

PENGILLYS

SOLICITORS • MEDIATORS

A guide to

Alternative Dispute Resolution



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Our guide to Alternative Dispute Resolution

At the end of any relationship, be it a marriage, civil partnership or cohabitation, issues including finances and children need to be formalised. This is always a difficult time both emotionally and financially. Members of the Pengillys' Family Team will assist you to resolve these matters.

A great many people finding themselves in this situation are able to resolve an appropriate and satisfactory outcome with their former partner without matters escalating into conflict. This is not always the case for everyone.

This guide is aimed at setting out the various options available to parties to seek assistance for a resolution without the matter necessarily ending up in Court. Many people (including other lawyers) think that inevitably every case has to be resolved by the Court, but that is not so. Whilst accepting that some matters do indeed need the intervention of the Court, there are other options.

Such matters can also be extended to other family disputes regarding inheritance.

Negotiation

The experienced members of our Family Team can advise on options and, more often than not, can assist you in the traditional negotiation process with your partner and their lawyer.

Mediation

We have access to, and a good working relationship with, a number of family mediators. This involves both parties being assisted by a suitably trained mediator to facilitate an agreed outcome, always supported with the benefit of legal advice.

Collaborative

A suitably qualified collaborative lawyer can work with you, your partner and their collaborative lawyer, usually in a roundtable situation, to negotiate an agreed outcome.

Early Neutral Evaluation

This is otherwise known as Private Financial Dispute Resolution (**FDR**) (with reference to the Court process) where an agreed independent lawyer gives an indication as to the likely outcome in relation to any dispute. This is a voluntary process and, unlike arbitration, cannot bind the parties, but is a useful device when an impose is needed.

Arbitration

An agreed arbitrator hears representations (either in writing or in meeting with representatives) and imposes on the parties the appropriate settlement which is then ratified in a Court Order.





The Court

Finally, Court proceedings can be commenced. We will explain that process and timetable. Ultimately, if the matter is not concluded by any of the above options, alongside the Court process, then a Judge will impose a settlement. Should it not be implemented, enforcement action will be required.

Timescales and Costs

Whichever process is agreed to be best for you, we will explain in greater detail what is involved, and give a realistic timescale to complete. We will also provide the best possible cost estimate for the fees involved and discuss how the process is to be managed and financed.

Despite popular myths to the contrary, when giving advice relevant to our clients' situations, it is always our aim to resolve matters as expediently as possible and without having to involve the Court.

We would be pleased to meet with you to discuss any questions that you may have.

Please call us on 01305 768888

We will then put you in touch with a member of our experienced Family Team.

Please visit www.pengillys.co.uk where full details of our Family Team are available.

For further details about Pengillys and how we work, please refer to our Terms of Business and Privacy Policy which are available on our website or on request as printed documents.



PENGILLYS

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Looking after you and your property



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