



Should I have a lawyer for my family law mediation?

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E&A Lawyers has made the decision to no longer provide family law services. While we no longer take on any new family law matters, we are happy to assist by referring you to lawyers specialising in this area. Please don't hesitate to contact us if you would like a referral.

[CALL US IF YOU'D LIKE A REFERRAL TO A FAMILY LAWYER: 02 9997 2111](tel:0299972111)

Mediation is a popular method of dispute resolution in Australia. Despite mediation being more efficient and cost-effective than court proceedings, it is common for parties to a family law dispute to be unsure where to start. In this blog, we explain what mediation is and the benefits of mediation, before outlining how a family lawyer can assist you in this process.

What is mediation?

[Mediation](#) involves the parties to a dispute voluntarily working to reach a resolution without the need for filing in the Family and Federal Circuit Court of Australia. During family law mediation, an independent party acts as a mediator to guide the parties in reaching an agreement.

Essentially, the mediator acts to facilitate communication, identify issues and explore possible solutions to assist the parties in resolving their matter. The mediator has no decision-making power in the process and must remain an independent and impartial party.

Mediation is included in [Family Dispute Resolution](#), which is a [pre-action process in the Court](#) that parties must engage with before filing an application for the court to decide a matter (with limited exceptions).

The benefits of mediation

There are many benefits of mediation in family law:

- 1. Cheaper:** Mediation will usually be more affordable than Court proceedings.
- 2. Faster:** On the same note, mediation is often quicker than Court proceedings. Sometimes an agreement may be reached within only one day, or even half a day, of mediation.
- 3. Control and flexibility:** You will have more control over the resolution at mediation. There is more flexibility for the agreement to be tailored to unique circumstances.
- 4. Preservation of relationships:** Maintaining an amicable relationship with your former partner is crucial in resolving family law matters efficiently, particularly where there are children involved.

Do I need a lawyer to represent me at a mediation?

You are not required to have a lawyer represent you at a mediation, and services like Relationships Australia can assist in facilitating these non-lawyer mediations.

However, if you are able to, having a lawyer represent you at mediation can provide significant benefits for you.

Lawyer-assisted mediation is usually more efficient and more cost-effective

Seeking advice from a lawyer before mediation will increase your understanding of your position and potential results.

Having a lawyer who is experienced in family dispute resolution present during mediation will also increase the efficiency of the process. As a result, the time spent in mediation will likely be less than if you did not have a lawyer present.

With less time comes less cost. The efficient resolution of a family law dispute, particularly those involving a [parenting dispute](#), is also favourable for the preservation of relationships. A prolonged and expensive dispute often strains the relationship.

Your lawyer will advocate for your interests

Remember, mediators must remain impartial. Therefore, the mediator will not be able to provide any advice to you or the other party.

Part of your lawyer's job will be to advocate for you during the mediation and ensure that your interests are being adequately represented. Without a lawyer experienced in navigating dispute resolution, parties may become stuck and unable to reach an agreement.

Lawyers are skilled at effective communication

In the same way that a lawyer will advocate for you during mediation, they will also be able to assist in effectively communicating your needs, even when there may be any imbalances between the parties. This is one area where it is very important to consider lawyer-assisted mediation.

Reaching an agreement and drafting settlement documents

If an agreement is reached during mediation, having a lawyer present means that they can review the proposed agreement. An experienced family lawyer will ensure that any agreement reached is in line with your rights and obligations.

A family lawyer will also assist in preparing the necessary documents, such as consent orders, to ensure the terms reflect the intentions of the agreement and will ensure proper formalisation of the documents, including filing these in the Court.

Get help from a family lawyer

Lawyer-assisted mediation in family law can be a highly effective way of resolving matters in a cost-effective and timely manner, which reduces stress and anxiety for all parties. This would not otherwise be available if a matter was to go to Court to make a decision for you.

Our family lawyers are experienced in mediation and passionate about resolving matters without the costs and stresses caused by court proceedings. If you would like our assistance, please get in touch or get started with our online tool today.

Contacting E&A Lawyers

For more information or to arrange a consultation with a lawyer, you can call or email us.

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