



PRETTYS

FOR PEACE OF MIND

HOW TALKING CAN WORK

Prettys' Family Team is unique in exploring with each client the best method to resolve conflict, however it may arise. The way you resolve difficulties with your partner is going to have long-term consequences for how you and they work together into the future, especially where children are involved. The traditional approach is for lawyers to write letters back and forth, but this takes time, is unwieldy and often leads to misunderstanding. Prettys favours a different approach that focuses on dialogue, whether this is for a client and their ex to talk face-of-face, or, when we talk to the other lawyers or professionals involved. We know that talking works, which is why we encourage it.

So, what are the options?

MEDIATION

Mediation offers a constructive forum within which a separating couple can work together with a mediator to determine what they need to resolve, and how they propose to resolve it.

Mediation suits relationships where there is not a significant power imbalance and where a

couple are willing to work together to reduce conflict and avoid court. The mediator focuses on facilitating and encouraging dialogue, reframing conversations to find compromise and positivity. Mediation is intended to be quicker and cheaper than other legal processes because a series of meetings (either face-to-face or via Zoom) take place at the clients' pace with a focus on forward momentum, and with the cost shared equally.



'KITCHEN TABLE'

This is ideal for couples who can have amicable and reasonable conversations even if tensions occasionally arise. The need for solicitor input is likely to be limited to background advice and guidance, and helping you with the legalities and practicalities of recording childcare or financial arrangements. Otherwise, you and your partner are able to talk privately at home or in a neutral environment, with or without the assistance of family or friends, to reach agreements that suit each of you. Discussions like this allow for greater creativity and send a positive message to any children involved to reduce tensions for them, and you. Kitchen table working is also the cheapest way to resolve difficulties.

TALKING WORKS

RESOLVING DIFFERENCES DIFFERENTLY





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COLLABORATIVE WORKING

Collaborative law is a specific legal process designed to discourage threats of litigation and to encourage round table working. Collaborative law requires a solicitor for each of you trained in collaborative law practice, and all four of you sign a Participation Agreement. An agenda is agreed for each meeting, and discussions take place in a round table format. The Participation Agreement records that if either of you becomes frustrated and threatens litigation the collaborative process fails. You must each then disinstruct your solicitors and find new solicitors. The signing of the Agreement is intended to keep you each focused on continuing to work round table, even if at times this is difficult. Working collaboratively is a commitment to keeping conflict to a minimum and avoiding court process.

ROUND TABLE

Round table working (which can also be an online format such as Zoom) is not dissimilar to the ethos of 'kitchen table' working. It is a little more formal because it brings your respective solicitors into the conversations and the four of you work together to find solutions. Round table working is distinguished



from collaborative working because in round table you can use any rules you need for the case, rather than having pre-set rules in a Participation Agreement. Round table can therefore be more creative. If an impasse arises, either solicitor can make suggestions to compromise, consider issues differently, give legal advice there and then, and move matters forward. With the four of you working round table, there is a

genuine willingness to resolve matters quickly, minimising conflict, and saving expense. Round table also offers flexibility to help you consider the other's point of view and lays a solid foundation for moving forward together as co-parents.

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HYBRID APPROACH

Creativity is a benchmark of the Family Team. We realise that one size does not fit all our clients, and so we do not limit the way we work to just one of the above if a combination works better. Wherever possible, we telephone rather than write to encourage dialogue, round table working and to avoid misunderstanding or bad feeling. We do not encourage clients to hide behind their lawyer, rather we work alongside you as a team, with other professionals as necessary, to empower your decision making and mental and emotional wellbeing to give confidence and control back to you.



AND, WHAT IF TALKING DOES NOT WORK?

Our Family Team has many years of experience working in and outside of court process. Whilst the benefits of keeping matters out of court are obvious, we also recognise that some cases simply cannot be resolved by discussion due to, for example, complex legal issues that require determination by a judge, or, because safety and welfare of adults or children are a concern. In these circumstances, we will continue to do what we can in between court hearings to find points of compromise and narrow issues. We will liaise with your partner or your partner's solicitors so far as is practicable to try and reduce the number of court hearings needed, which will reduce stress and expense for you. Where court hearings are unavoidable, we work closely with highly-experienced barristers and other experts, who are well-known to us, to build a team of professionals around you who you like and trust.

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