

**Typical Preliminary Conference Agenda**

1. Any amendments desired to the mediation agreement.
2. Arrangements to have the mediation agreement signed.
3. Ensuring all appropriate persons will participate in the mediation (including any "support" persons, who may have no formal role but whose support may help a disputant to reach an agreed outcome to the dispute).
4. Explanation by the mediator of the mediation process (especially if the disputants attend the preliminary conference) and agreement on any particular features to be adopted or discarded in this case. This explanation may include discussion of the role of the mediator; the degree of confidentiality desired by the disputants and some of the circumstances in which the law may override their confidentiality agreement.
5. Arrangements for any further information or documents required by a disputant to be provided.
6. Arrangements to provide relevant material to the mediator.
7. Preparation by each disputant of a brief (e.g. dot point) statement of their **interests** that would need to be met by any agreement to settle the dispute. (These may be exchanged or given confidentially to the mediator). [The **positions** of the disputants (what they want) are often different from their **interests** (why they want it). The statement of interests is designed to focus the decision-makers on what their real concerns are].
8. Date and time of the mediation; whether the mediation will be conducted online or face to face; and whether there will be formal breaks during the day.
9. Arrangements for the estimated mediation fees to be paid in advance (shared in accordance with the mediation agreement).
10. Other business.

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