

What is the goal of family mediation?

Family mediation gives you an opportunity, as a couple, to work out the terms of your separation or divorce. The mediation process provides a humane and effective alternative to litigation. If you have children the mediation will focus on three key sets of issues: a parenting plan, division of property and other assets and financial support. If you do not have children the mediation generally will focus on financial issues: division of property and financial support. Once agreement has been reached, we prepare a Mediation Summary to enable each party to take final legal advice before committing themselves to a final binding agreement.

What does the mediation process look like?

Family mediation begins with a Mediation Information and Assessment Meeting (MIAM). The assessment meeting can be a joint or separate meeting. In this meeting we will:

Assess whether either or both parties are eligible for public funding (legal aid) and if not explain the costs of the mediation process.

Explain how the mediation process works.

Establish whether there are any domestic violence issues or risks to children which might make the case unsuitable for mediation.

Provide details of other dispute resolution alternatives available.

Establish whether both parties are willing to mediate.

What is the mediator's role? Do I need a solicitor?

As a neutral the mediator does not give advice, does not take sides, and does not tell the parties what to do. The mediator will provide you both with legal information. You are not obligated, but we encourage you to seek independent legal advice on any specific legal points as needed before, during and after the mediation process.

Your mediator will provide information and suggest options for you to consider. Often we tell you common ways in which people have handled similar situations. We help you explore creative solutions.

We provide an environment of attentive listening and good thinking. We will make sure each of you has a chance to be fully heard without interruptions. In difficult situations we will set boundaries and encourage respectful behaviour. Unlike litigation, in mediation many people learn to communicate more effectively, which can be useful in the future, particularly where the parties have children.

Once you have reached agreement your mediator will prepare a final summary, which will only be binding once you have obtained final legal advice.

But remember, in mediation the decisions are yours. The mediator will not impose any decision upon you.

What if I can't stand being in the same room as my partner?

Mediation isn't just for people who get along reasonably well. Mediation can be successful in both high-conflict and low-conflict cases. Indeed it is the high conflict cases where mediation, as an alternative to litigation, can save the most time, money and emotional turmoil.

We enjoy the challenge of difficult cases. Many are difficult only on the surface. Underneath the parties invariably have the same or similar goals and with mediation putting the focus on solutions rather than confrontation, solutions can often be worked out amicably and more quickly than through litigation.

In some instances where two people cannot or are unable to sit in a room together, we will meet with each party separately in different rooms.

How much does mediation cost? How long does it take?

Before the mediation process begins we will assess whether one or both parties are eligible for public funding (legal aid).

If you are paying for mediation the expense and time needed to complete the mediation process depends on two key factors: the inherent complexity of the issues and the level of co-operation and communication between the parties. When couples can exchange information and effectively discuss settlement options, the mediation process can move rapidly. On average our mediations take three to five sessions.

We are aware that separation and divorce can be a time of financial hardship for a lot of families because the income that used to support one household now has to support two households. With that in mind we use a structured mediation process that is designed to be efficient. Therefore we provide encouragement and specific guidance so that clients can do as much work as possible on their own. Our goal is to complete the mediation in a manner that produces a mutually satisfactory settlement, without incurring substantial fees.

It can be very helpful to remember that mediation is an alternative to the more costly route of solicitor negotiations or litigation.

What is the role of my solicitor in the mediation process?

We do recommend to all our clients that each obtain separate legal advice to review agreements reached in principle at the end of the mediation process. We will prepare a Mediation Summary, which will contain both parties' financial disclosure to enable them to obtain detailed legal advice before any binding agreement, or court order is drafted.

Do not worry if you are not represented when mediation commences, as our highly qualified mediators can provide all necessary information. However, we don't give specific legal advice. If at any point in the mediation process we consider that you would benefit from independent legal advice on any particular issue, we will suggest that you instruct a solicitor. We have a very good relationship with all the local solicitors, and we can provide you with a list of solicitors local to you who are supportive of the mediation process.