



Legal Practitioners

Conduct Board

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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's role is to ensure that the conference is fair and relevant to the issues raised by the complaint and to assist the parties to resolve any dispute by agreement.
3. Conferences can be held either face to face or where one or more parties live out of the metropolitan area a telephone conciliation conference can be arranged. On occasions a face to face conference can be conducted in outer metropolitan areas.
4. The Conciliator will try to identify issues for discussion that may lead to a resolution of the problem or dispute and may raise options for solution for discussion. The Conciliator is impartial and 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. Attendance at a conciliation conference is voluntary for both parties because any agreement reached must be voluntary. The Board will draw no adverse inference in relation to a practitioner or a complainant who, for whatever reason declines to participate in a conciliation conference.
7. Any party, including the Conciliator, may terminate the conciliation conference at any time.
8. Any agreement reached at conciliation must be recorded in writing, signed by the parties and signed on behalf of the Board with a copy 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 agreement is solely to assist the parties and no legal advice will be given to either party.
10. If a legal practitioner contravenes or fails to comply with the terms of an agreement reached following conciliation, that contravention or non-compliance is unprofessional conduct.
11. Although in limited circumstances a Court may require some disclosure, generally nothing said or done in the course of a conciliation conference can be given in evidence in any proceedings (other than proceedings for a criminal offence). To encourage full and frank discussion in the conciliation conference what is said during the course of a conciliation conference is not reported to the Board or the solicitor investigating the complaint, except with the express permission of both parties. The outcome of a conference can be reported to the Board and if parties are able to reduce their agreement to writing, the agreement is disclosed to the Board and the investigating solicitor.
12. Conduct issues cannot be resolved at conciliation. The conduct of a legal practitioner is a separate issue. The Board has a statutory duty to investigate any 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 with the investigation of the complaint.

Information Sheet 10

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Information Sheets on other topics are available from the Board.