INTERNATIONAL MEDIATION AWARENESS WEEK · IMAW26

Kitchen Table Law for Family Disputes

Mediation and targeted legal help: more affordable options for families

Paul Kenna Law · Designer of the Kitchen Table Law series

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IMAW 2026
International Mediation Awareness Week

WELCOME

I've sat on every side of the table

The lawyer

- Barrister and solicitor, Kenna Law
- Family law, family violence, property, wills and estates
- Supreme Court, Federal Circuit and Family Court, Magistrates' Court, VCAT

The mediator

- AMDRAS accredited mediator
- Family Dispute Resolution Practitioner
- Family law arbitrator
- Magistrates' Court of Victoria external mediator

The designer

- Author of the Kitchen Table Law series of plain-English guides
- Guides drafted for every state and territory

The expensive part of law for families is rarely the law. It is the hours paying professionals for tasks families could

WHAT YOU'LL TAKE AWAY

Four things to take away today

1 The missing middle

Why families settle, but not always well

2 Unbundled help

How limited scope work and mediation fit together

3 The ethics

Scope, screening, referrals, one role each

4 For practitioners

Five practical steps to use straight away

PART 1 · THE MISSING MIDDLE

Too much for legal aid. Not enough for a lawyer.

Legal aid

Means-tested and stretched. Vital, but most families earn too much to qualify.

The missing middle

A house, a mortgage, two cars and some super. Or a widow with a house and a bank account. Most families live here.

Full service

The right answer for some. Priced by the hour, across the whole file.

So they do nothing, do it blind, or spend money they don't have.

PART 1 · THE MISSING MIDDLE

Most families never see a judge.

The question is not whether they settle. It is whether they settle well: informed, fair, durable and properly written up.

PART 2 · HOW IT WORKS

Unbundled help: buy the task, not the whole file

	Full service	Unbundled
Who runs it	The lawyer	The family
What the lawyer does	Everything	Agreed tasks: advice, a document check, drafting, one appearance
How you pay	By the hour, open-ended	A known fee for each task
Who decides	The client, through the lawyer	The family, with the right information

Lawyers may call it limited scope work. The scope is agreed in writing, and full professional duties apply within it.

PART 2 · HOW IT WORKS

Three roles, kept clearly apart

The family

Does the doing: gathers, organises, drafts, files. And makes the decisions.

The mediator

Helps them agree. Neutral, advises neither side, records what is agreed.

The lawyers

Do the targeted tasks: each advises one party, checks documents, makes it binding.

Think of an owner-builder: you build the house, but you hire the licensed trades.

PART 2 · THE ETHICS

Doing it properly

Principle	In practice
Scope in writing	What the lawyers will and will not do, agreed up front
One role per matter	The mediator in the room never later acts for one side
Screen first	Family violence, safety, bargaining power and capacity, before anyone mediates
Disclose referrals	Any referral relationship or fee is told to the client in writing
No forced DIY	If a matter needs full service, we say so

PART 2 · HOW IT WORKS

What families can safely do themselves

- Gather and organise the documents
- Keep the timeline and the deadlines
- Run a simple estate: notify, collect, pay
- Come to mediation prepared
- Build the list of assets and debts
- Draft a parenting plan to discuss
- Complete and file the standard forms
- Know which question to ask the lawyer

These are the hours. This is where most of the bill goes, and none of it needs a law degree.

PART 2 · HOW IT WORKS

The red boxes: stop and get help

Time limits

Property: 12 months after divorce, 2 years after a de facto split. Vic estates: 6 months from the grant.

Family violence

Safety first. Mediation may not be appropriate. Specialist help, early.

Making it binding

Consent orders, financial agreements (each party needs legal advice), deeds of family arrangement.

Tax, super, insolvency

Splitting super, capital gains, an estate that cannot pay its debts.

Capacity

An older person's decision-making, powers of attorney, undue influence.

A fight on foot

The other side has a lawyer, or court papers have been filed.

In the guides, a red box marks a danger point: stop and get professional help. Red boxes are **never locked**.

PART 2 · HOW IT WORKS

Where mediation fits: three moments

EARLY

Map the issues

Lower the temperature. Agree what needs deciding and what information is missing.

MIDDLE

Reach agreement

Negotiate with the facts on the table and each party's advice in hand.

END

Settle the details

The dining table, the photos, the handover times. Then the lawyer makes it binding.

Prepared parties make shorter mediations, and fewer adjournments for a missing super statement.

PART 2 · HOW IT WORKS

What a Kitchen Table Law guide is

Plain English, step by step

Following one worked-example family through the whole matter.

One step ahead

Chapters released in step with the matter, slightly before you need them.

A full document pack

Checklists, registers, worksheets and letters, ready to use.

Red boxes, never locked

Deadlines and danger points visible from day one.

A panel behind it

Lawyers and mediators for the tasks that need a professional.

Kept current

Update notices for 12 months when the law or figures change.

PART 3 · TWO FAMILIES

Kerry and Sam: separating in Sale

Married 14 years. A house, two children at primary school, two super funds. Talking, but tense. *A composite example.*

1 · The family

Both gather documents and build the asset list.

2 · The FDRP

Screening, then two sessions: parenting and property.

3 · Two lawyers

An hour of independent advice each, at a known fee.

4 · Made binding

Consent orders drafted, checked and filed by the couple.

The super split needed the fund notified first. One hour of advice caught it.

PART 3 · TWO FAMILIES

Ron's estate: no will, two families

Ron, 81, dies in Bairnsdale. Partner Margaret lives in the house. Three adult children from his first marriage. An estate of about $900,000. *A composite example.*

1 · Family meeting

Early mediated meeting: the home, Dad's tools, the photos.

2 · The administrator

Lisa runs the estate with the No Will? guide.

3 · Separate advice

Margaret gets her own advice about the home.

4 · Recorded

Documented properly, inside the six-month window.

Estate wound up. Still having Christmas together.

PART 3 · WHAT MADE IT WORK

Prepared.

The groundwork was done at home.

Informed.

Each person knew their rights before agreeing.

In control.

The family made the decisions.

And the lower cost falls out of all three.

PART 4 · YOUR PRACTICE

Five things to take into your practice

Do this	Why it matters
Check the information is ready	Documents and an asset list gathered before the session, so it stays on the real issues
Suggest independent advice mid-way	Each party knows what a fair range looks like before agreeing
Record terms a lawyer can use	Clear, complete terms make consent orders or a deed simpler and cheaper
Screen for capacity and pressure	Especially in elder and estate matters, before and during the process
Know the red-box time limits	Flag them and refer for advice, without giving legal advice yourself

BEFORE WE CLOSE

A short word about Kitchen Table Law

1

Lawyers

Review the guide for your state and join the panel.

2

Mediators

Join the network and referral pathway.

3

Everyone

Launching in 2027. Register at kitchentable.law.

THANK YOU

Your questions

Most law for families gets done at the kitchen table. Let's help families do it well.

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Hosted by Mediation Institute
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