



Lawyer-assisted Family Law Property Mediation Trial (Mediation Trial) Lawyer Information Sheet

Entry to Mediation Trial

1. Client approaches LACT or private lawyer.
2. LACT/private lawyer interviews client and assesses if client meets eligibility criteria in Lawyer-assisted [Family Law Property Mediation Trial Guidelines \(The Guidelines\)](#) Lawyers can use [Lawyer-assisted Family Law Property Mediation Trial Checklist](#) to help them assess eligibility.
3. Lawyer makes application for Mediation Trial in e-lodge AND emails completed Checklist to Grants Officer at grants.officer@legalaid.tas.gov.au

E-lodge

1. Lawyer applies via E-lodge system for funding in accordance with [Work Items and Fee Schedule](#)
2. The means, assets and income tests in the [Guidelines for Grants](#) are modified for the Mediation Trial. [The Checklist](#) will help lawyers assess whether a client satisfies the means, assets and income tests.
3. In E-lodge, the lawyer must make the following Mediation Trial selections:

21. For what type of problem do you need Legal Aid ?

Family

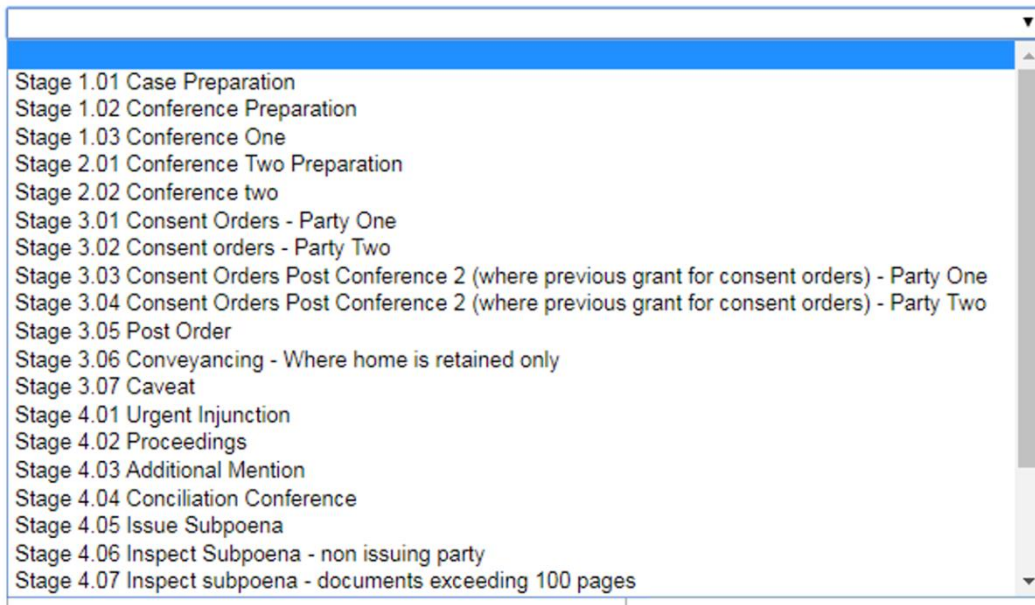
Family Category Phase

Family - Alternative Dispute Res
Family - Appeals
Family - Child Rep/ICL
Family - Child Support
Family - Family Court
Family - Federal Magistrat
Family - Initial
Family - Miscellaneous Short Items
Family - PM Trial
Family - Relationships Act - Supreme Court
Family - XE Scheme

30. What is the Family Category?

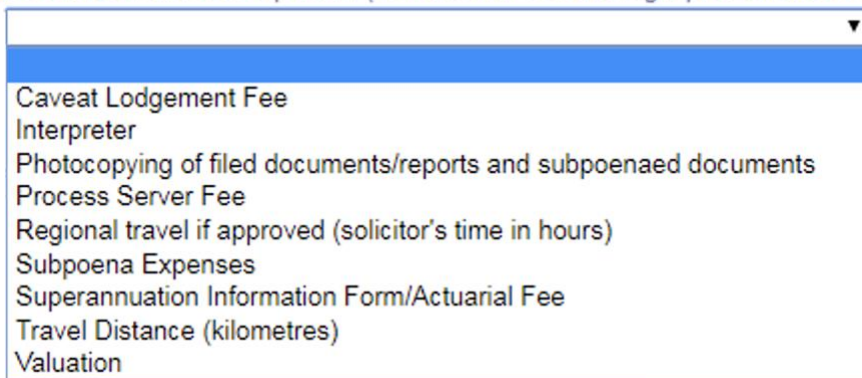
PM Trial - Property Mediation

31. What work item do you want aid for ?(If more than 1 add to legal problem area below)



Stage 1.01 Case Preparation
Stage 1.02 Conference Preparation
Stage 1.03 Conference One
Stage 2.01 Conference Two Preparation
Stage 2.02 Conference two
Stage 3.01 Consent Orders - Party One
Stage 3.02 Consent orders - Party Two
Stage 3.03 Consent Orders Post Conference 2 (where previous grant for consent orders) - Party One
Stage 3.04 Consent Orders Post Conference 2 (where previous grant for consent orders) - Party Two
Stage 3.05 Post Order
Stage 3.06 Conveyancing - Where home is retained only
Stage 3.07 Caveat
Stage 4.01 Urgent Injunction
Stage 4.02 Proceedings
Stage 4.03 Additional Mention
Stage 4.04 Conciliation Conference
Stage 4.05 Issue Subpoena
Stage 4.06 Inspect Subpoena - non issuing party
Stage 4.07 Inspect subpoena - documents exceeding 100 pages

32. What Disbursements are required ? (If more than 3 add to legal problem area below)



Caveat Lodgement Fee
Interpreter
Photocopying of filed documents/reports and subpoenaed documents
Process Server Fee
Regional travel if approved (solicitor's time in hours)
Subpoena Expenses
Superannuation Information Form/Actuarial Fee
Travel Distance (kilometres)
Valuation

4. When completing merit information in E-lodge for the conference phase the lawyer must provide:
 - Confirmation that the Mediation Trial will settle the dispute
 - Confirmation that the Applicant is committed to the early resolution of the dispute
5. When completing merit information in E-lodge for the litigation phase the lawyer must provide:
 - Information about whether the Applicant has a reasonable prospect of success as required by Guideline 4.3 of the [Guidelines for Grants](#)
 - As assessment of whether a prudent self funding litigant would risk his/her own resources to fund the matter as required by Guideline 4.3 of the [Guidelines for Grants](#)
 - An assessment of the likely benefit to the Applicant and/or the Community
 - An assessment of whether the client is a Priority Client as defined in Guideline 4(1)(3) of the [Guidelines for Grants](#)

- An assessment of whether the client has a priority matter as defined in Guideline 4(4) (b) of the [Guidelines for Grants](#)
 - Any information about exceptional circumstances – if applicable
6. When completing the e-lodge the lawyer should provide detailed reasons supporting any request for the waiving of a condition in Guideline 7, on the basis of exceptional circumstances.
 7. After lodgement of the application the lawyer will be notified in writing of the approval or refusal of the application.
 8. At each stage of the matter the lawyer must provide in their E-lodge:
 - a. Details of stage of the matter
 - b. Work to be done within that work item or disbursement
 - c. Details of any additional eligibility criteria for that work item/disbursement such as “exceptional circumstances”
 9. At the completion of each stage of matter the lawyer should submit an invoice prior to making further application.
 10. Guideline 11(e) requires the lawyer to provide the following within 14 days of the completion of the matter:
 - a. The result of the matter including full or partial settlement
 - b. Details of orders made, which phase the matter resolved at and any orders for costs
 - c. Details of all monies recovered or to be recovered
 - d. A certified pro forma invoice
 11. Once the matter is finalised the lawyer certifies in E-lodge that it is the last claim on the file
 12. Where the Commission has imposed a contribution, Guideline 11(g) requires the Lawyer to collect and retain the contribution and comply with any notice given by the Commission for that contribution.

The Mediation Process

1. If an application is approved through e-lodge the lawyer will receive a letter advising them of the approval.
2. The Conference Coordinator will create a conference file and send an invitation to party 2 inviting them to participate in the Mediation Trial.
3. Party 2 is given an initial 7 days to respond to the invitation.
4. If no response is received, a further invitation is sent providing Party 2 with an additional 7 days to respond.
5. Once both parties are accepted into the Mediation Trial, an Intake Document will be sent to each lawyer. The lawyers will have 3 weeks to complete this and return it to the Conference Coordinator.

6. The Conference Coordinator will then assess the matter for suitability for conferencing. If suitable, the matter will be allocated to a Chair Person within 7 days.
7. The Chair Person will then consider all documents and, if necessary, will contact each lawyer about incomplete valuations, searches and/or disclosure.
8. The Chair Person will then conduct a pre-conference meeting with each party and their lawyer. This meeting can be in person or by telephone and will take 30 minutes each. The Chair Person will check that there are no outstanding valuations/searches, and that the matter is ready to proceed to the Conference Phase.
9. The Chair Person will prepare a summary report and provide it to each lawyer within 7 days of the pre-conference meeting.
10. Each lawyer will meet with their client one last time before the conference to obtain instructions on the summary report and to prepare the client and the matter for the Conference Phase.
11. Conference One occurs. Three hours is allocated for the conference.
12. It may take 12 weeks from when Party 1 submits their application, to the conclusion of Conference One. This estimate takes in to account the time needed for valuations, finance approvals, and the meetings between Chair Person, lawyers and parties in the intake phase.
13. If the matter settles the lawyers may apply in e-lodge for funding to draw, negotiate, execute and file consent orders
14. If the matter does not settle lawyers may apply in e-lodge for funding for Conference Two.
15. Each lawyer will be asked to complete a second, modified, intake document and provide it to the Conference Coordinator.
16. The Chair Person will consider all documents and contact each lawyer to discuss outstanding issues and valuations.
17. The lawyers will then provide a joint statement of facts to the Conference Coordinator.
18. Conference Two occurs. Two hours is allocated for the conference.
19. It may take 8 weeks from the conclusion of Conference One, to the conclusion of Conference Two.
20. If the matter settles the lawyers may apply in e-lodge for funding to draw, negotiate, execute and file consent orders.
21. If the matter does not settle lawyers may apply in e-lodge for funding to proceed to the Litigation Stage.
22. Lawyers may apply for funding for urgent injunctive relief, or to institute proceedings.
23. If funded, the matter will then proceed through the Litigation Phase, including to a Conciliation Conference in accordance with the Court's time limits, restrictions and requirements.

Report to Commission

1. Guideline 8 (c) requires a lawyer to immediately notify the Commission if:
 - i. they become aware that any information provided in the Assisted person's application is incorrect or incomplete; or
 - ii. there is any change in the Assisted person's means; or
 - iii. The Assisted person no longer meets the merits test; or
 - iv. the Assisted person ceases to meet the eligibility criteria in Guideline 7; or
 - v. the Commission has been provided inaccurate information relevant to the Assisted Person's eligibility; or
 - vi. the Assisted person refuses to accept or follow reasonable legal advice; or
 - vii. the Assisted person has acted in such a manner as to cause the lawyer to fear for the safety or wellbeing of themselves or of their staff, colleagues or others in the Mediation Trial.