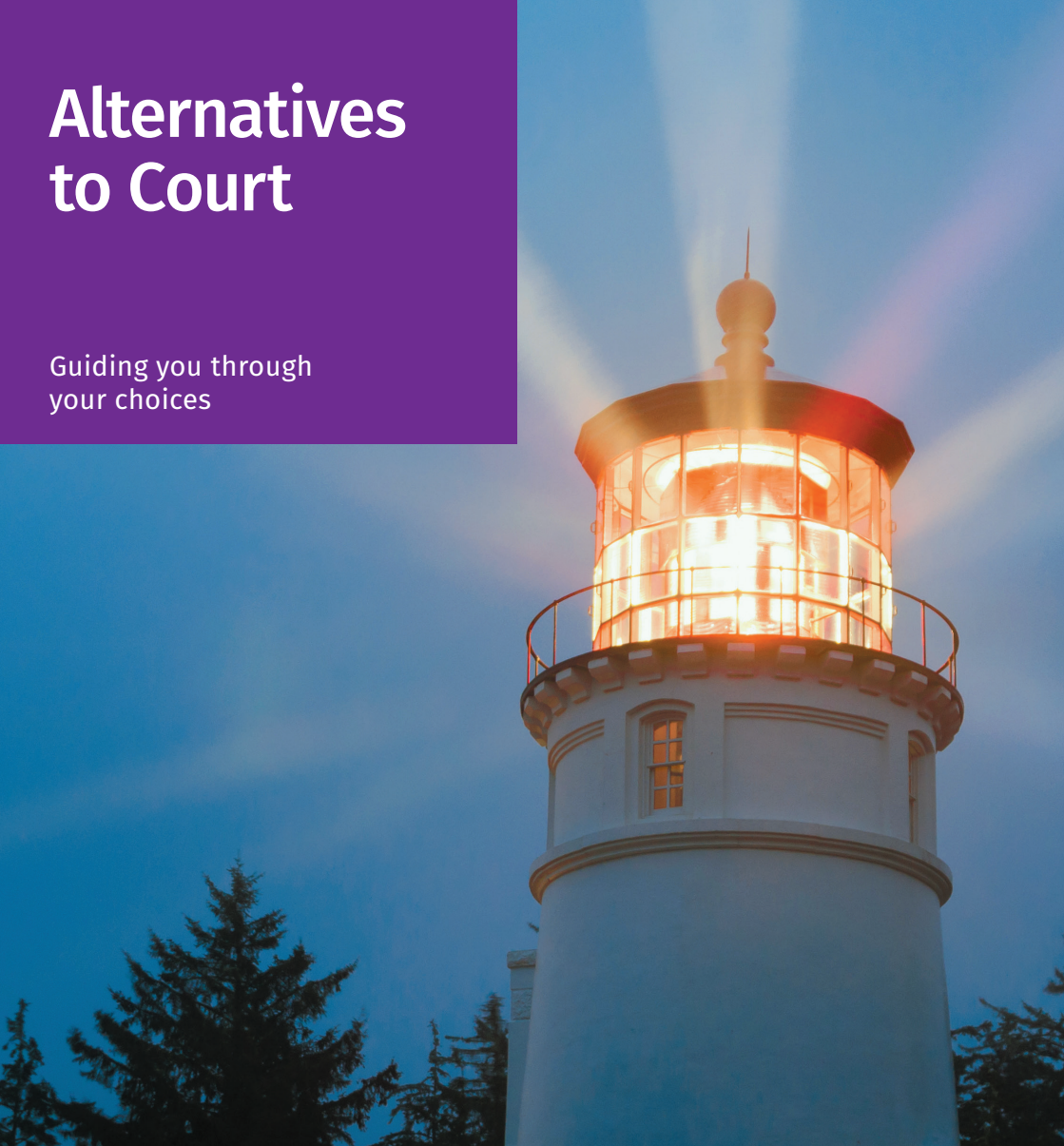


Alternatives to Court

Guiding you through
your choices



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What are Your Choices?

Virtually all cases involving Family Issues are best kept out of Court. There may be exceptions where there have been incidents of domestic abuse or where the Court's urgent powers are needed, for example to prevent the removal of a child from the UK or to freeze financial assets.

The Family team here at Chafes Hague Lambert will encourage both parties to reach agreement themselves and this can be achieved in a number of ways.

The Court process is stressful for both parties to any dispute. In children matters this invariably has an adverse

impact upon the child's emotional wellbeing, something which sadly is all too frequently forgotten by the parties.

It is important to know that there are other options and services that you can use to avoid the often unnecessary recourse to Court proceedings.

What else do I need to think about?

You should always think about alternative options to Court proceedings which should always be seen as a last resort. However there may be situations where there is no option but to make applications to the Court.

If you are committed to resolving a dispute amicably, remember that you must always disclose fully and frankly details of your finances (in finance cases) or accurately portray the facts to your lawyer in any family dispute. A lawyer will be able to advise you appropriately only in the event that you have fully and accurately explained the situation. In the event that you are open and frank then there is much more chance that the other party will be, which in turn will assist with negotiations and settlement.



How can we help you?

At Chafes Hague Lambert we will encourage both parties in any family dispute to try and reach an agreement amicably.

- **Advising** on appropriate parameters for settlement in all types of family disputes/ divorce proceedings if you want to negotiate directly with the other party – the DIY option
- **Acting on your behalf in lawyer led negotiations** - helping to reach agreement through your lawyer's correspondence in relation to any family issue, and in children or financial matters, drafting a legally binding Consent Order in the event that an agreement is reached
- **Referring your case to mediation** –this is a process of negotiation that you are directly involved in with the independent and impartial mediator. Any agreement reached in mediation can be converted into a legally binding Consent Order by your lawyer
- **Encouraging you to start a Collaborative Law process** - both parties to a family dispute and their respective collaboratively trained lawyers, sign up to an Agreement. All concerned commit themselves to resolving issues without going to Court. In the event that agreement is not reached then the parties must instruct new lawyers
- **Acting on your behalf in an Arbitration process** – this is a form of private dispute resolution where both parties appoint an independent arbitrator to adjudicate a dispute and make an award.

Frequently asked questions

Q. How do I start a collaborative law process?

Both you and the other party must instruct collaboratively trained lawyers. We have collaboratively trained lawyers at Chafes Hague Lambert who will be able to represent you. Once both parties have instructed collaborative lawyers, a first meeting will be scheduled between all parties and their lawyers, to plan an appropriate way forward in order to settle the case.

Q. Is there a cost to mediation?

Yes, there is a cost to mediation services. Some practices will charge on an hourly basis, and others will charge per session. It would be best to research mediation services in your local area or we would be able to find a local mediation service for you. The cost of mediation is often shared between both parties equally, and is a cheaper option than lawyer led negotiations or Court proceedings.

Q. How can I improve my chances of reaching a settlement with the other party?

It is important that you and the other party keep open all lines of communication to try and stay as amicable as possible with each other. If communication breaks down then mediation or a collaborative law process would not be possible, and even a settlement reached by lawyer led negotiations would be more challenging.

Q. Can my case settle even in the event that Court proceedings have already been issued?

Yes, whether it is a children or a finance matter, an agreement can be reached between you and the other party at any point. Your lawyer would be able to draw up a legally binding Consent Order reflecting the agreement reached. This can avoid final hearings which are stressful and also expensive.

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