation so that values can be determined and issues in dispute can be narrowed. Please bring any prior agreements or court orders that are relevant.



6. **Understand the Mediator's role** is not to provide you with legal advice and the Mediator will not take sides or convince the other party that you are right.

7. **Obtain legal and financial advice** prior to coming to Mediation so that you are fully informed about:

Should you decide to settle at Mediation:

- (a) options and advice for early settlement;
- (b) the legal strengths and weaknesses of your case to help you understand whether your offers made or ultimate agreements achieved at Mediation are sensible and within the range of your entitlement.

Should you not resolve your matter at Mediation:

- (c) the expected delays in the Court system;
- (d) your expected legal costs if it was to go all the way through to Trial;
- (e) your expected return on investment after legal fees are considered.

8. **Prepare List of Assets and Liabilities** and be familiar with that list. Please download our page on List of Assets and Liabilities to insert the details. Be familiar with items that are still in dispute and think about the need to look for compromises on the values.

9. **Obtain valuations** on all major property items in dispute prior to the Mediation, e.g. for real estate properties or businesses.

10. For any minor items in dispute (e.g. motor vehicles, boats), think of ways that compromises can be made on those values, for instance, the use of the Red Book value of vehicles.

11. If appropriate, **attempt to reach an agreement with the other party or their lawyers prior to Mediation about how to overcome valuation and/or disclosure issues**. Try to reach agreement with the party or their lawyers prior to mediation about how to overcome valuation or disclosure disputes.

12. Have a **List of Goals and Concerns** you want to raise for the Mediation and put these in some order of priority.

13. If you have property and you want to retain it to the exclusion of your former partner, approach your bank about **your ability to refinance the property** into your own name.