



DAWSONS
SOLICITORS



Why Alternative
Dispute Resolution?

Alternative dispute resolution - why?

- An opportunity to achieve "the good divorce"
- Helps you to stay on better terms with your former spouse or partner and to maintain channels of communication which are particularly important if you need to co-operate as parents after a divorce or separation
- Longer, deeper lasting solutions
- You have more control over the process. The outcome is in your hands rather than in the hands of a third party (the Court)
- Complete transparency and accountability. You are party to all aspects of the process
- Less damaging to family life
- Minimises conflict in the interests of both parties and any children
- Work at your own pace and without a court timetable
- Focus on issues that are important to you rather than to the Court
- Provided entered into in good faith, ADR is faster and less acrimonious (and therefore cheaper) than court proceedings
- Greater emphasis on non-legal issues
- Avoid the trauma and costs of court-based resolution (litigation)

Collaborative law and Mediation...

...the two main forms of ADR in family cases

What is Collaborative Law?

Collaborative Law is a process whereby spouses/partners agree, following the break down of their relationship, to resolve all issues between them (both financial and non-financial) outside of court proceedings.

The clients and the lawyers sign a Participation Agreement confirming that they are committed to resolving all issues without reference to the Courts, and if a court application is made by either party, both lawyers must cease to act.

All key negotiations and decisions take place in "four-way" meetings where all parties are present. It is intended that the parties have access to financial advisers, counsellors and other professionals schooled in the process of Collaborative Law to assist them in reaching lasting solutions.

As solicitors will be acting as lawyers as opposed to mediators, clients will have access to legal advice as part of the process. However, a Collaborative Lawyer works co-operatively with their client's spouse/partner. The emphasis is on generating options rather than conflict and on clients finding their own solutions within a legal framework.

What is Mediation?

Mediation is when an independent Qualified Mediator works with both parties to come to a mutual agreement in relation to an issue in their relationship.

It can help in any relationship - whether between husband and wife or between cohabiting couples both during the course of the relationship or at its end.

Mediation can be used for discrete issues or to deal with all aspects of a legal dispute.

Usually one Mediator sees both clients together and helps them resolve any areas of conflict whether it be in relation to their children (contact, residence, education or upbringing) or finances (division of assets, trusts or family businesses).

Mediators are impartial and do not offer legal advice to either party.

How does it work?

Collaborative Law

Both parties instruct their own lawyer and will meet with their lawyer before and after each "four-way" meeting.

A key part of the process is that the agenda of each meeting is agreed in advance and cannot be changed during the meeting. This prevents either party being taken by surprise and encourages productive negotiations as any issue will have been considered before any "four-way" meeting. At the end of each "four-way" meeting, the participants will agree on an agenda for the next meeting.

The cost?

Collaborative Law is not always a cheaper alternative to legal proceedings. However, participants have found that it is less expensive than fully contested court proceedings and leads to deeper, longer lasting solutions without needing to attend court with all that entails. There will be at least 4 "four-way" meetings lasting on average 60 to 90 minutes, as well as preparation and "two-way" meetings (client and own lawyer) (lawyer and lawyer).

Who does it suit?

Collaborative Law suits clients who wish to avoid the trauma and uncertainty of legal proceedings and wish to play a greater role in finding their own solution

Mediation

Both parties meet with the Mediator to consider their options. Dawsons offer expert, impartial assistance based on our extensive knowledge of matrimonial settlements. Often several meetings are necessary to reach a conclusion. At this stage both consult a separate solicitor in order to formalise the agreement.

All discussions are **without prejudice** and cannot be relied on outside the Mediation process. However, if the parties cannot agree, documents created and financial disclosure provided can be transposed into court proceedings to avoid duplication.

The cost?

A Mediation session is charged at an hourly rate per person. If an agreement is reached, there would also be the cost of drafting a Memorandum of Understanding.

Who does it suit?

Mediation suits any couple who wishes to have the assistance of one independent person (Mediator) to resolve any issues between them at any stage in their relationship. The mediator provides legal information and not advice so remains completely impartial.

Why Dawsons?

Dawsons have a wide range of experience in dealing with complex family disputes in a sympathetic and highly professional manner. We pride ourselves on an extremely efficient and cost effective service to clients.

All of the solicitors in our Family Team are members of Resolution (formerly the Solicitors Family Law Association) whose code of conduct emphasises a non-confrontational and conciliatory approach to family law.

As well as having particular expertise in international family law, the Family Team is also able to call on the experience of Dawsons' other legal departments such as Private Client, Company Commercial and Property which allows us to provide a comprehensive in-house service.

Our people

Suzanne Kingston and Daniel Eames

Suzanne Kingston is a partner at Dawsons. She qualified in 1986 and became head of the Dawsons Family Department in 2003, she is highly regarded by her peers and the legal directories. Suzanne is a member of the Child Care Panel, the Family Law Panel and is an accredited Resolution (formerly SFLA) Mediator. She sits on numerous family law related committees and is a director of the Family Law Course at the College of Law in Oxford.

Suzanne is a qualified Collaborative Lawyer and member of the International Academy of Collaborative Lawyers.

Suzanne undertakes both children and financial Mediations mainly acting as a sole Mediator but will tailor make the Mediation service to meet your requirements.

If you would like to consult Suzanne to discuss Collaborative Law or Mediation please telephone 020 7421 4814 or email s.kingston@dawsons-legal.com.

Daniel Eames qualified as a solicitor in October 2000 and has experience of all aspects of family law, particularly complex financial disputes and those cases involving a jurisdictional aspect.

Daniel is a qualified Collaborative Lawyer

He also volunteers as a legal adviser on family law at the Citizens' Advice Bureau of the Royal Courts of Justice.

If you would like to consult Daniel to discuss Collaborative Law please telephone 020 7421 4860 or email d.eames@dawsons-legal.com.

A decorative graphic at the bottom of the page consists of a 2x3 grid of colored rectangles. The top row has three rectangles: a large light olive green one on the left, a medium olive green one in the middle, and a narrow dark teal one on the right. The bottom row has three rectangles: a large olive green one on the left, a medium olive green one in the middle, and a narrow dark blue one on the right. The contact information is located in the bottom-left rectangle.

Dawsons
2 New Square
Lincoln's Inn
London WC2A 3RZ

Tel: +44 (0)20 7421 4800
Fax: +44 (0)20 7421 4848
Email: s.kingston@dawsons-legal.com
Web: www.dawsons-legal.com
Lexcel accredited.