

Why Mediation is the Better Choice

by
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After representing clients in hundreds of divorces, I am convinced that, with few exceptions, a mediated resolution to a divorce is preferable to one imposed by the judge. Why?

You Know More than the Judge

You know more about your assets, debts and children than a judge could ever know after a day or two of trial. You know what will work best for you and your family. You and your spouse or partner are the architects of a mediated decision. A decision after a trial is not your own - it's imposed on you.

Going to Court Can Make a Bad Situation Worse

A trial will inevitably involve some degree of "mud-slinging." Even the best-intentioned people find that winning, rather than fairness, becomes their goal. Your private history is discussed in a public forum and the hard feelings engendered by a trial can linger for years. Just when it's most important to re-define your relationship and your future, a trial can leave you and your spouse licking your wounds and angrier than ever.

Mediation Saves Money

A typical negotiation works like this: You need something to happen. You contact your attorney. Your attorney contacts your spouse's attorney. Your spouse's attorney contacts your spouse, then calls your attorney with an answer. Your attorney contacts you to let you know your spouse's position. You don't agree, so you suggest an alternative and the cycle begins again. Some issues warrant that type of effort. Most issues - especially interim issues while your divorce is pending - don't. At mediation, the negotiation occurs in one exchange - not over several days of four people calling, writing and going back and forth to solve a simple problem. Rather than paying two attorneys for the back-and-forth you and your spouse share the mediator's hourly rate and mediation takes less time.

Mediation Builds a Foundation for a Better Future

With the help of a skilled mediator, you can start building a communication style with your soon-to-be former spouse or partner that is collaborative and focused on meeting your common goals and the needs of your family. It won't be easy at first and it certainly won't be perfect, but you will find that, as you tackle an issue at a time, you become more skilled at negotiating with your spouse and solving problems fairly, calmly and reasonably.