

HARMAN



Dispute Resolution

My name is Joe Harman. I am a former Federal Circuit Court judge and a mediator accredited under the National Mediation Standards (NMAS).

I did not start mediating for the first time after leaving the Court. I have been mediating disputes since 1992. In fact, I left a busy mediation practice to join the court. I have returned to mediation with a renewed commitment to party self-determination.

In my time as a Judge, I came to understand the real impact of litigation on parties and their children. I came to understand that courts impose imperfect arrangements. Courts do not end disputes or the conflicts which cause them, nor do they address the underlying needs and interests of parties or their children. Imposed arrangements are far more difficult to accept and far less likely to endure.

I want to use my 37 years of experience as a lawyer, academic, judge, and mediator to help people take control and resolve their disputes rather than litigate. I want to keep people away from courts and the damage they do. I want to work with parties and their lawyers to settle disputes quickly, inexpensively, and efficiently. I want parties free to get on with their lives and lawyers free to get on with the cases that need courts.

I offer both mediation and conciliation (often referred to as “evaluative mediation”). Before each mediation I discuss, with the lawyers for the parties, how they want the mediation to proceed and where, on the spectrum between mediation and conciliation, they want the process to sit. I want to deliver the service you feel will work best.

I primarily undertake mediation and conciliation work online. Online dispute resolution offers greater flexibility, better addresses participant safety and comfort and saves cost. For these reasons, I have chosen to work online rather than having been driven online by the necessity of covid. I can also mediate and conciliate in person if preferred (although additional cost will be involved – see my fees below).

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My experience includes having:

- Conducted over 5,000 hours of mediation.
- Worked as a mediator in private practice, at Blacktown and Bathurst Family Relationship Centres, with Unifam (now Uniting) and for Legal Aid NSW.
- Provided mediation training and supervision to others through Centacare.
- Completed mediation training through Bond University (1992) as well as international training in online dispute resolution (2021).
- Written numerous peer reviewed academic articles and book chapters on mediation, arbitration, evidence and family law.
- Lectured in family law at Western Sydney and Sydney Universities.
- Delivered extensive CPD on family law and ADR for the College of Law, Resolution Institute, AIFLAM, the Law Society, Family Pathways and numerous community and private CPD providers.
- Spoken and delivered papers on family law and mediation at numerous International and Domestic Conferences (see my CV).

Mediation and conciliation are all that I do. This allows me to accommodate disputes on short notice and devote, to each dispute, the time needed. It also allows me to keep fees at a reasonable rate for the experience I bring and the preparation I undertake.

I charge lump sum fees. There are no additional hourly rates. Things take the time they take so, if a mediation runs for more than 4 hours (the notional time I set aside), then so be it. My fees are designed to reflect my skills and experience, not my time.

The **total** fee that I charge, inclusive of GST, is **\$2,500**. This includes extensive preparation, (a meeting with the lawyers for each party, individual preparatory meetings with each party and reading any materials that are provided), as well as the mediation itself. A subsequent mediation session (or second day) is \$1,800 incl GST. If face to face mediation is preferred (outside of the Hobart area, where I am based), I charge a flat fee of \$1,000 for travel.

All fees are invoiced and payable **before** the mediation session. However, if the dispute is settled before the mediation commences, then the mediation portion of the fee (\$1,800) will be refunded. There are no cancellation fees (although if travel is involved and has already occurred, or has been booked on a non-refundable basis, then the travel fee of \$1,000 would not be refunded).

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