

Benefits of Mediation

Puts Children's Interests First

Divorce or separation (where parties were never married) is difficult for kids as they undoubtedly stress about the uncertainty of their future. They wonder where they will live, where they will go to school, how life will change for them, whether their parents will be okay, whether the divorce is their fault, and so forth.

Often the kids become pawns in the litigation process. For instance, a party may seek more time with the children to decrease child support obligations even though that parent is at work most of the time. Even where children are not intentionally used as bargaining chips, they inevitably suffer some collateral damage in any divorce or separation. However, in a contentious case, the damage to the children is far greater and may have permanent damaging effects on the mental health, happiness, and success of the children in their adult lives.

With mediation every decision is made with your children's best interests in mind. Issues get resolved and potential arguments are avoided in working out agreements in an amicable setting. Instead of being litigants fighting one another you are parents coming up with a plan to move forward to the next chapter of your lives.

Takes Less Time

The courts are overburdened and have an ever-increasing workload. It can take months to get a hearing with the court, let alone your trial date, if needed. On average a divorce or a paternity matter takes one to two years to complete. A case can be resolved through mediation in just weeks or months. The time it takes is dependent upon the parties not the court.

Costs Less – Preserves Your Estate for Your Family

Litigation is very expensive. During the course of a divorce for example, there may be several court appearances prior to the final trial. Each time you may have to pay your attorneys to file briefs with the court and they must bill you for the time they spend traveling to and from court and waiting around for your matter to be heard. Often the attorneys will show up to court only to be told that the court does not have time for them and then be ordered to come back on another day. The parties must pay for all this wasted time and that causes your estate to dwindle away leaving less for you and your child/children. With mediation more money goes to your family and less to the attorneys.

Instead of both parties paying separately for an attorney to negotiate on their behalf, the focus remains on respectful dialog and mutually agreeable problem solving. Divorce mediators encourage couples to focus on the future and moving forward with their lives.

Higher Rate of Compliance

In mediation, you and your spouse will both have a say in what is important to you. The mediator will work with you and guide you toward an amicable resolution. Approaching your divorce in this manner allows you to come up with an agreement that reflects your unique wants and needs. It is much more likely that you'll both be satisfied with the terms of your agreement and adhere to it now and in the future. It is hard not to comply with something that you had a hand in creating.

With respect to compliance with the agreement and re-litigation, 80% of spouses [who mediated] reported compliance, with only 60% of the adversarial parties.

Source: Divorce Mediation: Reflections on a Decade of Research by J. Pearson and N. Thoennes

More Personalized and Dignified Experience

Ever set foot in a courtroom? It is a highly impersonal and undignified process. Each judge usually handles several cases a day, 10 to 40 is not unusual. For this reason the judges do not have the time to get to know each party and all of the extensive details of their case.

In mediation the attorney will take the time to understand your concerns, explain how the law works, and suggest options that will be applicable to your unique situation.

You will have as much time as you need to discuss your goals for the future and come up with a plan for a settlement that will work for you and your spouse. The bottom line is that mediation under the right circumstances can be an empowering process that will allow you to work with a compassionate team of professionals that have your family's best interests at heart.

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