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Family Law Mediation: A Practical Solution for Today's Needs

Frequently after a husband and wife determine that their marriage has come to an end, they still have respect for one another and do not want to end their marriage in a courtroom fighting with their respective attorneys. They prefer to retain the good memories of their marriage instead of making new painful memories through their divorce proceedings.

A divorce can be carried out in the same manner that marriages are entered into, with good intentions. Mediation is a more cost and time efficient method for divorce, as opposed to a court-based dissolution. It is a healthier option for parties who are willing to compromise and to end their marriage as positively as possible.

Mediation provides a solid foundation for parties who will continue to communicate in the future, especially when they have children together. The manner in which the dissolution process is handled sets a tone for how the relationship between parties will carry out post-divorce.

Alternatively, mediation is a valuable tool for those parties who have chosen not to remain in contact at the conclusion of their marriage, given that mediation allows parties to express their goals and expectations after their divorce, and may in turn provide closure to their relationship.

Mediation: The Process

Mediation serves the public policy of encouraging the resolution of disputes by alternative means to judicial proceedings where parties undergo an evidentiary hearing of contested factual issues. Mediation allows parties to conclude their divorce amicably in good faith and without acrimony.

Confidentiality is essential to mediation. All communications, negotiations and settlement discussions should remain confidential not merely to keep the parties' disputes out of the public limelight. The parties must also feel confident that whatever writings and statements they reveal privately in good faith to the mediator, or to each other in mediation, will not be used against them in court should their mediation be unsuccessful. Confidentiality also encourages parties to make offers and concessions which pave the way to settlement.

In mediation, parties can think outside of the box to come to agreements on specific disputes in their divorce, because not all divorces are the same. They can also address matters which may not get the appropriate attention in Court, such as how to share management of a family business or the division of personal property.

Mediation: Children

There is enormous potential emotional and psychological harm that can be caused by a divorce

to both parties and their children. In many court-based divorces, the children are often placed second to other factors of the divorce. Mediation is the ideal option for parents that wish to put the care and needs of their children first.

The ultimate goal in mediation in relation to children is to provide a healthy and effective environment for parents to plan their children's future. Both parents can be involved in the decisions that will affect their children's lives, in order to provide them with a sense of normalcy and love from both parents. The collaborative process in mediation allows parents to find the healthiest and most effective solution to their children's needs.

Mediation: Logistics

The cost of mediation is often times shared equally by the parties. Sharing the cost does provide the clients an equal sense of investment and responsibility, which produces a fruitful mediation for both parties.

T. Elizabeth Fields, Esq., was born in Santa Monica and raised in Los Angeles. She is a Certified Family Law Specialist and has been practicing family law exclusively for 19 years. She has been the lead family law referral attorney for The Legal Grind™ since 1996. For more information regarding Ms. Fields' practice, contact her at 310.273.6671 or at fieldsfamilylaw.com.
