



## MICHEL ESNAULT

LLB(Hons), BSc, Nationally Accredited Mediator

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### MEDIATION PRACTICE AREAS

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- Public Liability
- Medical Negligence
- Institutional Abuse
- TPD, Income Protection & Life Insurance
- Workers' Compensation (WorkCover)
- Motor Vehicles & Transport (TAC)
- Property Damage
- Dust Diseases

### MEDIATION APPROACH

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Michel brings a different perspective to mediation as he has been involved in personal injury common law matters as a lawyer and also has real world negotiation experience in commercial businesses.

Having been involved in mediations as a lawyer, a client and a mediator, Michel has a well-rounded understanding of the strengths and weaknesses of the mediation process. Michel draws upon his unique background to assist parties to resolve disputes as he understands:

- the practical costs of disputes;
- the legal issues impacting liability, quantum and costs; and
- the different perspectives that the various parties involved in a dispute bring to a mediation.

Most importantly, Michel understands the human strengths and frailties that can hinder resolution of disputes and brings his empathy and lateral thinking to assist the parties in navigating these issues to find a resolution.

Michel is known for helping parties to resolve disputes by actively exploring the merits of the case vs the likelihood of success and the various costs/burdens the parties will incur if the dispute is not resolved. He is genuinely interested and passionate about resolving disputes and will explore all avenues for resolution.

Michel's extensive negotiation experience allows him to tailor each mediation to achieve the best outcome for all parties.

## BACKGROUND

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Michel has over 20 years' legal and commercial experience. Prior to becoming a mediator, Michel worked on a range of personal injury matters including:

- Common law claims brought by injured workers;
- Public liability claims;
- Recovery proceedings brought by the Victorian WorkCover Authority;
- Applications to the Fair Work Commission in relation to workplace harassment;
- Industrial incidents including the immediate response to an incident, government investigations, criminal prosecutions and civil proceedings arising from injuries in the workplace.

In addition to his law degree, Michel completed a science degree with a major in Genetics and Biochemistry. Throughout his career, Michel has been exposed to complex and technical matters and is at ease explaining complex issues in a way that non-lawyers can easily understand.

Michel has been involved in all forms of alternative dispute resolution including mediations conducted in proceedings before the Supreme Court, County Court, Magistrates' Court, Federal Court, VCAT and AAT.

## EXPERIENCE

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### CONSENSUS MEDIATION

Principal | Oct 20 – Present

- Specialist mediation practice conducting mediations in personal injury, insurance and commercial disputes.

### BARAKA LAWYERS

Special Counsel | Mar 21 – Dec 21

- Senior member of the litigation team.

### ASAHI BEVERAGES / SCHWEPPES AUSTRALIA | Jul 13 – Dec 20

*Australia's largest beverage company with 4,500+ staff and 16 manufacturing sites*

- A senior member (2IC) of the Asahi Group legal team comprising seven lawyers across ANZ covering all requirements of in-house legal practice.
- A senior member of the commercial team involved in the day-to-day running of the business including extensive negotiating with third parties.

### K&L GATES / MIDDLETONS

Senior Associate | Mar 03 – Jun 13

- A senior member of the dispute resolution team working across personal injury common law claims and commercial litigation.

## QUALIFICATIONS & EDUCATION

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- NMAS Accredited Mediator
- Principal Practising Certificate
- Admission to the Supreme Court of Victoria
- Bachelor of Laws (Hons)
- Bachelor of Science (Genetics, Biochemistry)