



Mediation & Collaborative Law



Southampton's premier law firm - providing a full range of legal services to individuals and businesses across the Solent region for over 190 years.

Our aim is simple...

“To recognise and respond to our clients’ needs with prompt, clear and practical advice, based on a thorough knowledge of their situation.”

Finding a Better Solution

What happens in Mediation?

What happens in Collaborative Law?

What areas do Mediation & Collaborative
Law cover?

How We Operate

Paris Smith

We have long been recognised as one of the leading providers of family law services in the South East.

In 1996, we developed a mediation practice as a complement to the existing service. Since then, numerous couples have benefited from mediation both in respect of children and financial issues. We have developed a particular expertise in dealing with complex financial situations and large asset cases.

Collaborative Law is a relatively new service, having been brought to England and Wales from the United States in 2003. We have three qualified collaborative lawyers and are at the forefront of this developing area in the South East.

Mediation

Mediation can be the most sensible and cost effective means of resolving family problems. It provides an extremely effective way for couples to resolve various issues following the breakdown of their relationship.

It is non-adversarial. Both of you are partners in the decision making. It allows matters to be resolved amicably.

It is voluntary.

You must both agree on solutions or there is no agreement. Either of you can leave the mediation process at any time if you are not happy with it.

It helps to clarify areas of conflict.

Most couples have some conflict when their relationship breaks down. The mediator helps you limit the conflict in order to discuss things productively.

It gives you power.

You control the issues to be addressed and you make the decisions over your own lives. You do not have decisions imposed on you by outside sources.

It is best for your children.

The mediation process places children at the centre and reminds you that you are both parents of your children and will have a continuing responsibility and relationship as parents even when your relationship as partners has come to an end.

It is cheaper.

If agreement can be reached between you in mediation, it is likely to be a far cheaper process than fighting through the Courts. As the mediation is conducted by one person, fees are far cheaper than they are when both partners consult individual solicitors on a regular basis.

Collaborative Law

Sometimes described as “Mediation with lawyers”, Collaborative Law is very much a new initiative in the United Kingdom and is increasing rapidly in popularity.

The Courts and the threat of litigation are excluded from the process, and all negotiations take place in a series of face to face meetings between clients and their lawyers.

Collaborative Law is designed to meet the needs of the whole family

Advantages include

Negotiations are very open as a result of the face to face meetings.

Similarly to mediation it is non-adversarial, voluntary and puts you in control of the process, preserving relations between you and your spouse.

You have the support of your collaborative lawyer throughout the process. Other professionals, such as accountants, can be brought into the meetings where appropriate.

What happens in Mediation?

Family mediation is a constructive forum in which a neutral person helps couples to negotiate directly once the decision to divorce or separate has been made. It is an active process in which the mediator helps identify all the issues that need to be resolved at this difficult time. We provide you with the opportunity to negotiate mutually beneficial terms in total privacy. If terms of understanding are reached, this is incorporated into a memorandum.

Mediation is conducted with the aim that there should be no losers - one party should not win at the expense of the other. It helps to eliminate the painful win-lose atmosphere, which is part of an

adversarial divorce. The process is a mutual search for a reasonable solution where resolutions emerge from the process and a settlement is created and accepted by both partners.

What areas do Mediation & Collaborative Law cover?

Mediation and Collaborative Law can cover all the issues arising from marriage or relationship breakdown or can deal with particular limited issues if you specify this at the start.

Your mediator or collaborative lawyer will help you to determine what it costs to live apart and, using that information, together with your current income, will help determine the amount and duration of child/or partner support.

We will help you identify all your marital assets, work out their value and help you to divide them fairly. We will also help you to reach an amicable agreement on all future parenting arrangements.

How We Operate

If you are interested in Mediation or Collaborative Law all you need to do is telephone or e.mail.

In Mediation, you and your partner will be invited to come in for a free consultation. At that time you will be given a detailed explanation of how we proceed. We guarantee that the mediator will remain neutral from the beginning of the process and you can rest assured that both of you will be put on an equal footing from the start.

We ask that you share the fees in a way that is appropriate to your situation, remembering that the mediator is working for both of you. The length of time required to reach an agreement depends on the complexity of the issues involved, but is invariably shorter than proceeding through the Courts.

In Collaborative Law we will see you alone, and will provide details of other collaborative lawyers in the area, provided that we agreed with you that your case is suitable.

Neil Llewellyn Davies is an accredited Resolution trained mediator.

He is also an experienced divorce lawyer and head of Paris Smith's Private Client Division.

Sarah Passemard is a qualified Resolution mediator and an experienced solicitor in Paris Smith's Family Department.

Huw Miles is a Resolution qualified collaborative lawyer. He is also a Partner and head of Paris Smith's Family Department.

Frank Prior, Partner, and Rachel Osgood, Associate, are Resolution qualified collaborative lawyers.

If you would like more information about Mediation or Collaborative Law, or would like to make an appointment, please contact Irene Snow on **023 8048 2267**, or e.mail her at irene.snow@parissmith.co.uk

Fees

We understand that costs are a major concern, and we ensure that our charges are clear. We provide information on our charges before work begins, with our letters of engagement setting out the work involved and the fee basis.

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