

Individuals involved in Legal Aid conferences need to possess certain intellectual abilities and sufficient psychological stability to understand the issues and the process, to negotiate, and to make decisions.

- Illiteracy – possibly an early indicator of low IQ but not necessarily the case.
- Mental Illness – more likely to be reported by one party about the other than about themselves. Be careful to check out such claims.
- Assessing the situation – seek authorities to contact treating medical practitioners and other mental health professionals.
- Phobic anxiety disorders – eg, agoraphobia or specific phobias including panic disorder – can make it extremely difficult for people even to attend conferences and especially difficult for them to participate and look after their own interests.
- Schizophrenia and other psychotic disorders – not necessarily an impediment to a successful conference provided they have been diagnosed, are being treated and are compliant with medication or alternatively are in remission. However, these disorders are amongst the most powerful contra-indicators for successful conferencing.
- Alcohol or drug use / abuse – again, be careful of the claims of one against the other. Try to quantify the claims and try to obtain corroborative evidence. If you think there is a substance abuse problem, this may be a contra-indication for conferencing.
- A Post Traumatic Stress Disorder is likely to be seen where there has been domestic violence and can provide a classic situation where there is a power imbalance and where conferencing in separate rooms is necessary and possibly insufficient to ensure an equitable conferencing process.

- Personality Disorders – remember that people with personality disorders are primarily self-focussed and have difficulty experiencing empathy. Negotiation skills and compromise are likely to be deficient and may militate against a successful conference.
- Brain damage – needs to be explained by a health professional. Various negative sequelae can have the result of a power imbalance and/or prolonging the conferencing process because of difficulties with cognitive processing.
- Other early indicators – communication skills or lack of them as evidenced in poor impulse control, excessive aggression – in writing or on the telephone.
- Ways of getting around mental health issues – speaking with mental health professionals, Department of Families and other agencies. Also, conferencing without the parties coming into contact or making sure that all persons involved in the conference are not on a tight time schedule and that there will be the possibility for frequent breaks as needed.