

Information Sheet – Mediator or Lawyer?

MEDIATOR	LAWYER
Legal Information Both spouses	Legal Advice One spouse
Pre-mediation Interview, separately with each spouse Independent Legal Advice*	Non-Court Process - Collaborative or - Out of Court Negotiations
Agenda created based on general nature of the information provided at the Pre-Mediation Interviews and what is important to each spouse Independent Legal Advice*	There are various processes available to spouses which are Non-Court Processes – Further information may be obtained
Mediation Sessions - to work through Agenda - usually 1-2 sessions of 1.5 to 2 hours each Independent Legal Advice*	
Agreement may be prepared by the Mediator or the lawyer for either spouse (Independent Legal Advice is required)	Agreement

* at any time during the mediation process with the parties, either one or both of the parties may want or need legal **advice**, as opposed to legal **information**. Legal advice is specific advice in relation to the facts and circumstances of that spouse’s particular situation, including “entitlement”, “rights” and “obligations”. It may also be apparent to the Mediator that legal advice should be obtained by the spouses. In these circumstances, the Mediator will recommend that each spouse consult their lawyer for independent legal advice.