
6 BENEFITS TO USING MEDIATION WHEN GOING THROUGH A DIVORCE

Mediate; Don't Litigate



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Welcome



Congratulations on considering mediation as your divorce process. And, thank you for considering me to work with you.

Contemplating divorce is almost always frightening and anxiety producing. It is my goal to help parties to a divorce reduce their fear and anxiety by helping them to resolve their own issues in a safe and confidential environment.

We focus on moving forward, not rehashing old wrongs or securing retribution. The decisions to be made are life changing; you have to figure out how to get on with your life without your partner; you have to figure out how to establish two households where there has been just one. Mediation empowers you to make your own decisions, rather than turning them over to a stranger who does not know you or your children.

It is safe to say that nobody in a divorce gets everything s/he wants, whether in litigation or mediation. In litigation you argue your positions to a third party (a stranger who does not know you or your children), who then orders you to do what the law requires you to do in the absence of an agreement. In mediation, a third party is present to help you focus on the issues and support you as you work together to come up with your own solutions to the difficult issues facing you.

As an attorney/mediator with over 30 years' experience as both a litigator and mediator, I am fully aware of the various issues that arise in divorce and can help you fully plan for the future by anticipating issues I have seen litigated over the years, hopefully preventing future disputes as well as immediate concerns.

However you approach divorce, it is time consuming and potentially expensive. Mediation is generally faster, smoother, and more cost effective than a litigated divorce. It is certainly a more humane approach to divorce than battling out your differences in public and leaving the decisions to a stranger.

If you are interested in discussing mediation with me in more detail, please call or email me. I look forward to hearing from you and assisting you to move forward in a healthy way.



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There are many advantages to using mediation for resolving disputes in family law matters. Particularly when it comes to divorce, there are many couples for whom traditional litigation simply doesn't make sense. Learn more about the six biggest benefits to mediation in divorce.

1 *A Neutral Setting*

Even if you have a great attorney and know your strategy in court, litigation is nerve-racking and the outcome is never predictable. Unlike litigation, mediation is held in a less formal setting with a trained mediator guiding you to determine your own outcome. The mediator doesn't make decisions about the issues in your case. Instead, she helps you move the conversation toward a mutually acceptable outcome.

2 *Improved Chances of a Mutually Agreeable Outcome*

In litigation, almost inevitably one or both parties walk away dissatisfied. This disappointment stems from having prepared for litigation and fallen into a "winner-take-all" mentality. In mediation, that tone is completely different. From the beginning, the goal is to cooperate and compromise, searching for middle ground on which both parties can agree. Parties cooperate and negotiate with one another rather than having an adversarial and combative mind set with each other.

The parties determine their own destinies rather than having a total stranger make decisions based only on the law without consideration of the parties' unique circumstances.



3 *Saves Money*

Costs of litigation can easily grow out of control, especially if your spouse is determined to leave no stone unturned. Some people head into litigation expecting one thing and find instead their former spouse has taken another path entirely. Perhaps an attorney advised your ex to take this approach to intimidate you into making some concessions.



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What happens in these scenarios is that you end up spending a lot more money than you intended. This isn't good for your financial situation, especially if you are trying to adjust to life as a single parent. The cost of mediation can be substantially less than what people in similar divorces will spend on their litigation costs. How can you move forward with your new life if you are financially devastated? Give yourself some ground to stand on and opt for mediation instead.

4 *Saves Time*

Many people going through a divorce are encountering the family law system for the first time and are often surprised at just how long it takes to get a divorce when the parties have opted for litigation. If you are trying to move on emotionally, having to attend numerous hearings over the course of several months or years can stall that progress. When you are ready to resolve the pertinent issues of your divorce so that you can get on with a new life, mediation is a better alternative.



The court calendaring system generally takes weeks (and sometimes months) for any new hearing date to be set. You can set up mediation sessions much more easily and quickly. As a result, most people are able to reach final terms of agreement for their dissolution through mediation at their own pace.

5 *Enjoy Confidentiality*

The courtroom is a public venue and hearings are open to the public. Some couples or individuals don't want to discuss their private issues in such a public venue. When couples agree to resolve their issues through mediation, the settlement discussions that occur are confidential and held in the privacy of the mediator's office. Since negotiation and compromise are critical to the mediation process, parties feel more comfortable suggesting ideas or outcomes that they might feel uncomfortable sharing or suggesting in a public courtroom. Mediation allows the parties to arrive at more creative solutions



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best designed for their individual situation. Rather than leaving control up to the judge in a public setting. Enjoy the private aspect of mediation, and the power to make your own decisions.

Because mediation is confidential, nothing said and nothing proposed can ever be used in any litigation. The mediator cannot be called as a witness to any subsequent judicial or administrative proceeding. Proposals for settlement cannot be introduced in any subsequent litigation, whether related to the divorce or any other judicial or administrative proceeding.

6 *Child-Focused Resolution and Parenting*

In litigation, it's easy for the focus to become about developing strategy to "beat" the other spouse in court. Litigation is rife with the possibilities of poisoning the relationship between the parents and damaging the children. The very nature of litigation is oppositional and does nothing to help parents foster a mindset of working together for the benefit of the children. There's a tendency for children to get lost in the shuffle or, worse, becoming unwilling weapons and victims, which can have both short term and the long term negative impacts for them. The style and approach of mediation, on the other hand, helps set the tone for an improved and cooperative parenting relationship. Since mediation encourages and fosters negotiation and cooperation between two parents they gain some practice at communicating in a civil manner before the divorce is finalized.



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