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PRE MEDIATION CONFERENCE

AGENDA

1. General nature of dispute
2. Status of proceedings
3. History of any negotiations – what can be changed to make settlement more likely
4. Timing of mediation
5. Primary areas of disagreement
6. Discussions about mediation process
7. Identification of Issues to be discussed
 - a. Notification
 - i. Agreed or separately stated [tentative]
 - ii. Timing
 - iii. Directions
 - b. Supplementation
8. Issues or interests beyond those pleaded or beyond the parties
9. Issues that may impact upon negotiations
 - a. Attitude of parties (if willing to discuss) and how best to address;
 - b. Personality Issues (if willing to discuss) and how best to address;
 - c. History and how best to address;
 - d. Other matters such as external pressures/factors
10. Information before the mediation
 - a. Between the parties
 - i. Directions
 - b. To the mediator
 - i. Documents – which ones should be reviewed
 - ii. Directions
 - c. Documents that may need to be available at the mediation
11. Possible settlement options:-
 - a. Cash;
 - b. Future relationships;
 - c. Contingencies;
 - d. Creative ideas beyond cash and future relationships

12. Communications with mediator before mediation
 - a. Confidential/open
 - b. Issues
 - c. Process or other matters bearing upon conduct of mediation
13. Position papers
 - a. Timing
 - b. Detail/Length
 - c. Directions
14. Opening statements
 - a. Detail/Length
 - b. Legal representatives
 - c. Parties
15. Attendees
 - a. Persons who should attend
 - b. Persons who should not attend
 - c. Authority
 - d. Availability of people who may need to be consulted for whole day
 - e. Experts
 - f. List of attendees
 - g. Time constraints
16. Draft settlement agreement/terms
17. Venue
18. Mediation style