



Sousa Law



ARBITRATION

This guide will provide a comprehensive overview of Arbitration, explaining what it is, the benefits it offers, and how to decide if it is the right approach for you and your family.

If you, or your lawyer, would like more information about Arbitration please contact us to arrange a free 15-minute online appointment.

Free NCDR Information Appointment

Sousa Law offer a free 15-minute online appointment to provide you with further information about ways of resolving matters outside of the Court process and how we can help you and your family through a relationship breakdown in the best way possible.

This can be a joint or individual appointment and it will be followed up with an email providing you with information on next steps.

To book your free 15-minute appointment please contact us using the information below.

Contact Us

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About Us

Sousa Law is a specialist law firm with specific expertise in helping families resolve matters outside of the Court process. We understand that a relationship breakdown can be one of the most difficult and emotionally draining experiences for individuals and families, particularly when there are children to be considered.

Sousa Law provide a sensitive and compassionate approach. We often work with other neutral professionals, including Independent Financial Advisors and Family Consultants to ensure that you have full support with the legal, emotional and financial aspects of your divorce and separation.

All of our Family Lawyers are members of Resolution (www.resolution.org.uk). They provide proactive, child-focused advice and solutions, reducing the need for Court proceedings.

OUR ARBITRATOR



Catherine Sousa





What is Arbitration?

Arbitration is a private Court process that provides couples with a binding outcome. Arbitration can take the form of a private hearing or it can be dealt with on paperwork and provision of written submissions.

Arbitration can be used for the majority of family law disputes, including financial and children matters. After the Arbitration hearing or the Arbitrator reviewing the paperwork, the Arbitrator will issue a written decision, known as an arbitration award or determination. This is legally binding on the parties. Once the Arbitrator's decision is made, the terms may need to be formalised into a court order by solicitors and submitted to the Court for approval.

Arbitration is an effective option for parties who have reached a stalemate in mediation, collaborative practice, or roundtable discussions. Arbitration provides a clear, enforceable decision on the remaining disputed issues, enabling the parties to reach a final resolution.

Arbitrators can address specific issues which can be particularly beneficial when a couple has reached an agreement on most issues, but they still need help to resolve certain points, without the time, costs and emotions associated with having to go to Court.



How does Arbitration work?

The couple will select an Arbitrator, often with the assistance of their lawyers. It is important to instruct an Arbitrator who has the necessary expertise to determine the specific issues.

In the first instance, the Arbitrator is likely to arrange a short appointment with the couple and their lawyers to understand the issues in the particular case and give guidance on next steps, before formally accepting the instruction.

Once the Arbitrator has accepted the case they may then arrange for a case management meeting with the couple and their lawyers to discuss timelines, case progression, and additional information/documents that may be required to enable them to make a decision.

A date, time and location for the Arbitration hearing will be agreed by everyone. If agreed by the couple and if deemed to be appropriate by the Arbitrator it may be possible for the Arbitrator to make their determination based solely on written submissions and supporting evidence, without the need for an in-person hearing.

If there is an Arbitration hearing the Arbitrator will hear submissions and the couple may need to give oral evidence, similar to the Court process. The Arbitrator will then consider the matter in detail and the applicable law and will then prepare a written arbitration award or determination.



Benefits of Arbitration

1. Cost Effective

As Arbitration can focus on resolving specific issues, it is typically quicker and more efficient which results in lower legal fees compared to going through the lengthy Court process.

2. Faster Resolution

Arbitration can deliver a final outcome much faster than Court proceedings, which can sometimes take years. In contrast, Arbitration can be arranged and completed to suit the needs of the couple and concluded within a few weeks or months.

3. Greater Flexibility

The couple can choose their Arbitrator, the date and time of any hearings and what issues they want to be determined, giving them greater control and flexibility than in the Court process.

4. Maintaining Privacy

Unlike public Court proceedings, Arbitration is a private and confidential process. This helps protect a couple's personal information and ensures matters remain private.

5. Continuity and Expertise

You will have the same Arbitrator from start to finish who will be an expert in their field. Unlike in Court proceedings, different Judges may be involved at different stages.