



SHAW
DISPUTE RESOLUTION™
AUSTRALIA

SHAW DR Capability Statement



Let's Talk...
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SHAW Capability Statement

SHAW Dispute Resolution

SHAW DR is changing the way disputes are resolved. We are creating and offering a network, Australia wide of dispute resolvers with high professionalism and integrity to resolve disputes without courts.

Alison Shaw commenced her career in law two decades ago with the primary goal of helping people and businesses resolve their legal disputes.

In 2013, she retired as a partner of BBS Lawyers and established SHAW Dispute Resolution to pursue this goal without Courts.

Our Vision:

Freedom and Relief from legal battles by empowering people and businesses to achieve their own outcomes and resolve their disputes without courts. We want to change the way the legal industry approaches Dispute Resolution.

Our Mission:

To become the 'GO TO' place for dispute resolution without courts by:

- 1. Offering dispute resolution, by professional practitioners with a legal background.*
- 2. For all types of disputes, commercial and personal – domestic and international;*
 - a. Respectfully;*
 - b. Quickly;*
 - c. Conveniently;*
 - d. With cost certainty and fixed fees.*

Our Values:

To be recognised as a professional independent, neutral, impartial, respectful, credible, ethical, reputable, confidential and honest dispute resolution service provider with integrity.

SHAW Mediation

Mediation is a dispute resolution process where people with a dispute come together in a safe environment to try and settle their dispute with the help of an independent mediator. Mediation resolves disputes more quickly than court proceedings and significantly less cost for all parties.

At SHAW Dispute Resolution, our mediators are nationally accredited and legally trained, and non-judgmental, so you can be frank and honest about your concerns. Mediation takes place in private to preserve the integrity and reputation of all involved, and is mostly facilitated as a face-to-face discussion (which is confidential) at times suitable to you.



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While the parties in dispute speak for themselves during mediation, lawyers have an important role to play and SHAW Dispute Resolution encourages legal advice throughout the process. When participants reach an agreement, the lawyers are able to legally formalise the resolution, if required.

WHO is mediation for?

Mediation is suitable for all kinds of businesses and organisations, families and people of any age, gender or cultural background. It's helpful for all kinds of disputes. In workplace, family law, estates, IP, franchise, business, construction or commercial disputes – big or small – mediation offers the opportunity for those involved to agree to their own lasting outcomes while preserving their relationships and reputations.

WHY choose mediation?

Mediation is quicker and more cost-effective than taking a dispute to court. At SHAW Dispute Resolution, the process is between three weeks and three months, resulting in significant cost savings compared to legal fees for court proceedings and trial fees. The costs are known upfront and usually shared equally between parties.

The mediation process puts you in control. You decide the topics to be discussed. You are empowered to decide the outcomes, rather than be subject to the decisions of a court. You don't have to wait for court processes to be complete before you move on, and the solutions agreed in mediation are more robust and long-lasting than court orders because they have been agreed by you.

Our Mediators

Our mediators are outcome focused, empathetic, genuine, effective and responsive. They all practice the facilitative model of mediation.

All SHAW Dispute Resolution mediators must meet stringent qualification and accreditation standards. They must:

- Hold a Degree in Law*
- Be a Nationally Accredited Mediator under National Mediator Accreditation Standards (NMAS)*
- Be a Member of the Recognised Mediation Accreditation Body (RMAB)*
- Have a minimum of 3 years post admission legal experience*
- Have a National Police Clearance*

In addition, SHAW mediators also demonstrate the following attributes:

- Excellent written and verbal communication skills*
- negotiation and conflict resolution skills*
- ability to maintain confidentiality and commercial in confidence practices*
- ability to manage the communication and conduct of everyone.*



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SHAW Dispute Resolution provide mediation services in a range of legal areas including:

- Aboriginal Issues
- Accountancy
- Aged Care
- Arts & Entertainment
- Banking & Finance
- Bankruptcy & Insolvency
- Business
- Clubs & Associations
- Construction & Engineering
- Consumer/Fair Trading & Product Liability
- Contract
- Conveyancing
- Defamation
- Environment & Planning
- Equal Opportunity, Sexual Harassment & Discrimination
- Family
- Franchising
- Government Privatisation & Outsourcing
- Immigration
- Industrial Relations
- Insurance
- Intellectual Property
- Local Government
- Maritime
- Media & Communications
- Medical Negligence
- Neighbourhood
- Partnership
- Partnership
- Personal Injury & Property Damage
- Privacy
- Professional Negligence
- Property/Retail Shop Leases & Conveyancing
- Resources & Energy
- Sports Law
- Taxation & Superannuation
- Tourism & Hospitality
- Trade Practices
- Trusts
- Wills, Estates & Succession
- Workers Compensation
- Workplace

SHAW FDR

FDR or Family Dispute Resolution is the legal term for mediation that help separated parents to sort out parenting disputes. FDR is a process to help parents consider and agree on the future lives of their children and family and decide how the future will be for their family.

FDR is just for parents about parenting the children and their support and wellbeing. Married and de facto couples separating are obliged to try Family Dispute Resolution (FDR) after separation to resolve parenting concerns for their children before resorting to Court and litigation. FDR is a process to help parents consider and agree on the future lives of their children and family and decide how the future will be for them all.

Children are often hit hardest when parents separate. Parents need to determine the best way to share parenting responsibilities between them. Married and de facto couples separating are obliged to try Family Dispute Resolution (FDR) after separation to resolve parenting concerns for their children before resorting to Court and litigation.

Our process begins with a screening session to identify any safety or health concerns to ensure the well being of everyone in the FDR. This is followed by separate initial consultations that are private and confidential before the joint session.

The FDR process is managed and controlled by the independent Family Dispute Resolution Practitioner (FDRP) but the parents are in control of all the topics that need to be resolved and the outcomes that are agreed.



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Our FDRPs

Our FDRPs are understanding and empathetic, genuine and focused on the children. They are helpful and effective in helping to find a way forward for the family.

All SHAW Family Dispute Resolution Practitioner must meet stringent qualification and accreditation standards.

They must:

- *Be registered with the Commonwealth Attorney-General's Department*
- *Hold a Working with Children clearance*
- *Be a Nationally Accredited Mediator under National Mediator Accreditation Standards (NMAS)*
- *Be a Member of the Recognised Mediation Accreditation Body (RMAB)*
- *Have a National Police Clearance*

In addition to the statutory requirements, SHAW FDRPs must also demonstrate the following attributes:

- *Excellent written and verbal communication skills*
- *Negotiation and conflict resolution skills*
- *Ability to maintain confidentiality and commercial in confidence practices.*
- *Experience in dealing with a wide range of people including people from linguistically and culturally diverse backgrounds*
- *Manage the safety and behavior and conduct of everyone.*

SHAW Arbitration

Arbitration is a dispute resolution process that is most similar to a trial in Court, where people in conflict agree to refer the final decision to a mutually respected independent Arbitrator. Arbitration resolves disputes with an Award that is binding and enforceable with published reasons within 28 days.

Arbitration is used if the lawyers are not recommending or supportive of mediation for whatever reason. It is also the logical next step following a mediation where not all the issues were agreed upon and a final decision needs to be made.

At SHAW DR our Arbitrators are senior legal practitioners, experts in their field or retired judicial officers. They conduct the planning meeting to clarify and confirm the legal issues and evidence to be relied upon as well as the administrative arrangements including the costs for the arbitration, so they are agreed, set and certain before the hearing commences.

It is the lawyers who prepare the evidence and case for the hearing and the parties are engaged and involved in the whole process. With their advice you make decisions about the topics to be decided.



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Our Arbitrators

Our Arbitrators are judicious, thorough and considered. They all ensure there is procedural fairness and natural justice.

All SHAW Arbitrators must meet stringent qualification and accreditation standards.

They must:

- *Hold a Degree in Law*
- *Be a Member of the recognised Arbitration Body*
- *Have a minimum of 3 years post admission legal experience*
- *Have a National Police Clearance*

In addition, SHAW Arbitrators must also demonstrate the following attributes:

- *Excellent written and verbal communication skills*
- *Negotiation and conflict resolution skills*
- *Ability to maintain confidentiality and commercial in confidence practices.*
- *High intellect and judicial mind.*

WHAT now?

SHAW DR offers the ways forward. The ways for you to put the past behind you, finality and the ability to move on with your life. The way forward is with SHAW.

Let's resolve...



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