
UNDERSTANDING FAMILY MEDIATION AND COLLABORATIVE LAW

By Leisa MacIntosh, Family Lawyer & Mediator

The Family Centre provides you access to experienced Family Law lawyers whose goal is to help you find the best outcome to your situation. The Centre also offers access to multi-disciplinary professionals who may join the Team in helping to resolve your issues.

Family Mediation

Family mediation is a confidential, cost-effective process that helps clients create mutually satisfactory agreements. Mediation empowers the parties in dispute to resolve their conflict themselves, making for better outcomes and avoiding the risk and cost of litigation. It is a non-adversarial process where parties participate in frank, open dialogue structured and managed by the mediator. Mediation can begin at any time during your dispute and may include lawyers who were previously involved in the file.

Our mediators are experienced family lawyers. While our mediators remain neutral and do not provide legal advice, the mediator may provide input on how certain issues are normally addressed by our Courts. At the end of the mediation process the mediator will create a legal document incorporating the agreement for signing by the parties. In cases of separation and divorce, our mediators can prepare the Separation Agreement and all Divorce documents.

During this process you will be encouraged to obtain independent legal advice on an as needed basis as well as at the conclusion of mediation.

Through mediation you are provided with an opportunity to learn skills for better communication and cooperative problem solving, which you can carry into future dealings with each other and other relationships.

Collaborative Family Law

Collaborative Family Law provides separating couples an opportunity to resolve issues during and after relationship breakdown in a way that is uniquely tailored to consider the needs of each family member.

The Collaborative process involves you, your former partner and your respective lawyers meeting together and identifying the issues and concerns resulting from separation. Everyone then works together in an open, problem solving manner to negotiate a solution that works for all. Where the traditional legal approach has lawyers doing most of the work behind the scenes, the collaborative process sees most work taking place in open meetings with everyone present. Your Collaborative lawyer remains your advocate and provides you with legal advice. Your lawyer will also pay attention to the

needs of your former partner in order to develop solutions that meet everyone's needs and promotes resolution.

Recognizing that separation is not a strictly legal process, Specialist Advisors may be asked to help resolve difficult issues specific to their area of expertise. For example, child/family counseling, financial planning, and employment counseling.

The Benefits of Collaborative Law and Family Mediation

In both processes you and your former partner control the outcome and the decisions made along the way. Conflict and stress are reduced knowing Court will not be used. Creative options beyond the traditional legal approach are generated.

Both processes generally lead to a better post separation relationship and the acquiring of conflict resolution tools for future use.

Both processes are more focused and therefore efficient, time effective, and less expensive than traditional legal methods.

