

# **NOWELL MELLER SOLICITORS LTD FAMILY LAW SERVICE**

## **LEAFLET NO.10 – RESOLUTION**

### **Introduction**

When a relationship ends, couples need the right advice and support – not just from friends, family and colleagues, but from skilled professionals who are best placed to offer guidance.

For many facing divorce or separation, a trusted lawyer plays a big part in helping to sort out often complex issues involving the care of the children, the home and finances.

Finding the right lawyer for you is an important step in the process.

The Association was created in 1982 when there was widespread concern that too often solicitors and the court process were adding to the distress and anger that can arise on the breakdown of a family relationship. Members believe that solicitors can and should deal with matters in a way designed to ensure that people's dignity is preserved, with every encouragement to reach agreement and avoid unnecessary litigation. The result is to achieve the same or more satisfactory solutions but at less cost - in terms of emotion and money.

Most importantly, they will be solutions that do not destroy the possibility of former family members dealing with each other in a civilised way, for example in parents agreeing arrangements for the benefit of their children notwithstanding their own differences. Experience shows that agreed solutions are more likely to be adhered to than those imposed by a Court. Even when proceedings are inevitable so that a Court has to decide matters, it is to the advantage of the whole family that proceedings are conducted in a constructive and realistic manner rather than as if in the midst of a war zone.

Resolution is now a group of around 5,000 independent family lawyers who are committed to easing the pain and financial cost of family breakdown. They all follow a Code of Practice which encourages solutions rather than confrontation, and which takes into account the needs of the whole family.

### **What Resolution is:**

It is an association of lawyers each of whom subscribes to a Code of

Practice. Many members still undertake Public Funded (Legal Aid) work. The Law Society has recently recommended that all solicitors practising family law should follow the code. Members inform their clients of the Code as it forms the basis of the approach that they adopt.

Resolution administration has an office staffed by full-time personnel. Most areas of the country (including Staffordshire) have a regional group. Resolution is also a representative body. It is actively involved in law reform both initiating proposals and responding to proposals for change. It provides education for its members, to equip them to deal with both the legal and practical issues of family breakdown and the emotional consequences. It encourages the use of mediation where appropriate and has introduced collaborative family law into this country.

Members vary in experience, from newly qualified to those qualified many years. Membership is not a guarantee of excellence or specialisation. Admission to the association is on the basis of a commitment to the code and confirmation that the lawyer will endeavour to carry out his or her work in accordance with the code. Although members must be proposed and seconded by fellow members, there is no test of legal knowledge or ability.

### **What makes Resolution lawyers special**

When couples separate, there are no winners. Often, it is a time of conflict and heartache for everyone involved. Having to untangle the legal and practical issues can add to the distress.

Resolution lawyers are specialists in family law, so you can be sure that you are receiving the right advice. But, much more than that, they pledge to adopt a special approach, outlined in their Code of Practice, which means they strive to ease the pain.

### **Resolution's Code of Practice**

Membership of Resolution commits family lawyers to resolving disputes in a non-confrontational way.

We believe that family law disputes should be dealt with in a constructive way designed to preserve people's dignity and to encourage agreements.

Members of Resolution are required to:

- Conduct matters in a constructive and non-confrontational way

- Avoid use of inflammatory language both written and spoken
- Retain professional objectivity and respect for everyone involved
- Take into account the long term consequences of actions and communications as well as the short term implications
- Encourage clients to put the best interests of the children first
- Emphasise to clients the importance of being open and honest in all dealings
- Make clients aware of the benefits of behaving in a civilised way
- Keep financial and children issues separate
- Ensure that consideration is given to balancing the benefits of any steps against the likely costs – financial or emotional
- Inform clients of the options – e.g. counselling, family therapy, round table negotiations, mediation, collaborative law and court proceedings
- Abide by the Resolution Guides to Good Practice

### **Resolution lawyers encourage couples to find solutions together.**

If you have children, they encourage you to put aside your differences and work towards a resolution which will minimise the negative impact on the children and give the best opportunity for everyone involved to rebuild their lives.

### **Resolute – but fair**

Right from the start, Resolution lawyers will help to put you at ease. Many will offer a free initial meeting, to discuss your individual circumstances and to explain how the Resolution approach can best help you through the challenges ahead.

They will listen and advise, respecting your choices. They may invite you to consider other processes which could help, like counselling, mediation or a “collaborative” approach.

They will always show courtesy, not just to you, but also to your partner and their legal team.

Like you, they will focus on putting the needs of any children first.

### **Seeking solutions**

Most of all, they will do everything they can to help you reach a fair, just outcome, as quickly and as cost-effectively as possible. In well over 90% of cases handled by Resolution lawyers, agreements are reached without the need for costly and stressful court battles.

## **The right choice for you**

All Resolution lawyers follow the same code of practice. But not all Resolution lawyers are the same.

Many have particular skills, some as accredited specialists in different areas of law – like pensions, divorce finances, domestic abuse or international cases. Some are mediators too, so they can help you work things out together. Others are collaborative lawyers – who work with you, your partner and your partner’s lawyer, all together, to find solutions.

For example, at our Family Law Service, our senior family lawyers are all Resolution members, but have differing areas of expertise:

Neil Robinson – Mediator

Steve Kirwan – Accredited Specialist in Cohabitation and Pensions, Collaborative Family Lawyer

Andrew Hall – Accredited Specialist in Emergency Procedures in Ancillary Relief and Pensions

Robina Boydon – Accredited Specialist in Private Children Law and Domestic Violence, Mediator

Consider your circumstances, and choose the one who is right for you and your family.

## **What you can do to make things better**

You may feel bitter, hurt or angry. Resolution lawyers understand, and are on hand to help. But remember, even though you and your partner may no longer be together, you will always both remain parents to your children, and for their sake as well as your own, you need to find a fair solution.

**Choose a Resolution lawyer to represent you. And, if you can, encourage your partner to do the same. Solutions will be much easier to find if all concerned are taking a constructive approach.**

## **SHOULD I CHOOSE A MEMBER OF RESOLUTION?**

### **10 Good Reasons for Choosing a Resolution Member:**

#### **1. Do you dread becoming tied up in a hostile battle?**

Resolution solicitors encourage everyone to agree that divorces, separations and family disputes are not contests in which there are winners and losers, but are searches for fair solutions. They avoid using language that implies a dispute where no serious dispute necessarily exists. They avoid stirring up personal emotions. They avoid expressing personal opinions about your partner's conduct. They try to prevent distrust between you and your partner by encouraging openness and honesty from the start. The aim is a fair settlement rather than expensive litigation.

#### **2. Are you worried that you will be swept along on a conveyor belt?**

Resolution solicitors recognise that you may need time to come to terms with your new situation. They will help you achieve a constructive settlement of your differences as quickly as may be reasonable for you. They will advise and guide you, but when decisions have to be made they are your decisions. They will make sure you understand the consequences of any decisions and the effect on any children involved. They will tell you about other services which may be able to help you such as mediation and counselling.

#### **3. Does the Resolution way of doing things mean that your partner or his/her solicitor will walk all over you?**

No. It is not a sign of weakness and does not disadvantage you in any way. Your Resolution solicitor will take immediate and decisive action when required. The approach is firm and fair. Discussions can carry on alongside court proceedings in case the negotiations do not produce a settlement.

#### **4. Is it going to cost you a lot of money?**

Do not be frightened to mention costs when you make contact. Many Resolution solicitors still do Public Funded (Legal Aid) work. You should ask when you make the appointment. They will explain to you at your first appointment how the Legal Aid scheme works, what it covers and how much you might have to pay. So long as you are using them, they should tell you regularly what the costs add up to and what the impact would be on costs of any decision you have chosen to take.

Resolution solicitors are generally no more expensive and no cheaper than non-Resolution solicitors but because they are non-adversarial the overall cost can be a lot less than those with a different approach.

### **5. What about the children?**

Resolution solicitors will encourage you and other family members to regard the welfare of any children as the most important consideration. They will explain that your attitude to other family members in any negotiations will affect the whole family and may affect the relationship of the children with their parents. They will try to promote co-operation between parents in decisions concerning the children and will keep issues of arrangements for children and finances separate.

### **6. Are Resolution members good family solicitors?**

Membership of Resolution is on the basis of a commitment to a Code of Practice and confirmation that the solicitor will try to make sure his or her work is carried out in accordance with the Code. The Law Society recommends that all solicitors dealing with family work should follow the guidelines set out in the Code.

Ask your solicitor to let you have a copy to read. Resolution provides training for its members on the legal and practical issues of family breakdown and education on its emotional consequences. Resolution solicitors will be able to advise you on all matters concerning your family dispute - whether you will have to go to Court, what your rights are, what happens about the home, the money side of things and the children - everything you need to know.

Resolution accredited specialists are highly experienced family lawyers who have successfully completed an assessment in their chosen areas of specialism.

### **7. What could happen if you don't use a Resolution solicitor**

You could find yourself caught in a battle between your solicitor and your partner's solicitor with acrimonious letters going backwards and forwards. This means that any hope of civilised discussions over matters which require co-operation, such as arrangements for any children, goes out of the window. Protracted arguments can lead to long and very expensive court proceedings leaving you bitter,

exhausted and poor. The whole experience may affect you for the rest of your life and any future relationships. It may also affect your children and their future relationships.

### **8. What could happen if you do use a Resolution solicitor?**

By dealing with matters in a way which helps to preserve your dignity, encourages agreement and avoids unnecessary litigation, you are more likely to arrive at a satisfactory solution at less cost emotionally and financially. You will not destroy the possibility of dealing with each other in a civilised way over arrangements for the children whatever your differences may be. Agreed solutions are more likely to be adhered to and prove durable than those imposed by a court. The less bitterness around at the end of the whole procedure, the greater the chance of forming secure new relationships and raising well adjusted children.

### **9. So what is Resolution?**

It is a campaigning group of family law solicitors (formerly known as the Solicitors Family Law Association) started in 1982 whose members believe that aggressive solicitors and reliance on the court process can add to distress and anger on the breakdown of a family relationship.

Members abide by a Code of Practice designed to promote a conciliatory atmosphere in which matters are dealt with in a sensitive, constructive and cost-effective way. The Association has an office staffed by full-time personnel. It provides support, guidance and training for its members and is actively involved in law reform, both initiating improvements and responding to proposals for change.

### **10. How difficult is it to find a local Resolution member?**

It is very easy. There are now over 5,000 members nationwide. You can ask us for details of other local members or:

- For further information about Resolution: PO Box 302, Orpington, BR6 8QX. Send SAE for a list of local members.
- You can telephone Resolution on (01689 820272)

You can visit the Resolution web site at [www.resolution.org.uk](http://www.resolution.org.uk).

---

NOTE: The above is intended as a general guide for your information. It is NOT intended as a substitute for proper legal

advice. Each case is different and advice cannot be given without a proper analysis of your own circumstances.

---

© Nowell Meller Solicitors Limited