

3. Litigate in Person

A 'Litigant in Person' will represent themselves in court without a legal representative. They will present their own evidence and speak up for themselves in court.

What are the benefits of litigating in person?

- It can be more cost effective
- It can give the litigant in person a feeling of empowerment
- The litigant in person will know their own case better than anyone else

What are the disadvantages of litigating in person?

- Odds stacked against them in court, legal knowledge = power!
- It slows up the court process - complicated legal jargon often needs to be explained.
- Court cases often overrun.
- Information provided by the self-litigant can be lengthy, lacking in evidence, not factual and lacking in clarity.
- Legal documentation is complicated.
- Communications can often be based on raw emotion resulting in not sticking to the matter in hand.
- Self litigant may feel intimidated by the opponent's Solicitor, the legal jargon and court protocols including the rules of behaviour and the means of addressing the Judge.
- It is extremely stressful



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DO YOU KNOW YOUR OPTIONS?



The Process of Divorce & Separation

The decision to separate is by no means an easy one. It involves making changes to your life and choices about your future. With this comes emotional upheaval and displacement.

If you have separated or are considering separating from your spouse, partner or dissolving your Civil Partnership, you will be wondering where to go for help and support. You may find yourself facing a confusing '*spaghetti junction*' of legal jargon, rules and procedures on top of your '*roller coaster*' of emotions including; shock, fear, guilt, frustration, anger, sadness, disbelief, despair, resentment, bitterness or even relief!



At **Kent Family Mediation**, we have **over 30 years experience** in dealing with all types of issues including property, finances and child related matters. We understand what you are going through and how daunting things can appear when you know that you have important decisions to make which will affect your future.

This leaflet is aimed at educating you (and many others like you) about available options which will enable you to make **informed and timely**

decisions about matters that will affect you (and your family's) future.



So What Are Your Options?

The **options available** to someone going through a dispute are:-

- **Do nothing** and in the future face becoming '**entrenched**' – a situation where, because of an on-going dispute, people will not compromise or try to move forward, become 'stuck in a rut' which results in greater **stress, frustration and anxiety** for all concerned. This could affect:-

Your Wellbeing
Personal Relationships
Family Life
Work

- **Do something** about the situation and take control of the future

The Available Routes for Resolving Your Issues

1. Consult a Solicitor

If you wish to make an application to court the solicitor will instruct you to attend a **MIAM** (Mediation Information and Assessment Meeting) with a **mediation service provider**. This is advantageous to people who are not working or who are on low incomes. As from April 2013 Solicitors will no longer be able to apply for legal funding on behalf of their clients (except under certain special circumstances). Kent Family Mediation Service is the most widely recognised of only two main providers of Legal Aid in Kent.

Some solicitors now offer to work collaboratively with mediation and also offer 'Fixed Fees' for private clients. This provides clients with peace of mind as they will know that they will have acquired legal advice for a set fee which will enable them to budget their finances.

2. Mediation

Mediation is an alternative route to going through the courts to resolve issues of property, pensions, finances and children following any type of break-up or separation; including a Divorce or the dissolution of a Civil Partnership.

The Benefits of Using a Kent Family Mediation Service Mediator

- The confidential process is conducted by an **impartial & LSC Accredited Mediator (the only recognised formal qualification in the mediation profession)**
- 70% of mediation results in some level of agreement.
- It empowers all parties giving them control of any decisions about the future.
- It can be a more amicable way of resolving issues and open up important channels of communication.
- It brings together opposing sides to achieve one communal goal.
- It can take into account the views of any children of the family.
- Any agreement reached can be made legally binding so there's no need to appear in court.
- It is cheaper than going via Solicitors & legal channels.
- 80% of our clients have qualified for legal aid after initial assessment **giving free mediation** and a number of **free hours** with a solicitor.
- For people who don't qualify for legal aid, some local solicitors will work collaboratively with Kent Family Mediation Service for a fixed fee which will enable the client to attend mediation and consult with the solicitor at key stages during the mediation process.

See overleaf for option 3

For our private clients mediation costs less than £1,000 & as little as £205 for child only cases, in comparison to solicitors costs