

Pre-Divorce Mediation

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Divorce is very often an extremely difficult and costly experience to endure, which is why many people look for any way to avoid the traditional approach to divorce. Many wish to save money by filing an uncontested divorce. In an uncontested divorce the wife and husband agree on all of the terms of the divorce at the very beginning of the process. One spouse then usually hires an attorney to draft the necessary paperwork and file everything with the court. Legal fees for an uncontested divorce usually begin at around \$500. In contrast, most simple contested divorces start at about \$5,000 per side and can increase quite exponentially. Unfortunately because the wife and husband must agree on all issues from the beginning of the process, an uncontested divorce is not an option to many people. If the parties disagree about a complex issues such as visitation or a simple issue such as who will retain which car, they are out of luck. The traditional approach to divorce dictates that they each retain their own attorney, pay thousands of dollars in fees, and fight in court.

Pre-Divorce Mediation may be a viable alternative for people facing the above scenario. Mediation is a process where a neutral third party informally meets with the wife and husband and attempts to help them reach a negotiated settlement. The mediator does not make a decision for the parties but instead attempts to facilitate communication, clarify interests, and generally work to create an environment of cooperation and problem-solving. Mediation has a very high success rate and is the only form of dispute resolution that empowers the parties to craft the type of conclusion that they know will work best for them.

Mediation is not a new concept in the realm of law or divorce. Most divorcing parties attend mediation. Many judges even require mediation. However, most divorcing parties do not attempt mediation until after they begin the traditional combative divorce process. Typically spouses spend thousands of dollars to retain attorneys and those attorneys then fight over the contentious issues. They file answers and motion. They request the production of all sorts of discovery documents and then fight if those documents are not provided to their satisfaction. In most jurisdictions the judge does not order mediation until after the first temporary hearing.

Pre-Divorce Mediation is an attempt to eliminate the above and save the parties time, energy, and costs. In Pre-Divorce Mediation, the wife and husband meet with a mediator before anything is filed with the court. Some people prefer to have attorneys with them at the mediation but others do not. The Pre-Divorce Mediation session is similar to typical mediation sessions. The mediator works to help the parties resolve their disputes through negotiation. If the wife and husband reach a settlement, the mediator drafts an agreement which is then signed by both parties. They can then take this agreement and other necessary information to an experienced attorney who can draft their legal paperwork and file the divorce uncontested.

There are some things to keep in mind if you are considering Pre-Divorce Mediation. It is impor-

tant that you have a firm grasp of your financial situation and bring all important documentation with you to the mediation session. If you do not have an attorney present it may be helpful to consult an attorney before the mediation, especially if you are unsure of your rights. The mediator will not be able to provide legal advice at the mediation. Finally, while a trained and experienced mediator can provide a lot of negotiating assistance even when people adamantly disagree, it is important that both parties are willing to at least attempt to negotiate in good faith. If one spouse outright refuses to negotiate, mediation may not be helpful.

For most people, utilizing mediation at the beginning of the divorce process gives them the ability to turn what could have been a long and expensive process into a comparatively short and cost efficient experience. If you would like to know more about Pre-Divorce Mediation and whether it is right for you please contact Adam Sutton at The Sutton Law Office.

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