



## Facilitating change

Legal solutions to help you achieve closure.



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Australia's leading team of accredited law experts.

## MEDIATION AND ARBITRATION

### An Ideal Alternative to Court

#### What is Mediation?

Mediation is a form of dispute resolution which works to solve disputes between two or more parties without having to contend with the judicial system. Mediation is a less adversarial process than a Court based one. It is a meeting or series of meetings, where an independent and neutral third party (known as the mediator) leads and facilitates discussion between the parties to a dispute and assists those parties to negotiate and if possible reach an agreement.

#### What is Arbitration?

Arbitration is another form of dispute resolution. The parties to a dispute refer the dispute to arbitration by an arbitrator. The arbitrator reviews the evidence in the case and imposes a decision that is legally binding on both parties and enforceable in the Courts.

#### Advantages to Mediation

- Creates a positive climate for joint decision making;
- Improves communication (essential for co-operation as parents);
- Facilitates negotiation and agreement;
- Can deal with all parenting and financial issues together;
- Can be arranged quickly and is confidential and discreet;
- Avoids the delay, stress, costs and adversarial nature of Court proceedings;
- Involves the assistance of a neutral independent and experienced person (the mediator);
- Satisfies legislative requirements prior to commencing Court proceedings if necessary (i.e. the issue of Section 60I Certificates).

#### Advantages to Arbitration

- In contrast to litigation, where one cannot "choose the judge", arbitration allows the parties to choose their own arbitrator. The arbitrator chosen can be an experienced expert in the field;
- Arbitration is much faster than litigation in court. The dispute can be resolved in six (6) weeks not three (3) to six (6) years; and
- You can request arbitration on a specific issue or all issues in dispute.

**Click here** to see "Why choose a Watts McCray Family Law Mediator, Arbitrator or Collaborative Lawyer?"

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