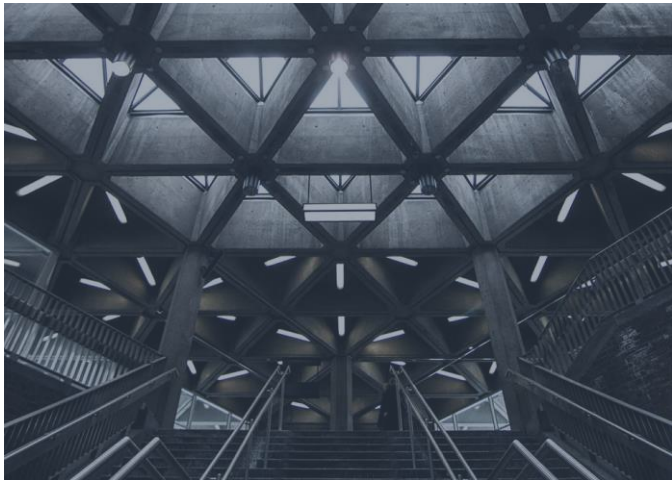


YOUR FAMILY MEDIATION QUESTIONS ANSWERED

What is mediation?

Mediation is a process where a neutral and skilled mediator can assist families who are in conflict to work out arrangements for themselves and their children. Mediation is a voluntary process that can help two sides to reach an acceptable solution to their differences. A mediator can help the parties to examine ideas and options in a neutral, safe environment where they are both free to express their opinions. Family Justice treats the mediation as confidential and does not provide information to any third party, except where the parties expressly agree to this (such as sending summaries to your respective attorneys, if they have not taken part in the mediation).



**“Every courtroom
needs a case but
not every case
needs a
courtroom.”**

LAWSON  LEGAL

What is litigation?

Litigation is the process of taking a dispute to a court of law. This process is complicated and formal, involving a series of technical steps in terms of the prescribed rules of the court. The parties are dependent on the experience of their legal representatives and the court's interpretation of the facts of their case and the law, thereby placing the outcome of their case in the hands of other persons. The alternative to litigation in family matters is conciliation, mediation and facilitation.

Why choose mediation over litigation?

- **It costs less**

The average cost of a litigated maintenance matter (increase/ arrear maintenance) can easily be more than R30 000 and the average cost of a mediated matter is usually less than R4 500.

When both spouses use one mediator they can share the cost. If they decide to mediate the dispute, they can expect to save more than 75% on legal costs. Should they choose to appoint an attorney, his or her fees should be discussed at the first consultation to avoid any later surprises. Litigation can easily trigger increased conflict, resulting in increased legal costs. A mediated divorce is typically settled in 6 hours or less.

For those who cannot find settlement through mediation, traditional legal intervention through divorce attorneys is always available as the next step.

- **Control over decisions**

Would you prefer to make your own decision regarding your family, or would you rather let someone else decide on your behalf? When a family dispute goes to trial, the court will decide what is best for you and your family. You will then have to abide by the court's decision. A better approach is to sit with your ex-partner and a Family Justice mediator and spend as much time as is needed to agree on the issues at hand. According to statistics, mediation takes 95% less time than court proceedings.

- **Most cases settle**

Did you know that most lawsuits settle on the doorsteps of the court? Why then not mediate your case from the outset? When the case is settled through mediation, the agreement can still be made an order of court.



- **More enduring agreements**

When “solutions” are imposed on people, they are more likely to resist them. A court may order certain specific conditions (such as a child visitation schedule) in a litigated divorce. This may cause one of the parties to comply reluctantly, leading to on-going strife, friction, and misery.

People who work together voluntarily to create a shared, mutually beneficial plan have a vested interest in the success of the plan. There is a much higher likelihood of the parties abiding by such a mutual agreement and having less conflict in the future.

- **Easier**

Mediation is the easier way. Less court. More control. Less stress. Lower costs.

MEDIATION IS RIGHT FOR YOU IF:

1. Children are involved and you need to act swiftly in the best interests of the children
2. You wish to save money
3. You are not prepared to go through a long and costly court process

Mediation is not the only alternative to a formal court experience, but it is one to consider seriously.

General Disclaimer: The information in this document is for general information purposes only and does not constitute legal advice. Each person's situation is different and you should get specific advice for particular needs.



- **Less stress**

Compared to litigation, mediation is much less stressful. Lawson Legal mediators insist that the parties communicate in a respectful and non-threatening manner. The process is easier and less formal than traditional litigation.

- **Neutral perspective**

A Lawson Legal mediator is strictly neutral and impartial; he or she does not act for either party. The mediator asks the tough questions and steadily moves the process towards understanding and settlement. Mediation is strictly confidential and nothing that you say can be used against you in future.

In the event that you have any questions, please do not hesitate to contact us on 061 672 3670 or email us on advjadelawson@outlook.com for assistance.

Alternatively, you can visit our website at www.lawsonlegal.co.za and book your session with us today.

