

7 Reasons to Use Mediation when Going through a Divorce



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Welcome



People seek divorce for many distinct reasons (such as problems with money, fidelity, trust, personal interests), but mostly for one common reason – to get out of an unhappy situation and into a better one. Why, then, should the path out of a bad situation be worse than the predicament they sought to escape in the first place? The truth is that it should not be. Yet, frequently the divorce itself becomes an entity that seems to have a life of its own, knocking out financial resources, emotionally crippling otherwise healthy people, and devastating cherished relationships. This **DOES NOT** have to be the case, which is where mediated divorces come in.

Smart, strong, loving people deserve a divorce they can feel good about – for years to come. Divorce is the first step to the rest of your life. It is your opportunity to define what the rest of your life will be, and if you do it right there will already be some essential elements in place when you get there namely – friends, family, some money if possible, and a strong sense of self-esteem.

After I graduated law school in Portland, Oregon I moved home to Connecticut to practice law with my father. For more than two decades I have worked on hundreds of divorce cases, involving everything from best friends who just could not be married to each other anymore to bitter enemies bent on each other's misery and destruction. My experience in both litigation and mediation gives me unique insight into how to help people survive their divorce with the least possible amount of personal/emotional/financial damage. The family law I focus on now is predominantly mediation between amicable adults who want to preserve the best parts of their lives while removing the parts that do not work. For this reason, I write my blog www.LoveYourDivorce.us and give occasional training sessions on how mediation works to create low-impact divorces.

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There are few things more difficult for a family than transitioning from marriage to divorce, and when the transition is filled with strife, the process becomes an even greater challenge. Thankfully, there are ways to ease the transition and eliminate the bitter resentment that often comes with divorce litigation.

Mediation is a method of alternative dispute resolution that limits the role of divorce attorneys and the family court system in a divorce. It provides a smooth transition for couples that share a desire to end their marriage in the most efficient way possible. It also creates a framework in which divorced parents are able to work together in the future for the benefit of their children.

What are the benefits of using mediation when going through a divorce?

1

Mediation is Less Expensive



One of the most appealing aspects of mediation is the cost. As a matter of fact, it is one of the most common reasons divorcing couples consider mediation in the first place. The idea of limiting the cost of divorce can be very attractive during a time when expenses are unpredictable. Since many divorcing couples using mediation forgo individual legal representation and/or handle a great deal of the administrative aspects of the divorce on their own, the cost is much lower. Many couples pay only the fee of the mediator, which can be split between spouses.

2

Mediation Speeds the Transition from Marriage to Divorce

Mediation settles legal disputes, including divorce, faster than litigation. Divorcing couples are responsible for bringing with them to the mediation sessions all of the information necessary to make headway in a settlement. Both should be willing to work toward a settlement and even if they have different ideas of how the details of that settlement will look, their ultimate goal is to end the marriage. Mediation is also faster because couples are working outside of the schedule and demands of the court system.



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Mediation Puts the Divorcing Couple in Control

Mediation provides the opportunity for both spouses to walk away from their marriage happy with the details of their divorce agreement. This is because each gets a say in the creation of that agreement. There are no bad guys in mediation. Each person is responsible for sharing his or her concerns and compromising on a resolution. Skilled mediators facilitate productive conversation and help couples understand the benefit of compromise. More often than not, this results in every member of the family getting a fair chance to move forward with his or her life.



4

Mediation is Private

Mediation keeps sensitive family matters private. When couples use litigation for divorce, all of the details of their situation become a matter of public record. Issues discussed in the days and weeks leading up to a divorce trial can be used against either spouse. In mediation, couples are free to talk about their situation openly and honestly, without fear their statements will be used against them later in a legal proceeding.



Mediation Focuses on the Best Interests of the Family, Specifically the Children

Perhaps the most appealing aspect of mediation is the ability it gives parents to plan for what is best for their children. The court system attempts to make decisions that are in the best interest of children during a divorce, but without knowing the specific details of a situation, it can be tough. When parents remain in control and are able to put aside their differences during mediation the most vulnerable members of the family benefit. The mediation process creates a sense of teamwork, so even if a couple is no longer able to maintain a romantic partnership, they are still able to accomplish their parenting responsibilities.

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Mediation is Less Contentious and Preserves the Relationship



Mediation has the ability to diffuse a lot of the bitterness and resentment in a divorce and place the focus on the future. An experienced mediator addresses each spouse's feelings and concerns, but he or she also keeps the process moving forward. For many, this results in improvements in a relationship, despite the end of the romance.

This preservation of a “working relationship” is especially important when a couple has children. Divorcing couples that are not parents are able to sever their ties completely, but as parents, a couple will always be bound together in some way through their children. Mediation helps divorcing parents learn communication skills they can use in the future when sharing the responsibilities of raising children.

7

Mediation is Flexible

When a couple uses litigation to settle their divorce they are at the mercy of the court. They must abide by the court's schedule and adhere to whatever decisions the judge makes. Mediation provides flexibility, which can make it easier to reach an agreement. When both parties have a say in when and where negotiations take place, they are more open to compromise. Skilled mediators are also able to suggest creative solutions to problems that can lead to a less contentious divorce process.

*Are you contemplating divorce? Has your spouse approached you with a desire to end your marriage? Mediation can make the transition easier for everyone in your family. **Sharon Oberst DeFala** can help. Sharon's goal is to build relationships based on each client's objectives and personality. She wants to help clients see the big picture, anticipate legal ramifications, and work towards their goals, especially when it comes to family matters. To learn more about how Sharon can help you achieve a dignified divorce, contact her at **203.866.4646** or by email at sharon@oberstlaw.com.*

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