



Legal Practitioners

Conduct Board

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FACT SHEET 10

CONCILIATION CONFERENCE Information for parties attending a Conciliation Conference at the Board

1. It is important to prepare for the Conciliation Conference. You need to set realistic goals for what you hope to achieve. A spirit of compromise is required to reach a fair agreement. Be prepared to be open-minded and listen to the other party's point of view. Be practical and try to concentrate on solving any problem or dispute which can be resolved by agreement.
2. The Conciliator is an impartial third party during the conciliation process. The Conciliator ensures that the Conciliation Conference is fair and relevant to the issues raised in the complaint and assists the parties to resolve the dispute by agreement.
3. Conciliation is a flexible process and can be conducted by an exchange of letters, by shuttle negotiation between each party, by telephone conference, or by face to face conciliation (referred to as a Conciliation Conference).
4. The Conciliator will try to identify issues for discussion that may lead to a resolution of the dispute and may raise options for resolution. The Conciliator does not judge or decide the merits of the dispute.
5. The Conciliator cannot give advice, legal or otherwise, but may provide general information and opinions about court and legal procedures, and the complaint process.
6. Participation in a Conciliation Conference is voluntary and the Board cannot compel an agreement between the parties. The Board will draw no adverse inference in relation to a lawyer or a complainant who, for whatever reason, declines to participate in the conciliation process.
7. Any party, including the Conciliator, may terminate the Conciliation Conference at any time if it is not beneficial to the parties, or to the resolution of the dispute.
8. Any agreement reached at conciliation must be recorded in writing, signed by the parties and signed on behalf of the Board. A copy is given to each party. A signed *Conciliation Agreement* which provides for the payment of money will be accepted in legal proceedings as proof of the debt. The Court must be satisfied that the agreement is a genuine document. In the absence of proof to the contrary, the agreement will be accepted as genuine by the Court.

9. The Board's role in recording the *Conciliation Agreement* is solely to assist the parties and no legal advice will be given to either party.
10. If a lawyer contravenes, or fails to comply with the terms of a *Conciliation Agreement* reached following conciliation, that contravention or non-compliance can amount to unprofessional conduct.
11. Generally, nothing said or done in the course of a Conciliation Conference can be given in evidence in any legal proceedings. There are some limited circumstances where a court may require some disclosure (including proceedings for a criminal offence). To encourage full and frank discussion in the Conciliation Conference, what is said during the course of the Conference is usually not reported to the Board or to the investigator handling the complaint, except with the express permission of both parties. The outcome of a Conciliation Conference will be reported to the Board. If parties are able to reduce their agreement to writing, the agreement is disclosed to the Board and to the investigator.
12. Conduct issues relating to a lawyer cannot be resolved at conciliation. The Board has a statutory duty to investigate allegations of unprofessional or unsatisfactory conduct, and will do so whether agreement is reached between the parties or not.
13. After a Conciliation Conference, the Conciliator has no further involvement in the investigation or the finalisation of the complaint.
14. Legal representation is not required at a Conciliation Conference, however, you may wish to bring a support person. If you intend to do this, please contact the Conciliator so that the necessary arrangements can be made to accommodate all parties in the Conciliation Conference room.
15. Lastly, parties in the Conciliation Conference must be respectful of each other at all times. Both parties will have an opportunity to discuss their side of the complaint and equally participate in options for a resolution.

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Information Sheets on other topics are available from the Board.