

# Negotiated Dispute Resolution (NDR)

A guide to your

## INITIAL CONSULTATION

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# What is It

The consultation is an opportunity for you to discuss your dispute with a qualified professional and to explore your options for resolving it in the context of your specific circumstances.

## Aim

The aim of the consultation is to give you the opportunity to review the dispute in a confidential and impartial setting, to clarify your situation and to consider your options; thus enabling you to reach an informed decision about how you wish to proceed.

# What to Expect

During the consultation, you will discuss:

- The parties involved,
- The issues at stake,
- The interests of the parties,
- The underlying causes of the dispute,
- The wider context of the dispute,
- Your desired outcome,
- The highlights of your dispute analysis; and
- Your view on the position of other parties.

We will also explore the different types of Dispute Resolution (DR) available and discuss which option may be best for your circumstances.

# Preparation

Before the consultation, it is helpful to think about the following:

- What do you want to achieve in the dispute?
- What are your interests (as distinct from your position)?
- What resources do you have available to you (time, value/cost ratio, support)?
- What are your expectations as to the future of the relationship with the other parties?
- What is your risk position?

It is not necessary to present any supporting documentation, such as contracts, emails or letters at the consultation.

# What to Ask

During the consultation be prepared to ask questions, such as:

- What are the different types of ADR options available?
- How does each option work?
- What are the advantages/disadvantages, risks/benefits associated with each option?
- Why should I choose NDR?
- How does NDR work and what is expected of me?
- What are the range of outcomes from NDR?
- What are the next steps if I choose to pursue NDR?

## Tips

By being prepared and asking the right questions, you can make the most of your consultation and get the help that meets your specific needs.

Here are some additional tips for a successful consultation:

- Be honest, open and comprehensive in the information you provide. Do not limit yourself to focus on outcomes at this stage.
- Be respectful of our time and expertise. Come to the consultation prepared and be ready to ask specific questions.
- Be willing to consider all of your options. We may discuss options and potential outcomes that you have not considered.
- Be realistic about your expectations of NDR. It is not the right solution for every dispute.

# Next Steps

Once both Parties have attended their independent Consultations, the Mediator will either:

- Acknowledge that one Party or both Parties do not wish to explore NDR further and the engagement ends,

or:

- Confirm that both Parties wish to proceed,
- Organise a timeline for preparation and make arrangements for the Negotiation and Settlement Session (NSS),
- Draft and circulate the Agreement to Mediate (AtM);

and:

- Provide impartial resources and support to both Parties to prepare them for the Negotiation and Settlement Session (NSS).