

Important Steps In Preparing For A Successful Mediation

Mediation is becoming more and more common in divorce cases, as it frees up the courts and often saves time and money for all involved – in fact, divorce mediation is 90% effective in bringing both parties an agreement without the need for a lengthy, expensive and contentious proceeding. However, many people become anxious about mediation sessions as it seems to threaten a return to the same old arguments and hurtful words that have become all too familiar. The key to a successful divorce mediation process lies in the preparation – both emotional and objective – that each spouse engages in.

The key element of preparation for divorce mediation is to know your goals and ‘deal breakers.’ Try to put aside the emotional elements of your divorce if you can and concentrate on what you need and want – and then go further and understand the difference between a need and a want. Needs, of course, are must-haves. Wants are negotiable, whether you wish to admit it or not. By defining something as a want instead of a need you are not conceding anything yet – you are simply giving yourself the flexibility for negotiation.

The next step is reminding yourself that there are no winners or losers in a divorce mediation. No sides are taken and everyone must get something out of it. Initial proposals from your spouse may seem lopsided or unfair – be prepared for them by asking yourself what their likely demands will be, and preparing your response ahead of time. At each step, ask yourself if what’s being proposed is reasonable, workable, and if you can live with it. Be honest with yourself.

If possible, one of the best ways to prepare for divorce mediation is to identify what your spouse is likely seeking and then determine what you can freely offer from that list. If there are things the other party will request that you have no objection to, identify them and list them. Beginning the divorce mediation process with concessions can set a tone of cooperation that makes the process much easier for everyone.

Preparation is essential because it reduces the emotions involved. By spending time working through the issues, demands and possible concessions ahead of time, you give yourself time to come to terms with your emotions and master them, rather than hearing something for the first time in session one and having an instinctual reaction that can cast a pall over the proceedings. Working things out on paper and being objective with yourself will contribute to an objective and respectful atmosphere in your mediation sessions, which in turn will inspire an attitude of cooperation.