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solicitors

# ALTERNATIVE DISPUTE RESOLUTION & FAMILY LAW

Does Alternative dispute resolution  
hold the key for avoiding court?

# 20 MINUTE CONSULTATION

Do you want to know Alternative dispute Resolution & family law?

We provide a completely confidential, no obligation, [free 20-minute appointment](#) to discuss your unique situation and legal options.

[Call us now on \(07\) 3236 0001](#) and you can start to build some certainty and direction in this stressful and unsettling time.

# FIXED FEE APPOINTMENT

As an alternative to the 20 minute consultation, we offer an initial appointment for up to 2 hours for a fixed fee of \$440 (inc GST).

This longer appointment enables us to obtain more comprehensive information from you and provide you with more comprehensive information relevant to your circumstances.



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# ALTERNATIVE DISPUTE RESOLUTION & FAMILY LAW

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## ALTERNATIVE DISPUTE RESOLUTION & FAMILY LAW

Divorce rates high on the list of life's most stressful events. Everything that is familiar in your life is about to change dramatically. If you are not the party initiating the divorce, the stress is even greater. Your world is about to be turned upside down, and you need professional assistance to get through this crisis without losing everything that's important to you. A divorce lawyer can guide you through the complexities of property division, child support, and custody arrangements. Don't attempt to try and resolve such critical issues on your own: you have too much to lose.

### Work With Your Lawyer

When you hire a lawyer to take care of your divorce, you still have a lot to do with its success or failure. Not every lawyer has the same style, personality, or approach in representing your case in court, and you must trust him or her to make your case in the most positive light. Your lawyer needs your cooperation. Provide all the documents you are asked for, any evidence you have (phone and text messages, emails, written notes, and similar evidence), financial documents, loans, investments, retirement funds, deeds, and all other assets. Don't keep secrets from your lawyer. When secrets come out in mediation or court, you place your lawyer at a disadvantage. He or she cannot adequately represent you unless they have all the details, whether you are the victim or the defendant.

### Detailed Communication

Listen to the advice of your lawyer, and ask questions if you are uncertain about something. Communication is a two-way street, and it is critical if you expect to reach an agreeable settlement in your divorce. Your lawyer represents you, and without communication and cooperation the results may not be what you want. Don't miss appointments, provide documents on time, answer his or her questions honestly, and listen to the instructions and counsel your lawyer offers you. The stress that comes with a divorce makes it difficult to make wise decisions, and that makes your lawyer's advice so crucial. He or she is not dealing with the stress and emotional turmoil you are and can look at the facts in a critical manner before making decisions.

### Set The Right Goals

The goal of your divorce should not be to attack your spouse, nor make him or her as miserable as you possibly can. If there are children, your attitude can help or hurt them as their lives are also being upended and split apart. Your goal is to get the very best result you can, and that endpoint is where you need to exert your energy. Don't send nasty emails or leave threatening voice / text messages that will arm your ex-partner with ammunition to use against you during any divorce proceedings. Instead, listen to your attorney's advice. Remember that no matter how much you have been hurt, your goal is to protect your financial interests as much as possible.

### Understand The Importance Of Mediation

Divorce proceedings represent some of the most contentious types of legal proceedings in courthouses all around the world. One primary objective of a judge in divorce and separation cases is to try and employ resources that may work to lessen the tension between the parties in marital dissolution proceedings.

A resource being more widely used by courts across the country to aid in making divorce cases smoother running proceedings is mediation.

Divorce mediation is becoming commonplace in the 21st century in Australia. Divorce mediation is a process through which parties to a divorce meet, and through the guidance and assistance of a trained mediator, work toward a negotiated settlement and resolution of their case. A divorce mediator does not make decisions for the parties. Rather, the mediator enhances and furthers the settlement process through his or her expertise in communication and dispute resolution.

## Fundamental Benefits Associated with Divorce Mediation

### Save Money

A key benefit associated with divorce mediation is that, in most cases, the process saves money. The success rate associated with divorce mediation is relatively high. Therefore, a case submitted to a mediator is less likely to face the financial cost of protracted litigation and a divorce trial.

### Save Time

Barring the settlement of a divorce case, this type of judicial proceeding can drag on for a significant period of time. When a mediator is involved in the process, the prospect of reaching a settlement increases, according to the Australian Mediation Association.

### Mediation Cost Far Less Than Litigation

Hiring a mediator to handle your divorce is generally less expensive than going to court. Before doing so, you need to discuss the fees with the mediator so that you have a clear understanding of the cost.

### Choose the Right Lawyer

Divorce can be ugly. It's critical to hire an experienced divorce attorney to assure you are not financially taken advantage of in the process. It may be counter intuitive, but hiring a good lawyer can actually save you money in the long run.

## Fast, Fair and Reasonable Resolution

Taking appropriate action to protect yourself with the endgame being a fast, fair and reasonable resolution for all parties will save everyone significant stress, and money. Move on with your life and focus on building the next phase of your life.

Marriage can be wonderful, but it is not without its share of turmoil. Every married couple encounters conflict and disagreement along the way. Plus, there are outside influences which can also increase the stress load within marriage.

The most common culprits causing marital problems include money issues, different parenting styles, clashes with in-laws, and religion. These factors and others can contribute to the rising stress levels in a marriage, and could potentially result in divorce.

But while every marriage deals with these potential conflicts, not every marriage ends in divorce. Here are five principles for resolving conflict and building a prevailing marriage.

Helpful Tips To Implement In Your Dispute

## 1. Consistently show respect for each other, even when you disagree.

Within a marriage relationship, spouses lower their guards and reveal more of who they really are. This is healthy, and the relationship can greatly benefit from honesty and vulnerability. However, with the increased familiarity comes the potential for unguarded attacks. Couples often say harsh and hurtful words to each other, which they would never say to anyone else. Disagreements are inevitable, and by working through them your marriage can become stronger. But be careful not to disrespect each other by throwing insults or embarking on personal attacks, as these can create barriers in your relationship.

## 2. Learn to communicate with each other.

According to the American Counseling Association, fifty per cent of divorces result from a lack of communication. So, it is vital that you communicate with your spouse, preferably in a way that does not include nagging or sarcasm. Instead of speaking in terms accusing them of what they have done, speak in terms of how you feel.

Communication requires both talking and listening. When your spouse is speaking, pay attention to what they are saying. It may help to repeat what they are saying in your own words. If you are uncertain of what they mean, ask for clarification. This is especially important when dealing with sensitive issues, as misunderstandings can lead to more severe conflict.

Pay attention to non-verbal communication, too. Albert Moravin, a researcher at UCLA, has determined that we communicate seven per cent of our feelings through words, thirty-eight per cent through our tone of voice, and fifty-five per cent through body language, including such things as facial expressions, eye contact, and posture.

By learning to communicate, you may be able to avoid some conflicts completely. And when you do encounter conflict, good communication skills will help you find a resolution.

## 3. Invest time in your relationship.

Time is a commodity that does not replenish itself. Once you give away your time, that time is gone. So, when you give your time to your spouse, you are letting them know how valuable they are to you.

It can be difficult for couples today to make time with each other a priority. Especially if one or both spouses work on rotating shifts, it can seem as if you are ships passing in the night. Time together can be hard to come by.

But a prolonged period without quality time together will erode your marriage. That is why you must create time together. Perhaps designate a weekly "date night" which you guard with a passion. Or schedule semi-annual trips together, even if only for a weekend. Leave your work at home and enjoy the time together.

## 4. Settle disputes instead of waiting for them to "blow over."

There is wisdom in the old adage, "Don't go to bed angry." Anger can quickly turn into resentment and bitterness, so be proactive in resolving your differences.

At the same time, allow for a brief cooling down period when confronting an issue. When you are both coming from a position of animosity and you are ready to attack, it is unlikely that your time will be productive. So, take the proverbial walk around the block, allow the aggressive impulses to pass, and then come together to discuss the dispute.

## 5. Focus on resolving the problem rather than attacking your opponent.

In heated disputes, couples will often point fingers and cast blame at each other. This only serves to escalate the problem and places all the responsibility on your spouse. This in turn puts them on the defensive, and you are left with a no-win situation. So instead of attacking the person, attack the problem. Approach the problem as a team rather than as adversaries.

Also, admit your own responsibility for the problem rather than placing the fault entirely on your spouse. By acknowledging your own responsibility, you can create a willingness to work together toward a solution.

Your marriage is worth protecting. Yes, conflicts are inevitable. But together with your spouse, you can overcome them. You can preserve your marriage and even strengthen it by following these five principles.

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