

7 REASONS TO USE

# MEDIATION

*to*

# SETTLE FAMILY DISPUTES



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# WELCOME

Thank you for considering mediation to resolve your dispute. I urge you to consider mediation rather than litigation. I recognize that if you are reading my Ebook that you are going through one of the most difficult periods of your life. You probably have not reached this decision lightly. Family and marital legal problems can be extremely difficult. You can rely upon my training, knowledge, positive perspective and creative solutions to help you sort out the challenges during this stressful transition.

Many people want some professional assistance because they do not possess the information to structure a comprehensive and fair settlement. Mediation provides a superior alternative, at a reasonable price, to the traditional legal process because it allows you to avoid the common pitfalls of a litigated case, remain in control of the process and the outcome, and create a customized family-focused agreement which address your family's unique needs and circumstances.

As a divorced parent, I understand how difficult it is to end your relationship. Negative emotions abound, trust is low and uncertainty is high and, if you have children, the journey is even more challenging. Once the decision has been made to end your relationship, the next more important decision is selecting a process to formalize the process. Choosing the right process is vitally important because it sets the tone for the rest of your life if you have children together. You might be ending your relationship, but you will be co-parenting your children for the rest of your lives.

As a former litigator, I understand that the best results occur when the emphasis is on cooperation and resolution. My role is to be a neutral facilitator of your decision-making process in a safe and informal environment. Every family law case poses its own unique challenges. That is why working with a trained and experienced attorney/mediator is so important.

Thank you for considering using my services. I look forward to working with you. If you have any questions, feel free to call or email me.



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# *7 Reasons to Use Mediation to* **SETTLE FAMILY DISPUTES**

Families face disputes all the time and when those disputes must be settled in a courtroom, relationships are destroyed. Whether there are issues with divorce, custody, paternity, care of an elderly parent, or any other issue a family might face, mediation can be used to settle disputes in a safe, confidential, non-confrontational manner. There are both practical and emotional reasons mediation can be effective and though it is not appropriate in every case, there are many families that can benefit from mediation rather than litigation. It can be a win-win for everyone involved--especially the children.

What are some of the most important reasons mediation works for families?

## **1** **Saves Money**

Settling family disputes can be expensive especially when there are other immediate expenses such as relocation costs or family counseling. Mediation is a less expensive way to reach a settlement. The bulk of the expense related to settling disputes arises from attorney fees. Attorneys spend time preparing each case for court and they usually bill hourly for this preparation. When the preparation is minimal as it is for mediated disputes, the attorney rate is lower. And in cases where family members choose to forego legal representation, savings are significant. There are instances in which the only expense for a mediated dispute settlement is the fee for the mediator, which can be shared by those involved.



## **2** **Saves Time**

Mediated family disputes are settled more quickly, primarily because the disputing parties set the time frame. When settling a divorce or other type of family dispute in a courtroom, everyone is at the mercy of the court schedule. They must be present when the court dictates and it can take weeks or months to gather all of the information the court requires to settle the case. In mediation, disputing parties are in complete control of how long the process takes. The more willing each person is to move through the process efficiently the quicker it will be for them to finalize their settlement.

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## **3 Preserves Relationship**

Chances are if a couple is divorcing or debating custody, their relationship is not what it used to be. Despite the changes and loss of a romantic bond, it is possible for parents to maintain a connection, especially when their child's well-being is at stake. Ideally, parents can remain friends and continue to co-parent their children, but if the relationship is punctuated by a bitter divorce or custody battle this can be nearly impossible. By choosing mediation, each is making a commitment to continuing a relationship with one another. It will never be what it once was, but for the sake of the children, it can be healthy and happy in a new way.

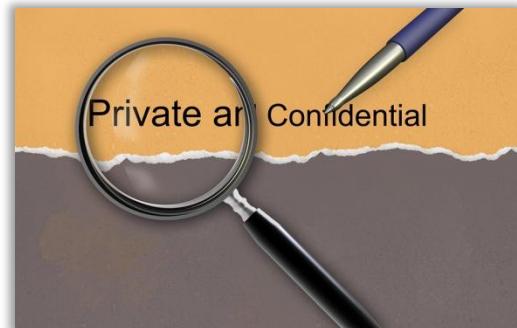


## **4 Provides Control of Resolution**

When parties take their dispute into the courtroom, they relinquish control of the outcome to the judge (a stranger) who does not know you or your children. Whatever is decided by the judge after a brief hearing is the final word and everyone must abide by the decision. Mediation puts the control back into the hands of the parties involved. Each must compromise to reach an agreement that works for the entire family, but they get to have a say in how things turn out. This control can make it easier to abide by the agreement long-term and also eliminates the hurt feeling and legal expense when disputes require a trial to settle.

## **5 Keeps Sensitive Family Issues Private**

Most families prefer to keep their "dirty laundry" private, but when a dispute is settled in court it all becomes a matter of public record. Mediation keeps the details private. The only thing that is made public is the details of the final mediated settlement agreement. This means everyone's personal business is protected, which can be especially important when not everyone in life has the best intentions.



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## **6 Offers Flexibility**

Mediation provides flexibility that is not an option when a dispute is settled in court. Disputing parties are able to choose the mediator, the location of the mediation, number of sessions, and even the time and date of the mediation. The agreement reached addresses your family's unique needs and circumstances. Your concerns and fears are addressed during mediation. The disputing parties can reach a temporary agreement and try out the arrangement for several months then return to mediation to finalize or modify their temporary agreement. The schedule for a litigated dispute is determined by the court. The parties have no say in the judge making decisions and they certainly do not get to dictate the time and place of the trial. In many Texas counties, courts dispose of a case in less than a year – this might not be appropriate for your family. If flexibility will make dispute resolution easier, mediation is the way to go.

## **7 Sets the Tone for Teamwork**

Perhaps the greatest benefit of a mediated family dispute, especially when children are involved, is the tone it sets for the family to move forward.

The end of a relationship or decision about custody or paternity does not always dictate the end of a relationship. In many cases, parents are still required to make decisions together. The court can intervene throughout the life of a child, but it is never the ideal situation due to the legal expenses involved and the time required. When disputes are mediated, parents learn the skills necessary for compromise and communication. These skills can be used throughout the child's lifetime when important parenting decisions are required.



Are you involved in a dispute? Are you looking for a way to settle it as civilly and peacefully as possible? Do you want to protect the well-being of your children? Do you want to control the outcome? Mediation is your best option. Fran Brochstein offers both half and full-day mediation sessions that can help you reach a resolution quickly and affordably.

Fran is an advanced credentialed mediator through the Texas Mediator Credentialing Association (TMCA). She is a member of several attorney and mediator professional

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associations including the Texas Association of Mediators (TAM) and the Association of Attorney-Mediators (AAM). Fran has served on the board of several non-profits. She works as a volunteer mediator for family law and CPS Cases at the Harris County Dispute Resolution Center and Houston Volunteer Lawyers. Fran trains future mediators. She is a public speaker on the topic of family law and mediation. "Houstonia Magazine" recognized Fran as one of the top family law attorneys in the Houston area in their December 2013 issue.

If you would like to know more about mediation or you are ready to schedule your mediation session, contact Fran at 713.847.6000 or by email at [mediatorfran@gmail.com](mailto:mediatorfran@gmail.com).

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