

Family dispute resolution options

	DIY	Mediation	Solicitor Negotiation	Collaborative Law	Family Arbitration	Court Application
Description	You and your ex partner seek to discuss and agree issues such as the finances and arrangements for children between you.	You and your ex partner attend meetings with a qualified mediator who is independent and impartial and facilitates the discussions.	You instruct a solicitor to negotiate on your behalf.	You and your ex partner both instruct lawyers who are trained in the collaborative process.	You and your ex partner agree to instruct a person to decide the issues in dispute and to be bound by their decision.	Either you or your ex partner apply to the court and if necessary a judge will make a decision about the issues in dispute.
Pros	<ul style="list-style-type: none"> • Cost • Speed • Retain control over decision making • Confidential • Flexible 	<ul style="list-style-type: none"> • Cost • Speed • Retain control over decision making • Mediator encourages discussions which are focused on the relevant issues and constructive • Financial information is provided on an “open basis” and can be relied upon if mediation breaks down • Voluntary – you are both there because you want to resolve the issues • Confidential • Flexible 	<ul style="list-style-type: none"> • Cost – more expensive than DIY or mediation but cheaper than arbitration or court • Speed • We are able to advise you as to any legal implications and ensure that you put your best case forward • Suitable even where there is domestic abuse/child protection issues • A lawyer who is a member of resolution will seek to deal with the issues in a constructive and non confrontational way • Confidential • Flexible 	<ul style="list-style-type: none"> • Cost – more expensive than DIY or mediation but cheaper than arbitration or court • Speed • You all commit to reaching an agreement outside of the court process • You have your lawyer sitting right by you during the negotiations and receive advice throughout the process • Confidential • Flexible 	<ul style="list-style-type: none"> • Cost – can be more expensive than DIY, mediation, solicitor negotiation and collaborative law but likely cheaper overall than making an application to the court • Flexible – really good where there are limited issues in dispute. Timing can be arranged to suit the parties • Decision guaranteed • Confidential 	<ul style="list-style-type: none"> • Court will put a timetable in place and set out what it expects you both to do – failure to comply with a court direction is capable of enforcement • Although you will be encouraged to continue to negotiate, ultimately the court will make a decision if you can not agree • Able to deal with emergency issues such as injunctions to preserve assets or protect people

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Cons	<ul style="list-style-type: none"> • Agreement reached may not be in your best interests (legal advice can be obtained) • Not suitable for all cases • Agreement not guaranteed • Your ex partner may refuse to take part 	<ul style="list-style-type: none"> • Agreement reached may not be in your best interests (legal advice can be obtained) • Not suitable for all cases • Agreement not guaranteed • Your ex partner may refuse to take part 	<ul style="list-style-type: none"> • Your ex partner may refuse to take part • Cost • Agreement not guaranteed 	<ul style="list-style-type: none"> • Not suitable for all cases • If either party wants to make an application to the court, they must instruct new solicitors • Agreement not guaranteed 	<ul style="list-style-type: none"> • Cost – the arbitrator charges fees that are greater than the court fees • Your ex partner may refuse to take part • Not suitable for all cases 	<ul style="list-style-type: none"> • Cost – most expensive of the available options • Time – can be frustratingly slow • Publicity – whilst there are restrictions on what can be reported, the press can seek access and report in relation to some family proceedings • Not flexible
Documenting the outcome	<ul style="list-style-type: none"> • Financial agreement should be documented in a separation agreement/consent order • Agreement in relation to children may be set out in separation agreement/parenting plan/consent order 				Arbitral award should be reflected in a consent order and submitted to the court.	<ul style="list-style-type: none"> • Final outcome will be a court order (either by consent or following a final hearing)

For more information and advice in relation to how our specialist family and divorce lawyers can help you **contact us on 01206 217300 (Colchester) 01245 453800**

(Chelmsford) 01268 244144 (Basildon) or complete our online enquiry form here

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