How do you reach agreements when you disagree?

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It's difficult to know where to start if you have a dispute with your partner or ex partner. This is especially so if it is of fundamental importance.

I regularly advise on disputes which can involve divorce/separation, children, and splitting up family assets. If you can't reach agreements face to face because trust is at an all time low and emotions high, there are different methods you can try. In an early meeting with a lawyer you can expect to come away with knowledge not only about your legal rights, but also a practical plan as to how to actually go about trying to reach an agreement, including what method to use.

After you are clear about the strengths and weaknesses of your legal position, you are likely to be encouraged to consider if mediation would be a practical approach. In this process, both parties meet with a mediator for an initial session where you decide if mediation is the right route for you. The aim is to arrive at a range of options which you then can consider with legal advice. Mediators come from a variety of professional backgrounds. Some, including myself, are qualified to include your children in one meeting, if agreed. This is very carefully arranged and discussed beforehand, and choreographed, so that the child/ren's needs are kept firmly in mind.

Once agreement is reached on finances, it can be transferred into a binding court order through a fairly simple legal process. Agreements reached regarding children do not usually have to go through the legal process, and you can discuss with your lawyer how to ensure everyone abides by the terms of the agreement, and what to do if problems arise over time.

Another model is known as collaborative law. In this process, most of the work takes place in meetings with you and both solicitors at the same time. Collaborative law offers the opportunity to agree on the widest range of issues, often with fine tuning. You are encouraged to agree on the principles you would like to follow. It has its own rules that make it distinct from the alternative, which is to use a solicitor to negotiate for you, with their advice.

If agreement can't be reached in one of these ways, you can go to the court where there is a good system for settling financial disputes. You both work towards a meeting at the court (a Financial Dispute Resolution Hearing) when you will have exchanged financial information in advance. At that hearing, everyone basically rolls up their sleeves and gets down to settling there and then, with a Judge available for guidance.

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