

**MEDIATION IN PRACTICE AND IN THEORY
STUDENT RESOURCE**

Directions

Go to the [Law Society of Western Australia website](#) and follow these directions: Click on 'Legal Education Centre' → Go to 'The FBLEP also provides' section of that page and click on 'Legal Education Resources' → Go to the 'Advanced Legal Education Resources' section on that page and click on 'Law Council Guidelines for Parties in Mediations'.

Read the *Law Council Guidelines for Parties in Mediations* and complete the following.

1. In your own words describe what is meant by mediation?

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2. Define the role of a mediator.

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3. Explain why confidentiality is an important element of mediations?

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4. Describe the type of disputes that are suitable for mediation.

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5. Describe the requirement regarding the intention of the parties when participating in mediations.

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6. *Mediation is not an adversarial process, nor will it determine who is right and who is wrong.*¹
Describe in your own words how mediation differs from the adversarial process AND what mediation aims to achieve.

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Go to the [Supreme Court of Western Australia website](#) and follow these directions: Under the 'Court Procedure' tab go to the 'General Division' prompt and click on 'Criminal Case Conferencing'.

Read the information on the *Criminal Case Conferencing* page and complete the following.

7. What is the aim of criminal case conferencing?

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8. Give examples of what may be discussed by the State, or Commonwealth, and the accused and his/her lawyers in a criminal case conference?

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You may also like to read further information about mediation in the Supreme Court of Western Australia; Under the *Court Procedure* tab go to the *General Division* prompt and click on *Mediation*.

¹ Law Council of Australia, *Guidelines for Parties in Mediations*, (August 2011), 8.