

MEDIATION



Mediation can be a very powerful tool in divorce cases. Mediation is referred to as an alternative dispute resolution (ADR) method because it is designed to resolve disputes without trying the case before a Court. In divorce mediation, the parties meet with a neutral third party (often an attorney with extensive experience with divorce cases). Depending upon the parties' agreement, the parties' attorneys may or may not accompany the parties at the mediation. The mediator often meets with each party separately, and then may or may not get the parties in the same room to try and resolve some or all of the case issues.

The mediator cannot advise the parties, but he or she can offer creative solutions or suggestions. The key to an effective mediation is that both parties need to come into it with an open mind and the desire to resolve the case. Some states, such as Nebraska and some districts in Iowa, require the parties to mediate divorce cases (where child custody and visitation is an issue) before the Court will try the case. If the parties are able to resolve the issues, the mediator will draft a written agreement outlining the settlement, and the parties' attorneys will thereafter formalize the agreement and present it to the Court and close the case.

Mediation allows the parties to clear the air in a setting much less formal than Court, while at the same time being kept on track by an experienced mediator. Mediation can also save the parties' a great deal of fees, especially if successfully completed early on in the case.