Property Mediation Trial Flowchart

PROCESS BEGINS

- P1 meets with lawyers and submits elodge for property mediation grant
- Grant approved, or refused
- If grant approved, matter automatically allocated to CM
- CM sends invitation to P2
  - If P2 refuses invitation, then P1 may apply under "Litigation Phase"
- If P2 accepts, the CM assists P2 in obtaining lawyer
- CM sends all intake documents to both lawyers/parties
  - P1 meets with lawyer for pre-conference interview and preparation of intake and disclosure documents
  - P2 meets with lawyer for pre-conference interview and preparation of intake and disclosure documents
- Lawyers/parties submit intake documents to CM
- CM completes suitability assessment
- If suitable, CM prepares parties for conference, and refers parties to financial counseling and lenders/institutions
- Matter allocated to Chair
- CM provides Chair with all intake documents
- Chair considers all documents, follows up missing disclosure, seeks agreement on searches, valuations or SIF's
- Chair asks P1 lawyer to conduct searches, arrange valuations and advise as to time required
- Chair conducts pre-conference meeting with each party separately (lawyer may attend - optional)
- Further suitability test applied by Chair
- If suitable, CM notifies the parties and schedules the conference
- Chair completes 'Property Summary Report' and provides a copy, together with all intake and disclosure documents, to all parties
  - P1 meets with lawyer for Conference Preparation and provides instructions on summary report and documents
  - P2 meets with lawyer for Conference Preparation and provides instructions on summary report and documents

PROCEED TO CONFERENCE ONE

CONFERENCE ONE OCCURS

SETTLES (Consent Order Phase)

- P1 lawyer prepares and exchanges consent orders to P2 lawyer
- P2 and lawyer meet for signing of orders or instructions as to areas of disagreement
  - If signed, consent orders sent back to P1 lawyer
  - If not signed, P2 lawyer advises P1 of areas of dispute and provides counter offer
    - P1 lawyers takes instructions
    - If agreed, consent orders amended and sent to P2 lawyer
    - P2 and lawyer meet for signing of orders or instructions as to areas of disagreement
    - If signed, consent orders sent back to P1 lawyer
    - if not signed, matter goes in to conference two stream
- P1 lawyer files consent orders with the Court (Any requisitions followed up by P1 lawyer)
- Final Orders received
- Orders given effect (i.e. Transfers, conveyances etc.)
- P1 lawyer advises CM as to settlement and provides CM with copy of final orders

DOES NOT SETTLE (Conference Two Phase)

- P1 or P2 applies for Conference Two grant
- Conference Two grant approved or refused
- CM sends intake documents to both lawyers and requests list of outstanding issues
- Intakes completed by lawyers, returned to CM, and then CM provides copies to Chair
- Chair identifies, and seeks joint action, to address outstanding issues and valuations
- Chair asks P1 lawyer to seek disbursement for valuations and/or searches
- Lawyers provide joint statement of facts to CM

PROCEED TO CONFERENCE TWO

CONFERENCE TWO OCCURS

SETTLES — See Consent Order Phase

- P1 lawyer advises CM as to settlement and provides CM with copy of final orders

DOES NOT SETTLE (Conference Two Phase)

PROCEED TO LITIGATION STAGE

LITIGATION STAGE

INTERIM PHASE (only if applicable, and only available to parties accepted into property mediation trial)

- P1 lawyer or P2 lawyer applies for aid for urgent injunctive relief
- Merit test is applied and aid either granted or refused
- P1 lawyer or P2 lawyer meets with client, seeks instructions, prepares all documents, files and serves application
- P1 lawyer or P2 lawyer appears, seeks orders and provides CM with update as to outcome

SUBSTANTIVE PHASE (only available to parties accepted into property mediation trial)

- P1 or P2 instructs lawyer to apply for aid for proceedings
- Lawyer applies for aid
- Merit test is applied and aid either granted or refused
  - If refused, matter completes
  - Other party is either self-represented or privately represented at Court
- If granted, the aided party's lawyer prepares and files application
- First return date, other party ordered to respond, further orders for disclosure or interim/procedural orders
- Aided party meets with lawyer to prepare for Conciliation Conference

PROCEED TO CONCILIATION CONFERENCE

CONCILIATION CONFERENCE

SETTLES

- Aided party's lawyer drafts final orders
- Final orders made
- Lawyer advises CM as to settlement and provides CM with copy of final orders

DOES NOT SETTLE

- Trial directions
- Trial
- Final Orders
- Lawyer advises CM as to settlement and provides CM with copy of final orders
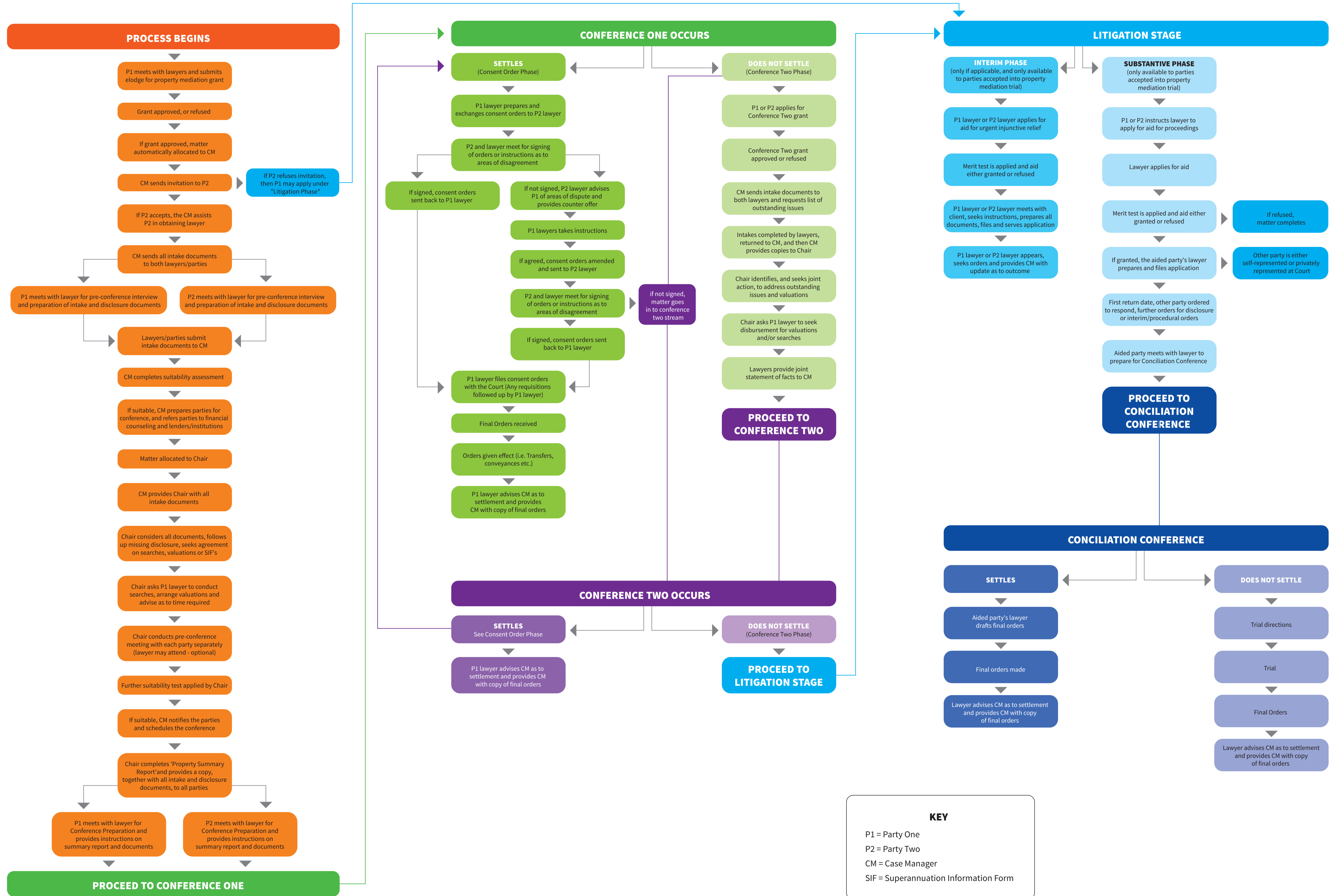
KEY

- P1 = Party One
- P2 = Party Two
- CM = Case Manager
- SIF = Superannuation Information Form