



# Mediation at Voice Lawyers

**Effective negotiation  
and conflict resolution**

# An introduction to our mediation services

**The fundamental belief underpinning all we do at Voice is that if you improve your communication, you improve your life. Conflict is normal, it is how we deal with it that matters.**

## One of the first victims of unresolved conflict is usually trust.

Creating an atmosphere of mutual understanding by facilitating meaningful discussion can most often bring conflicts to a constructive resolution and may rebuild trust, which is what we aim to do.

The cost of litigation and unresolved disputes is high financially and personally.

There are many advantages of mediation and savvy businesses and individuals are utilising mediation more and more rather than becoming entangled in expensive and lengthy court proceedings.



### Mediation

In a mediation, the focus is on agreement and finding a mutually acceptable solution. Parties that mediate report higher satisfaction with their result because they retain control over the solutions and outcomes.



### Preparation for Mediation & Court Appearances

Navigating the court process can be stressful and nerve wracking. Managing nerves is a skill, and Kayte and her specialist team of consultants provide practical tips and training to help individuals prepare to participate in mediation or give evidence, so you have the best chance to put your point across with confidence.



### Communications Training & Professional Development

Prevention is better than cure. Kayte and her team of consultants have provided corporate training in communication and leadership skills. Communication is one of the fundamentals of leadership and breakdown of communication the biggest contributor in any dispute, whether personal or in the workplace. Improving and understanding communication skills is a lifelong learning process, and can avoid costly disputes.



## Why Mediate?

Some of the main advantages of mediation are:

- **the parties and the mediator control the process**, and they do not have a solution forced on them;
- **the parties take ownership of the dispute** and the outcome;
- **where long term or ongoing relationships are important to the parties**, mediation is much more appropriate than litigation;
- **it is a mature approach** to conflict resolution, particularly in matters where continuing personal or business relationships are involved, solutions can often be negotiated in mediation which enhance or vary business or personal relationships;
- **creative and beneficial solutions can be reached** that suit all the parties' needs;
- **there is no requirement to give evidence** and parties and their witnesses are not subject to cross examination;
- **the mediation process is very efficient** and can be organised within a few days of the appointment of a mediator;
- **the settlement process is informal**;
- **even where agreement is not reached most often the issues are narrowed** and the discussion can move forward in a more focused and efficient manner.

**The costs of litigation and unresolved disputes are high financially and personally.**



# Mediation

## The process

### Mediations can involve the parties attending alone or with legal assistance.

The role of a mediator is a facilitative one. The usual practice is to see the parties either in person or via a video conference. The mediation will take place in person at a to be determined location.

Generally, the mediation will run as follows:

**1. Preliminary Meeting** - We make arrangements to meet with each party separately. This can be done via video conference or in person. Any documentation can be provided at that meeting or beforehand, depending on the volume of material. At the preliminary conference we obtain the background to the dispute, define the issues for each party, discuss our role as mediator, discuss the mediation agreement and confirm the time and date of the joint mediation session.

**2. Assess Suitability for Mediation** – If for any reason we do not think the matter is suitable for mediation we will advise the parties after this meeting.

**3. Joint Session** - Subject to the matter being suitable for mediation, a joint mediation session is arranged at a time that is suitable to all parties (with or without legal representatives). This joint session is held in person. In this session, parties will:

- a. Give a short opening statement outlining what has brought them there;
- b. Identify the issues to be discussed;
- c. Share relevant information;
- d. Listen to each other's point of view;
- e. Think outside the box and generate options
- f. Keep a forward focus;
- g. Test the solutions.
- h. We will have a private confidential session to assess the progress before negotiating an agreement.



## Your mediator

### Confidentiality & Impartiality

As a mediator we remain impartial in the process and are there to facilitate and direct the discussion toward a resolution with a forward-thinking focus.

Mediators do not take sides. Mediation is entered into on a without prejudice basis and the information discussed remains confidential.

You cannot use information obtained in mediation in a court proceeding.

The mediator will speak to the parties privately to move the mediation forward, and these sessions are also confidential.

### Evaluative Mediation

Under some circumstances, if the matter in dispute falls within an area we are familiar with, and is agreed by both sides in writing, we may undertake an evaluative mediation and give an opinion of a likely legal outcome.

This can assist the parties to assess the commercial reality of the dispute.

**Mediation is entered into on a without prejudice basis and the information discussed remains confidential.**

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# Kayte Lewis

I am a member of the mediator's panel of the Law Society of NSW; a panel member for the Family Law Settlement service dealing with property settlement matters in the Family Court; and have served on various committees of the Law Society of NSW including the Alternative Dispute Resolution Committee, Employment Law Committee and the Family Law Committee. The areas of law for which I am most passionate.

I have practiced as a lawyer in the following areas:



**Family Law**



**Employment**



**Entertainment and  
Creative Industries Law**



**Intellectual property**



**SME Commercial law**

I have a Masters in Law in Dispute Resolution and a Bachelor of Commerce with a double major in Human Resources Management and Business Economics. I have worked as a freelance business consultant, consulting to large and medium sized corporations and to Government.

My first career was in the entertainment industry and I regularly apply these lifelong skills in our corporate training programs in the areas of presentation, communication and leadership development.

Our other services include Corporate Group and Executive training in dispute resolution and high-stakes communication; and preparation and coaching for those attending court, tribunals, as witness and participating in mediations. We assist in the preparation process so individuals can achieve their best outcomes through effective communication strategies.



# Engaging Us

## Fees

It is usual for the parties to equally share the costs of the mediation and associated costs unless the parties have made an alternative arrangement.

## Terms

The lawyers for the parties must have money in trust on behalf of the parties prior to the mediation or directly engage Voice Lawyers to hold money in trust for them.

If the matter does not proceed past pre-mediation, then the parties will be billed for the time spent at the rates set out in the mediation agreement. This portion of the fee will be invoiced following the pre-mediation.

Room hire fees must be paid 7 days in advance of the joint mediation session.

The remainder of the fee will be invoiced at the conclusion of the mediation and our payment terms are 7 days. This is in addition to any money not already held in trust.

## Reaching an Agreement

If an agreement is reached, or part of an agreement, we can assist the parties to document their agreement and if the parties are legally represented then we refer the agreement to their lawyers for advice.

**It is usual for the parties to equally share the costs of the mediation.**

# Next Steps

If you would like to engage Voice Lawyers to facilitate a mediation, prepare for mediation or court appearance, communication training or professional development, please contact us to discuss further. Once you have decided to engage us to assist you, we will issue a mediation agreement.

I look forward to hearing from you. Please do not hesitate to contact me if you have other questions about mediation or our other services.



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