

Fact sheet – Preparing for Mediation

If you have a dispute, mediation can help you and the other person to communicate better. The mediators can help you discuss your issues and develop options for making an agreement everyone can live with.

Remember:

- **Mediators do not** give advice or take sides
- **Mediation sessions are confidential**, but note there are some exceptions, for example where information relates to safety.
- **Allow plenty of time for the mediation**, usually between two and four hours. Complex disputes can take longer. Please make arrangements for car parking, child minding, work, etc.
- **Be prepared** – bring warm clothes food or medication if you think you will need them.
- **You can ask for a break at any time** during the mediation.
- **CJC cannot give you legal advice or information**. If you think you need some, speak to a lawyer or call *LawAccess on 1300 888 529* for free legal information and referrals.

Tips for a successful mediation:

- **Stay open-minded** about how you and the other person might resolve the dispute. New ideas might come out during the mediation session.

- **Be flexible** and give yourself plenty of room to negotiate. Don't back yourself into a corner!
- **Be willing to give and take** – you will be expecting the other person to compromise to meet your needs, so be prepared to do the same.
- **Stay calm and focussed**. Show respect for the other person and the mediators when you communicate.

Other ways you can prepare:

- CJC has a booklet which can help you prepare for mediation. It is available at www.cjc.justice.nsw.gov.au or call us on 1800 990 777 and we can post one to you.
- Look at the information on our website at www.cjc.justice.nsw.gov.au
- You can call **CJC on Freecall 1800 990 777** if you have any questions.
- Consider what you can expect on the day – see over the page

What to expect on the day

CJC mediation generally follows these steps:

Introductions



Mediators explain the process and 'ground rules' for the mediation.



Each person has a chance to give a short description of their concerns. Activity 1 will help you prepare for this step [refer to the booklet '*Preparing for mediation*'].



Mediators summarise what each person has said and everyone agrees on a list of issues to discuss.



Mediators help everyone explore the issues. This means communicating in detail about what your concerns are and why you feel they are important. Activities 2 & 3 will help you here [refer to the booklet '*Preparing for mediation*'].



Mediators see each person in a confidential private session while the other person has time to think about their options. Activity 4 will help you here [refer to the booklet '*Preparing for mediation*'].



Mediators bring everyone back together and help them to come up with ideas about how to resolve the dispute. Activities 5, 6 and 7 may help here [refer to the booklet '*Preparing for mediation*'].



If everyone agrees on some or all of the issues, the mediators can write an agreement and give a copy to each person as a record of what was decided. Agreements are not normally legally binding, but it may be possible to have them made legally binding if everyone agrees.



If an agreement is not reached, but everyone agrees further mediation may help, another session can be arranged.



The mediators will provide you with Feedback Forms and a self-addressed envelope. You can complete the form at the end of the mediation, put it in the sealed envelope and hand it to a mediator or you can post it to us later. You can also provide feedback to CJC by contacting us.

For more information

Visit the website www.cjc.justice.nsw.gov.au | Freecall: 1800 990 777 | Email: cjc@justice.nsw.gov.au

If you are deaf or have a hearing impairment or speech impairment, contact us through the National Relay Service on 1800 555 677 and ask for 1800 990 777

CJC Fact sheet: Preparing for mediation