

FACT SHEET

Family Mediation - A Bespoke Service

KEY CONTACT



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At Nockolds we have two very experienced family solicitors who are also family mediators, Zen Thompson and Pete Dodd. Both Zen and Pete have trained with Resolution.

In addition, Zen is also an accredited family mediator with the Law Society and the Family Mediation Council, as well as being qualified to provide child-inclusive mediation (direct child consultation) and to be a mentor (Professional Practice Consultant or PPC) for other mediators.

We have experienced mediation both as mediators and as solicitors whose clients participate in mediation. We are passionate about the importance of our mediation being seen as a clear, professional, robust service which adds value for both clients and their solicitors.

We have tried to model our mediation service to deal with some of the concerns and apprehensions solicitors and clients can feel about family mediation.

Structure

CONCERN:

Lack of structure to the mediation process leading to delays and uncertainty.

WHAT WE BRING TO THE TABLE:

We understand that there is no one mediation process that is suitable for all situations. We have experience in dealing with both family and civil models of mediation, including shuttle mediation (separate rooms), mediation with solicitors

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Partner

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present, a series of shorter meetings (60 - 90 minutes each), and longer meetings (half day or full day).

We can offer child-inclusive mediation as well as lawyer-inclusive mediation.

OUR SOLUTION:

Before any mediation takes place, we talk to the clients and their solicitors to understand the issues and priorities so that we can work out the most suitable structure for the mediation process. We discuss the number of meetings, the length of the meetings, whether the meetings will be with the clients together or separate, and whether their solicitors will be present at the meetings. We then outline clearly in writing a bespoke plan, including costs and timescales, so that everyone knows from the beginning what they are working towards, as well as the time frame and costs involved.

We encourage clients to allow us to keep both them and their solicitor updated at every stage so that everyone is aware of the progress and what is happening.

We reflect with clients at the end of each meeting on the progress made and how they feel about the process so far. If we feel that they are not engaging in the process or that the process is not working for them, we tell them.

Information

CONCERN:

Lack of full disclosure in mediation leading to extra costs and delays.

WHAT WE BRING TO THE TABLE:

As family solicitors with a lot of experience of court proceedings, we know what financial disclosure is necessary to provide clients with advice before negotiation. We understand and have experience of dealing with more complex financial issues, including pensions, business assets, share options and bonuses. We respect the need for solicitors to be satisfied that there has been sufficient disclosure so that they can advise their clients.

OUR SOLUTION:

We expect clients to provide the same level of disclosure in mediation as they would if they were in court proceedings. We provide clear expectations and standards in relation to full financial disclosure before negotiation, including agreeing timescales and deadlines, with opportunities for solicitors to check and request further disclosure before providing advice on options for settlement.

We are always alive to the possibility of team-working. There is often a need for involvement of experts, such as financial/tax experts, pension experts, valuers and family consultants. We will raise this with both clients and their solicitors and offer ways for these experts to be involved in a neutral way. We can also provide child-inclusive mediation where the clients and their solicitors feel that the voice of the child should be heard in the mediation process. For more information

about child-inclusive mediation, please see our separate fact sheet.

Advice

CONCERN:

Clients being on their own and vulnerable in mediation, and making decisions without legal advice, leading to delays and increased costs.

WHAT WE BRING TO THE TABLE:

As family solicitors, we understand that legal advice at every stage is vital for long-lasting outcomes through mediation. It is also vital that solicitors feel involved in the mediation process, so that their clients feel fully supported and able to fully engage in the mediation process. Although consideration of mediation is the initial stage in the court process, we would never want clients to feel that they were forced into mediation, and understand that mediation is not appropriate in every case.

OUR SOLUTION:

We always encourage mediation clients who do not have solicitors to find a solicitor who can advise and support them through the mediation process.

We encourage clients to take advice from their solicitors at every stage of the mediation process, not only in relation to what is discussed in mediation but also on whether mediation is, or continues to be, the right process for them.

Documents

CONCERN:

Lack of clarity as to what was discussed in mediation, which options were chosen and why, leading to delays and increased costs.

WHAT WE BRING TO THE TABLE:

As experienced family solicitors, we know what information we want in mediation documents to help us advise clients and prepare any final court documents. As solicitors, we want to see full disclosure of all the relevant information and evidence that all the issues and all options for settlement were discussed.

OUR SOLUTION:

In the Open Financial Statement, we set out clearly all the information and documents which was provided, as well as what information was requested but not provided. We encourage clients to allow us to send a full copy including the documents directly to their solicitors as well as to the clients.

In the Memorandum of Understanding, we set out clearly all the issues which were discussed and

why, as well as the issues which were not discussed and why they were not discussed. We also set out clearly for each issue the options for settlement which were discussed and explain why certain options were not taken further and why a certain option was chosen.

Rather than waiting until the end, we often prepare these documents in draft during the mediation process, so that the clients and their solicitors can see clearly what stage has been reached.

We actively seek feedback from clients and solicitors throughout the process about what works and doesn't work for them.

For more information and to find out how we can help you, please contact us on 0345 646 0406 or email enquiries@nockolds.co.uk and a member of our Team will be in touch.

This fact sheet has been provided for information purposes only and should not be construed as legal advice. Whilst every effort has been made to ensure that the information in this fact sheet is correct (as at February 2022), it is intended as a guide only and should not be relied upon. Specialist legal advice should be sought so that all the factors specific to your circumstances can be taken into account.