

7 Benefits of Using Mediation and/or Collaboration when Going through a

DIVORCE



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WELCOME



No one expects to have a relationship (whether it is a business relationship or a marriage) end, let alone end in a destructive manner. No business agreement or pre-nuptial agreement can foresee or plan for every eventuality. No one expects to get into a car accident or have a medical situation suddenly leave them incapable of dealing with their affairs. I have been a 27 year practitioner of the law, and I understand that, and my practice has been augmented by training in general mediation, divorce mediation and collaborative divorce processes since 2004, on top of my years of practice, to handle such situations. I know how to listen to clients, and I do my best to be responsive to their needs.

I have been a successful mediator and collaborator, and I will explain the processes needed in either a general mediation, divorce situation, or whatever brings you to my door. I will help you with whatever forms, if any, that have to be filled out and

how. I can “walk” the parties through the processes needed for their situation. My legal knowledge, developed over the 27 years of practice, has enabled me to successfully argue two appeals before the Connecticut Supreme Court, and to successfully conclude hundreds of cases in my clients’ favor. I also understand that success is never just a win-lose proposition, and that is why I trained to become a mediator and collaborative attorney. I can draft wills and trusts, handle real estate closings, prosecute personal injury claims and handle family litigation matters, but it is the mediation and collaboration work that I enjoy the most. That is because most mediations and collaborations end successfully, and the parties walk out feeling better than when they first came in. That is my firm’s ultimate goal.

David M. Moore, Attorney - Mediator



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DIVORCE

Divorce is one of the most difficult transitions a family can face and the process becomes even more of a challenge when spouses are unable to settle their issues outside of the courtroom. In some cases, an alternative resolution would be possible, but the divorcing couple did not even realize it. They assumed their only option was a traditional, adversarial divorce that leaves their family in tatters and destroys any chance they have of an amicable, long-term relationship.



Mediation, and/or its hybrid cousin collaborative divorce, provides an opportunity for divorcing couples to resolve the end of their marriage peacefully. It does not require trips to the courtroom or spending tens of thousands of dollars paying an attorney by the hour to build a case against a soon-to-be-former spouse. Mediation, and/or collaboration, is the most efficient path to divorce and is the path many couples have been seeking to end their marriage with dignity.

What are the benefits of choosing mediation and/or collaboration for divorce?

1. Less Expensive

The most appealing aspect of mediation and/or collaboration for many divorcing couples is the fact that the process costs a great deal less than their other options. For some couples, the only cost associated with their mediated divorce is the mediator's fee, which can be split 50/50 and is rarely more than a thousand dollars. Even if a couple chooses to have individual legal representation during their mediated divorce, the overall expense is still much less because they need their attorneys for less time.

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DIVORCE

In collaborative divorce, each part is represented by a trained collaborative divorce attorney, with no neutral in the middle, but there may also be collaborative financial planners, child care experts, tax advisors who would help with the process, and the collaborative approach is VERY similar to mediation in both approach and results. In a period when expenses are unpredictable and other things in life are likely taking precedence, knowing an expensive divorce bill won't be a factor is a huge benefit.



2. Saves Time

Mediation and/or collaboration requires much less of a time commitment from everyone involved. The professional support used in a mediated divorce or a collaborative divorce is required for just a few hours and the overall time it takes to finalize the divorce is much less than ending the marriage through litigation. For couples that are eager to end their marriage and move forward with their lives, this can be a major plus.

3. Is Focused on Respectful Communication

Though the practical benefits of mediation and/or collaboration are appealing, many couples are drawn to the fact that mediation and/or collaboration is based in communication and shows respect to everyone involved. Though divorce is often painted as a contentious battle filled with resentment and bitterness, the truth is many couples just want to end their romantic relationships. They intend to remain in one another's lives, either as co-parents or friends, even though their romantic ties are ending.

Unfortunately, these goals can be destroyed after months battling through attorneys and in the courtroom. Mediation and/or collaboration allows couples to communicate with respect about the issues at hand without spiraling into a full-blown battle. The transition is easier and many find they are able to preserve a healthy relationship, despite the end of their marriage.

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DIVORCE

4. Puts Control in the Hands of the Divorcing Couple



Another aspect of mediation and/or collaborative divorcing couples find appealing is the control the process gives them to make decisions. When a divorce is litigated, the couple is at the mercy of the judge. There is no telling what the outcome might be and in many cases, both spouses walk away from the situation unsatisfied with the result.

In mediation and/or collaboration, they retain complete control over their divorce settlement. Unless both parties agree to a resolution, negotiation continues until an agreement is reached. Not only does this give everyone a say in things like division of property, it also means parents remain in control of the future of their children.

5. Paves the Way to a Healthy Co-parenting Relationship

Parents are especially enticed by mediation and/or collaborative divorce because the process is so much better for their children. Instead of relying on the family court, with possible guardians ad-litem and family services folks involved in the decision-making to decide how the parties' child's life will be organized, parents get to make these important decisions and continue to parent their child as they see fit. And since mediation and/or collaborative divorce is communication based, either process itself paves the way to successful co-parenting. Many divorcing couples leave mediation and/or collaboration with the skills needed to successfully communicate about parenting with their former spouse.

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DIVORCE

6. Is Private and Confidential

Mediation and/or collaborative divorce is completely private and only those approved by the divorcing couple are permitted to be present during the process. This confidentiality puts minds at ease and couples do not feel as if they are “airing their dirty laundry” in a public court.



7. Reduces the Overall Burden of Transitioning from Marriage to Divorce

In the end, mediation and/or collaborative divorce makes the divorce process less stressful. There is no denying divorce is tough on every member of the family, but when they can transition from marriage to divorce peacefully and with respect, the change is just a bit easier on everyone. The process itself does not become a problem.

To better explain the differences, mediation is when a couple hires a person who is hopefully trained in mediation, and that person acts as a neutral party, representing no one, who will facilitate the negotiation process and give the couple an idea of how the legal process works and how the couple can fill out the proper forms and how they can draft the final agreement. In a collaborative divorce, each spouse is represented by a mediation/collaboration trained professional, and the professionals will assist each party in the negotiation. Sometimes in a collaboration, the parties may agree that that additional professionals, like tax or financial advisors, psychologists or psychiatrists, any one of them also be collaboratively trained, and all will be committed to helping the couple negotiate a fair and reasonable agreement that would be approved by the Court.

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DIVORCE

If you are considering divorce or your spouse has approached you about ending your marriage, David Moore can help. David is an experienced attorney, but understands that the courtroom is not always the best venue for resolving legal issues – especially those that involve families.

David's mediation and collaboration training and experience have prepared him to work with couples interested in resolving their divorce with respect and understanding. He is even able to help those that seem far from a resolution, but who want to avoid the expense and frustration of a courtroom divorce.

For more information or to schedule a consultation with David, contact him at 860.674.0122 or by email at dmoore@a1conflictresolver.com.

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