

same laws different solutions

The GLBTI community has the benefit of many of the same laws that apply to the wider community. This doesn't mean, though, that the traditional solutions are the best.

What makes Forte Family Lawyers different?

We will talk to you about what you want to achieve. The outcome is important, but so is how you get there. A traditional legal solution might be best. It might not.

We will talk to you about the things that matter to you and help you find the best way forward for you and your family.

Most people are concerned about:

- How much **control** they will have in deciding what happens
- The **cost**
- The **time** it will take to resolve it

Our experience is that the GLBTI community is also concerned about:

- **privacy**
- the impact of **conflict** in a small community
- **being judged** by standards that are different from your own

What are your options?

Some lawyers only offer going to Court and lawyer-led negotiations.

Forte Family Lawyers offers you a variety of ways to resolve your disagreement.

We regularly work with other professionals such as counsellors, psychologists, financial planners and outside mediators to find the best solutions for our clients.

Collaborative practice

In this process you and your ex partner agree to discuss your settlement in a series of meetings with the two of you and your lawyers. All four people agree:

- to negotiate a settlement
- to not go to Court
- to not to threaten to go to Court
- to fully disclose all relevant information
- to act respectfully towards each other

Once the threat of Court is off the table, you and your ex partner will feel much freer to discuss issues openly and find appropriate solutions.

Your lawyers help you with the negotiations and, if necessary, provide you with separate legal advice.

You and your ex partner can design the process. You set the dates for the meetings, work out what is to be discussed and whether or not you want other professionals involved. For example, you might both see a psychologist to discuss parenting issues.

All of this can be done in a way that is consistent with your values and respectful to your relationship and your family.

Mediation

We offer mediation in house (Belle Lane is a trained mediator and family dispute resolution practitioner) and we also work with other agencies that provide mediation services.

The mediator's role is to help you to identify the issues that you want to discuss, help you to discuss them and help you to negotiate an agreement. The mediator is in charge of the process. The mediator doesn't provide legal advice. Mediators encourage you to have legal advice before the mediation starts and before signing any agreements.

Interest based negotiation

Traditional negotiations can end up feeling like "horse trading". You take one position, your ex partner takes another position and you meet somewhere in the middle. The ultimate settlement often has nothing to do with what is in everyone's best interests. This type of negotiation works on a "you win / I lose" mentality. That is, whatever you "win", I must "lose". Life is not that simple.

Interest based negotiation is different from traditional negotiation. We help you identify the interests of you and your ex partner. We help you find both the interests you have in common and the different interests you have.

Many people are surprised to see how many interests they have in common. For example: most parents want to minimize the impact of the separation on their children and want their children to have a loving relationship with each of them. Starting from this base, many parents are able to find workable solutions.

In financial matters, most people would prefer to keep legal fees, bank fees and taxes down. They would like to maximise the amount of money that stays in their family.

In interest based negotiation we look for lasting solutions. By addressing your different interests you are both likely to stick to the agreement and feel comfortable about it in the longer term.

Arbitration

Arbitration is private judging. You and your ex partner engage a lawyer (barrister, solicitor or former judge) to make a decision on your behalf. You pay them a fee, provide them with evidence and they make a decision that is binding on you.

This is a great option for people who don't want to spend significant amounts of money on litigation. Arbitration can be useful in very complex matters or where you may want greater privacy or a quick decision.

Med/arb

This is a combined process of mediation and arbitration where you dedicate an agreed amount of time to mediate issues with the mediator. If you can't reach agreement the mediator changes hats, becomes an arbitrator and decides any outstanding issues.

Litigation - Going to Court.

There is a place for litigation in our society but for most families it should not be the first port of call:

- Many things are said in Court (or by affidavit) that cannot be "unsaid"
- People are encouraged to take positions very early on and it is often hard to move away from these positions and negotiate a settlement without losing face
- When people have spent money on legal fees they can become financially and emotionally invested in "the fight". It can be hard to step back from that point and reach a good agreement

It would be safe to say that no one's relationships are improved by litigation.

Litigation is sometimes necessary. For example, where there are issues of family violence, drug use, mental health problems or when one or both parties are unable or unwilling to negotiate. Sometimes there is an important or contentious question of law which can't be easily agreed. We are more than happy to act in litigation matters and regularly do.

Forte Family Lawyers will have a different conversation with you and find better solutions.

The contents of this brochure are not legal advice and not to be used as such. People should obtain their own legal advice.

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