

7 Benefits of Using Mediation When Going Through a Divorce



MARK D. PARISI, PSY.D.

Welcome



A Fresh Approach to Conflict Resolution

You know, conflict is an unavoidable aspect of relationships of all sorts. How this conflict is resolved often defines relationships for better or for worse. And yet, when conflict builds and is not dealt with it can be a very destructive force – contributing to intensifying feelings of anger, resentment and contentiousness and destroying effective communication between parties.

The path that many people and businesses use to deal with the breakdown of personal and business relationships is to turn to the legal system to solve their differences. This process can further erode the already-damaged relationship leading to expensive legal fees and lengthy court battles. But, there is a better way.

I am a Certified Mediator and focus my practice on what's known as Alternative Dispute Resolution (or, ADR). The goal of ADR is to help to constructively work through conflict between parties to achieve mutually beneficial solutions. This is key because the outcome of ADR typically involves a win-win strategy where both parties feel as though they achieved their objectives as opposed to litigation which is often characterized by a win-lose outcome where one party wins and the other loses.

As a psychologist, I have a unique skill set to help families and business achieve success and work through the emotions that often get in the way of compromise and effective outcomes. Importantly, as a non-attorney, I have no vested interest in steering my clients toward more financially lucrative litigation.

Contact me for a free, no-obligation consultation to explore the possibility of mediation to resolve your dispute.

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Going through a divorce is an emotionally draining, mentally exhausting, expensive, lengthy process. Divorce has been called the second most traumatic experience one can have, second only to the death of a loved one. For these reasons, many seek to settle their dispute outside of the courtroom with the assistance of a mediator.

Mediation is a successful form of alternative dispute resolution that is gaining popularity in family court cases. During mediation, a third party neutral, called a mediator, assists the parties with negotiating their own agreement. Mediators do not have to be attorneys; in fact, many professionals, such as therapists, make excellent mediators because they understand not only the legal aspects of the dispute, but also the emotional effects that certain decisions may have upon the parties and their children.

During mediation, the parties are often in separate rooms with their attorneys, and the mediator will go back and forth between the rooms, informing each party of the other's position until settlement has been reached. Typically, the parties work with the mediator to create a settlement that will be enforceable by court order. The mediator does not make any decisions for the parties. The resolution of any issue results from both parties' agreement. Mediation offers many benefits to parties, from saving money to reducing stress.



Divorces can drag on for years, especially when children are involved. Perhaps you and your spouse simply cannot figure out a visitation schedule for your children. Instead of fighting through your attorneys, you can attend mediation, which can resolve the issues much more quickly. If your mediator is a licensed therapist, the effects of such decisions on your children, your spouse, and yourself will all be considered to ensure that decisions involving the children are healthy ones.

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Family court litigation can cost thousands of dollars. Family court attorneys charge by the hour, so every email, every court hearing, every phone call, and every letter is added to your legal bill. If your attorney's office is half an hour away from the courthouse, travel time to and from court hearings is also billed. When issues are hotly contested, a divorce can take years to finalize, especially if the matter must go to trial. In contrast, many cases can be resolved by a skilled mediator in a matter of hours or days. Having a neutral mediator present to assist the parties with negotiation can make a tremendous difference in reaching a settlement.

In any family court case, the families have the best knowledge of the case facts. This impacts another major benefit of mediation: the parties have full control over their case. In mediation, you have the chance to express your grievances and wishes to the mediator when creating an agreement. In contrast, during a trial, a judge often has no prior knowledge of your case and will issue a ruling that finalizes all of the issues only after hearing testimony at the trial. Many parties leave a family court trial feeling frustrated, disappointed, and bound by a court order that they hate.

Mediation is a confidential process, which facilitates candid discussions with the mediator. You can tell the mediator why you have certain concerns and why you want the case to be resolved a certain way, and, unless you give the mediator permission otherwise, the mediator will not disclose these concerns to your spouse. Mediators cannot be called as witnesses at trials, so the parties can be certain that anything they tell the mediator will remain private. However, anything you say during courtroom testimony to a judge or attorney becomes public record, meaning that anyone you know can review the court file.



The environment of mediation is also a much less stressful one than a courtroom. Mediation is usually conducted in a conference room or a mediation center. Rather than having to buy a suit and testify in front of a judge and your spouse, the parties may wear comfortable clothes and sit with the mediator and their attorneys. Many mediation centers even have refreshments available to ensure the parties remain as comfortable as possible.

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Mediation also leads to better compliance with court orders. When you and your spouse create your own settlement agreement, you know what is expected. Parties that create their own settlements are also more likely to follow their terms. Court orders are often enforceable by fines and even jail time, so it is a must that the parties fulfill the conditions of their settlement.

Mediation is truly a collaborative effort between the parties, their attorneys, and the mediator. Resolving a dispute is the ultimate goal of mediation, and, with the assistance of a mediator who understands how divorce impacts families, settlement is very likely. In a trial, on the other hand, the setting is adversarial. When parties complete a successful mediation, they may not have a perfect settlement, but they each have had input into the agreement—in a way, each party wins. In contrast, it is entirely possible to have a trial judge resolve your case in the exact opposite manner you would have preferred.

Participating in mediation can significantly reduce the stress of divorce litigation. Each party has the ability to have a say in the final settlement agreement, and both parties save time and money. Often, the relationship of the parties is preserved since they have not had to fight a court battle, which benefits the entire family.

Traditional divorce litigation is a stressful, miserable experience. If you're going through a divorce and want to avoid the stress of court hearings and trials, contact Dr. Mark D. Parisi. Mark is a clinical psychologist and a certified mediator and has helped many families resolve their family court disputes. Mark has served as a child advocate and provides both family and couples' therapy to his clients. To contact Mark for more information, call (847) 909-9858 or email him at drmarkdparisi@gmail.com.

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