

Alternatives to Court

We believe that it is important to avoid court where possible for our clients as to do so often save costs and stress to clients. However this is not always possible.

We encourage clients to consider alternatives to court in all family situations. Such alternatives include:-

Mediation

This is generally a cheaper and faster process than the Courts can offer and a way of helping parties reach an agreement which takes account of all their needs, concerns and interests. The mediation process is voluntary and confidential, however the courts do expect parties to have considered mediation before they will allow a court application to proceed.

Family mediation is not counselling or therapy. It is a mechanism to encourage parties to take control of the outcome of their separation and agree matters rather than have a court dictate what is to happen. It is not legally binding and any agreement reached must be turned into a legally binding document by solicitors. It is Without Prejudice meaning that any discussions had cannot be relayed to the court in the event a subsequent court application is made.

If both parties want to mediate and it is suitable for them to do so, they will each attend an appointment with a mediator who will help them compromise and reach an agreement which suits everybody. The mediator can guide the parties with their knowledge of the law but they cannot provide legal advice. Parties must have their own solicitors who do not take part in the mediation itself, but provide background advice to them about what is in their best interests.

If an agreement is reached it is recorded in a document which the parties must then take to their lawyers who can then look to make the agreement legally binding.

Legal Aid is available for mediation for those who are eligible.

We have an in house team of mediators. Our clients cannot use the mediation team as this presents a conflict. However, we can refer our clients to other local mediation centres.

Solicitor negotiations

We will always try to agree matters with the other party or their solicitors before we issue court proceedings. This can be done through solicitors letter and phone calls and even face to face meetings with all parties where appropriate.

Arbitration

This is a less common option, but is available to family clients. The process is similar to court and the Arbitrators role is similar to a Judge. However, the process is managed more informally and with more consideration of the parties' needs and availability and is more private than normal court proceedings.

The arbitrator is usually an expert in family law but not a Judge and can be chosen by the parties. The decision made by the Arbitrator is binding and usually enforceable through the courts provided the process is properly followed.

Collaborative Law

This process can only be undertaken by specially trained family lawyers. We have an in house Collaborative Law Specialist.

Both parties attend a series of meetings with their lawyers in a bid to agree matters without the need to attend court. At the outset the parties and their lawyers sign an agreement to say that they intend to deal with matters amicably and without court proceedings being issued and that in the event court proceedings are issued that they will both instruct new lawyers who have not had access to the open discussions which Collaborative Law affords. The process has a very high success rate.

**Why not contact our specialists, Carly or Julie
for no obligation appointment?**

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