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Article

Title: Relationship breakdown – how can you part as friends?

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Imagine the scene - you and your former husband, wife, civil partner or cohabiting partner sitting in an unfamiliar Court waiting room. Your lawyers are going backwards and forwards from room to room, carrying your instructions for a settlement between them while you sit and wait. How do you feel? Left out, in the dark, confused, out of control?

How much nicer to be in control of part of the process which is, after all, going to affect the rest of your life and that of your children.

'Alternative dispute resolution' as it's called, is alive and well and there are options which could save you emotional and financial cost. Most people will have heard of mediation and some will have heard of collaborative law, but which to choose if you want to keep your dispute away from the Court waiting area?

Mediation has been around for a lot longer than collaborative law. You meet with your partner and a specially trained mediator and try and work through the issues that you need to resolve. You are in control of the process but the mediator is impartial and will not give you any legal advice (notwithstanding that, many mediators are long standing family lawyers). If you do manage to reach a resolution, the mediator will prepare comprehensive documents for you to take to your individual lawyers to deal with the formalities of incorporating your agreement into an enforceable Court order. With a great track record, mediation is often the answer for those who are happy to sit round the table with their former partner and work things out.

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What if you're not so 'at ease' without someone else 'on your side' in these face-to-face meetings? Maybe the collaborative process is a better option. The lawyers who practise collaborative law are family solicitors of at least three years' standing and are committed to dealing with the issues of family breakdown in a conciliatory manner but with the interests of their own client at the heart of the process. Again the process involves face-to-face meetings but with the lawyers present. All four participants sign up to an agreement that prevents Court proceedings being issued. If no agreement is reached in the collaborative process, you have to start all over again with new lawyers - not an appealing prospect! Most cases conducted within the collaborative process do result in agreement, your lawyers have been involved from the start and the paperwork for the Court can be agreed and prepared without delay.

Ann Corrigan says: 'Before thinking about fighting it out in an expensive, exhausting Court arena, talk to your solicitor about alternatives that really work. You'll be able to protect your interests, move forward and, in particular, minimise the antagonism between you for the future of yourselves and your children.'

Ann Corrigan is a solicitor, trained mediator and collaborative lawyer. Ann's direct line is 01256 854630. Find out more on Phillips' website www.phillips-law.co.uk

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