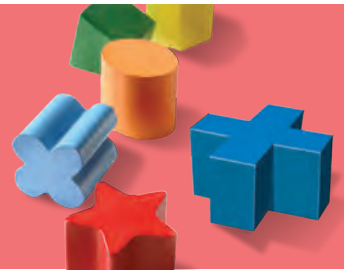


# FACTSHEET

## Family



## Family law – what are your options?

**If you're considering a divorce or separation, there are several options available to you. But when it comes to fixed fee agreements, mediation and collaborative law, what do these terms actually mean?**

In reality, divorce rarely means going to court. Instead you have many other options for addressing the legal aspects of your separation.

The option you choose will be influenced by a number of factors, so think about the issues that are important to you and talk them through with your solicitor.

Ask yourself whether you're willing to cooperate with each other. How important is it that you're able to understand and influence what is happening?

If you want to keep costs under control, would you feel comfortable managing part of your case yourself with support from a solicitor?

### Initial free consultation

The breakdown of a relationship can be emotional and difficult, which is why it's so important for you to have full confidence in your solicitor.

We also know that you really can't make an informed decision unless you understand the routes that are available to you.

So to help you decide the best solution for you, we offer a free 30 minute consultation to discuss your options.

During your consultation we'll offer some general advice about the legal process, advise you on the options available to you and provide a rough estimate of costs.

We won't give you specific advice about your personal situation during this session though.

We also offer a more detailed initial consultation for a fixed fee.

**So what routes are available to you, if you're divorcing or separating? The options we can discuss are as follows:**

### Traditional legal services

Most people are familiar with the format of traditional legal services where both parties instruct a solicitor with a view to negotiating a settlement or agreement.

This is a fully comprehensive service that involves us managing your case entirely on your behalf. As part of this service we may write letters on your behalf, make applications to court, manage settlement negotiations and represent you at hearings.

Whilst the benefits of this option are clear, traditional legal services are charged hourly. We'll usually ask for a payment on account at the first meeting. We'll also provide an estimate of likely costs and timescale.

However it can be difficult to gauge the cost of your representation, especially if your case is lengthy or something unforeseen happens.

### Family mediation

If you're willing to work together, mediation is a useful approach for separating couples.

Family mediation brings you together to talk constructively about how you end your relationship and any other family issues, like childcare and what happens to your home.

Through the process you'll both be supported by an impartial mediator. They're entirely neutral – they won't give you legal advice and they won't side with one particular party.

Their role is to manage your discussions, help you explore your options and keep you focused on finding a solution that suits both of your circumstances.

Any agreement reached through mediation should be checked by an independent solicitor before it can be finalised.

Mediation as a form of dispute resolution offers many benefits. Typically it's quicker and less costly, as you manage the agenda and the pace of developments.

It gives you far greater control over the outcome and enables you to focus on things that are important to you both.

Many couples say that mediation helped them to divorce or separate without increasing hostility and animosity between them.

However it's only possible if you're both able and willing to discuss your issues face-to-face in a neutral environment.

You may also be eligible for Legal Aid-funded mediation services.

### Collaborative law

On the face of it, collaborative law and family mediation may seem similar; however there are several differences between the two approaches.

Collaborative law enables you and your former partner to work through your issues amicably, face-to-face.

# Family law – what are your options?

Unlike mediation however, you'll have your own collaborative solicitor with you at each meeting, providing support and legal advice as you progress.

Choosing a collaborative approach demonstrates your intention to resolve your problems through negotiation and agreement, rather than through court proceedings.

This enables you to focus on what is important to you both, without the threat of court intervention.

Many couples would choose to resolve their issues themselves, but lack the confidence and legal know-how. So if you want the security of your own solicitor being present, collaborative law is a very credible alternative to mediation.

## Fixed Fee legal services

If you need to keep your costs under control, Fixed Fee packages work by fixing the cost at each stage of your case.

This enables you to budget for your case from the outset, with pre-agreed costs for each piece of work we undertake on your behalf.

With a Fixed Fee package you can also choose to instruct a solicitor for just part of your case. This gives you the option to take on some of the more basic tasks yourself, rather than instructing your solicitor to fully conduct proceedings on your behalf.

However, you should be aware that the scope of work covered by a Fixed Fee package is limited. If additional work is needed on your case, you may find that your charges increase.

Our Fixed Fee package includes an initial free 30 minute consultation, then £50 +VAT for a further half hour. Any time after this will be charged at the lawyer's hourly rate.

## Further information

As one of the largest family law departments in the South West with our solicitors being accredited family specialists with the Law Society and Resolution, we are able to provide the following services:

- + Legal advice + representation
- + Mediation
- + Collaborative law

If you need further information about any of these options, visit our website at [www.barcankirby.co.uk](http://www.barcankirby.co.uk) or speak to your solicitor during your consultation.

Alternatively call us on **0117 325 2929**.