



Don't Fight it Out... Talk it Out. 7 Reasons to Consider Collaborative Practice & Mediation Rather than Fight in the Courtroom

If you are getting a divorce you will want to make sure you do everything you can to help make the difficult process as painless as possible. Whenever possible, you and your spouse should consider using collaborative practices and mediation for your divorce rather than going to court and fighting it out. The following seven items are key benefits of going this route rather than beginning your divorce by battling in the courtroom.

1. **Significant Cost Savings** - Mediation is far less expensive than paying a divorce attorney to represent you in court. Since both you and your spouse will be coming to the mediation together there is typically just one fee, rather than each having to pay your own attorney.
2. **Completely Confidential** - In order to encourage both spouses to be as open and accommodating as possible, all mediation is completely confidential. This means that even if you end up having to go to court, none of the things that were said can be brought up unless both parties agreed on them. When you have completed the process, everything that was agreed upon will be written up in a legal document and signed by all parties and the judge.
3. **Cancel Anytime** - Going to mediation does not affect your right to go court if you can't come to an agreement. Either party can end the mediation process at any time and take it in front of a judge. This essentially means that there is no down side to at least trying mediation first. In many cases, couples will agree on the majority of things through the collaborative divorce process, and then take the last few items in front of a judge to complete the process.
4. **Much Faster** - Mediation is far faster than a traditional divorce. In most cases you are able to get through the majority of the steps without too much conflict, which dramatically reduces the delay in getting your divorce finalized. Since you don't have to wait for the courts to set dates, you can often complete your entire divorce process in a small fraction of the time it would otherwise take. You simply set up your collaborative divorce appointments and begin working through the process.
5. **Easier on Children** - If you have any children, the mediation process will be much easier on them. This is because mediation focuses on the positive rather than fighting over every aspect of the divorce. Even in the best of cases, children can feel the negative effects of courtroom battles. With mediation, you are able

to show your children that even when going through something difficult, you can still be mature and loving.

6. **No Major Retainer** - Mediation does not generally require a significant retainer fee to begin. You simply pay the fees for each session as you go. If you are able to complete your divorce using the mediation and collaborative practices, you can end up saving thousands. This, of course, is a major benefit to both parties who are involved in the divorce.
7. **Both Parties Win** - One thing that many clients are surprised to find is that when going through collaborative divorce, both parties feel like they have won. In contrast, when fighting in court, both parties often feel like they did not get everything they wanted. This is because rather than battling over every little issue, parties are encouraged (and allowed) to compromise and discuss what would work best for everyone involved.

No Risk

There are few disadvantages to using collaborative practice. If you find that you are unable to come to agreement, you are no worse off than when you began the process. Even in the most heated divorces, this option is often able to help couples come to agreements on a variety of issues. It is much easier on both parties, and perhaps most importantly, it is much easier on any children that are involved.

Why it Works

Many people are curious as to why this option is so much more effective than just going directly to court. The answer will vary from case to case, but for most couples there are several key points that have the biggest impact, which are:

- **Talking Directly** – When you use this process, you can talk face to face rather than through an attorney. This helps both parties to remain more civil and be more willing to compromise on issues that are not important to them. When you only work through an attorney in the courtroom, you are much more likely to be more confrontational.
- **Professional Mediators** – Throughout the collaborative divorce process you will have a professional mediator there to help you. Mediators are trained to help minimize conflict and keep all conversation as productive as possible.
- **Unbiased Third Party** – Another advantage of the mediator is that they are an unbiased third party who can help remind both parties when they are being unreasonable. They can also help by requiring you to take breaks when emotions begin to get heated, which can help to prevent many problems.

- **Starting off in Agreement** – One of the biggest things that helps this process to be effective is that you are starting off in agreement. Both parties are ‘coming to the table’ agreeing to give this process a try. While this may seem small or even insignificant, it actually helps put you in the mindset of making progress rather than simply battling every step of the way.

There are, of course, many other great reasons why you should give mediation a try when getting a divorce. You owe it to yourself and your loved ones to get the best possible outcome, and there is little doubt that mediation and collaboration is the ideal way to accomplish this. Please contact us today if you’d like to learn more!