

# Alternatives to Court



*working for  
accessible justice*

Beck Fitzgerald is a specialist family practice based in central London and committed to accessible justice.

Our aim is to enable more families to get the expert help they need when they need it, at a price they can afford.

Alongside our casework with clients, we strive to challenge the family justice system to improve outcomes for the children and families we serve

We work tirelessly to improve the laws and protection for victims and their children so that they can feel safe.

We do not judge, and all our team are trained in trauma informed ways of working. We will help you find the best legal solution for you and your children.

## Why is divorce litigation so tough?

It is well known, litigation is replete with risks -legal costs can rack up and are hard to predict in advance, emotional damage can be extensive, and impact all involved and outcomes are hard to predict since you are largely putting your trust in the hands of a single judge at a hearing.

There are better ways to deal with divorce and its aftermath than court litigation. Options need to be considered carefully because a fair split of assets and safe, nurturing arrangements for children must be protected.

At Beck Fitzgerald, we are expert at guiding clients on all the options and finding what is right for you and your family.

The key alternatives to court include the following:

### Mediation

Mediation is a voluntary process where an independent, professionally trained and neutral mediator can help you find solutions to issues which arise during divorce, separation or dissolution of a civil partnership and all the related issues involving finances and children.

Mediation is a safe and constructive place for open and honest conversations to take place, and expert mediators can skilfully guide the client in confidential discussions to help find a way forward. The job of the mediator is to seek to bring everyone together to reach a fair resolution.

One of the key benefits of mediation is its flexibility and its lower cost. Mediation can be conducted at a pace that suits both the parties involved, unlike the court process which can be slow and cumbersome.

It also allows both the parties involved to set the agenda and discuss what is important to them in an environment and pace which suits them. Where appropriate, it may also be possible to involve children in the process, enabling their voices to be heard.

Mediation can be adapted as a process to meet very specific needs. At Beck Fitzgerald we have been working with others on a specific toolkit for mediators to ensure that negotiations work for members of the neurodivergent community, those who feel they need adjustments to manage the process as a result of trauma, anxiety or the menopause.

Such issues can have a real impact on bargaining positions and we recognise

this. Our pioneering work is levelling the playing field so that negotiations within mediation are fairer and safer for everyone. The result is to agree a process which improves accessibility and fair outcomes.

Costs of mediation can be a fraction of those involved in court proceedings and so it's definitely worth considering mediation in most cases.

## Collaborative Process

This process involves all parties, including collaboratively trained family lawyers, sitting around a table to discuss and work through the issues surrounding divorce or separation, instead of having decisions imposed upon them by the court.

The collaborative process is completely confidential, and it allows both parties to stay in control of their personal situation.

This often establishes a more flexible, creative approach to financial and childcare arrangements than may have been possible with the traditional court process.

The job of the lawyers is to act in concert and find a solution which is mutually beneficial to both clients.

As with mediation., our approach is to begin by addressing any imbalances or challenges which might undermine fair process so that we can better achieve fair and safe solutions

## Solicitor-led negotiations

Solicitor-led negotiations can take place at any point during a divorce or separation and can often reduce conflict in the relationship, ultimately making the experience less stressful for everyone involved. They can also be

used during court proceedings, to help negotiations and to reach settlement before final trial if possible.

Usually taking the form of round table meetings or telephone and letter correspondence, solicitor-led negotiation can be particularly useful for families where children are involved.

It offers parents more control, and a chance for them to work together to decide the best care arrangements for their child. As with mediation and the collaborative process, a family therapist can be used to help with any emotional issues that are causing difficulty in reaching an agreement.

## Private Financial Dispute Resolution hearing or Early Neutral Evaluation

The Financial Dispute Resolution hearing ("FDR") is often an important hearing when an application to the court is made, but it is still possible to enjoy the benefits of this dispute resolution hearing but without making an application or going to court at all.

It is well known FDR's have a high success rate and for those willing and co-operative parties who want to avoid court but still have some tricky issues that they need help with, we can organise and help design a process called a private FDR or early neutral evaluation, where a joint and neutral evaluator is selected to listen carefully to the issues and to provide a clear legal view on the likely outcome if the matter was to go to court is helpful and early evaluation often gives the push they need to settle their case without going to court.

## Arbitration

Arbitration is another dispute resolution process which can be used by people when they are not able to resolve issues during a divorce or separation.

So long as both parties agree on using the arbitration process, an arbitrator can adjudicate on all the issues and can take the time to understand what is involved, whether it's to do with finances or child arrangements.

This will give the parties involved a fair, impartial and binding decision on the specific concerns they have.

Arbitration is an effective alternative to the court deciding the way forward and, like the other dispute resolution processes, offers greater control and the ability to tailor what is needed.

The family courts are currently extremely stretched, and the arbitration process is instead designed around the parties needs and timescales.

## Emotional support & family coaches

Family consultants, therapists and coaches are regularly used to reduce the emotional stress and impact for clients throughout divorce or separation and often work side by side with the family lawyer in a complimentary way. They can help absorb some of the added stress that comes from divorce and splitting assets.

Thankfully there is growing awareness amongst some family lawyers that litigation should now be a last resort, and it is vital that clients find a sympathetic family lawyer skilled in the latest dispute resolution techniques.

Please speak to us for a confidential discussion on what might be right for you.

For more information please contact us on:

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or call us on **020 7101 3090**

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