

# Options on the Resolution Pathway

## NEGOTIATIONS

- Negotiation is the usual starting point in resolving issues but this may not always be the case. Reaching an agreement is the aim.
- Negotiations can take a variety of forms, e.g. between solicitors, between parties or a combination of these.
- The success of negotiations depends on many factors including, adequate exchange of information and parties preparedness to consider a range of possible outcomes.

## MEDIATION

- Mediation is a form of dispute resolution. It is chaired by an impartial facilitator.
- No decision is forced upon the parties, rather the parties are encouraged to reach an agreement.
- Mediation is only compulsory if a parenting arrangement cannot be agreed and an application to the Court is to be made.
- There are a range of mediation formats and styles so it is important to speak to your Family Lawyer to determine whether the process is suitable for you.
- For the process to work best each party should provide full disclosure of their financial information and any other relevant factors to the other party, prior to the mediation.

## AGREEMENT

- The hope in all situations is that an agreement can be reached. If an agreement is reached you should speak with your family lawyer about how it should be documented.
- If an agreement cannot be reached there are two options for getting a binding decision made.

## ARBITRATION

- Arbitration is a process that is entered into voluntarily. It is like a court in that, it is conducted as a normal legal process and its decision is binding, the same as if an order made by a Judge. The difference is that the decision is made by an Arbitrator who is usually a Senior Barrister, not a Judge. The benefit of the arbitration process is that it is usually less expensive than a Court hearing and decisions are made more quickly.

## COURT

- If no agreement is reached, Court is the end of the litigation process. Very few disputes get to a final hearing. It can take time to get to a final hearing (due to Court delays) and it can be costly. Specialist Family Law advice relating to your situation is essential if you are facing a final court hearing.

Obtaining professional legal advice is critical if your matter proceeds to a Court Hearing. We offer a fixed-fee initial consultation. *Protect your rights, get in touch.*

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