



VAN TASSEL LAW

Deciding Between Mediation and the Collaborative Process

Mediation or the collaborative process is the choice for us if:

- We want to reduce the cost of our divorce overall.
- We want to control the timetable for mediation—so that the number of sessions, the time between sessions and the scheduling of the sessions works for both of us.
- We are willing to share the choice and fees of professionals we will both trust for unbiased information and advice during the mediation or collaborative sessions—such as realtors, accountants and therapists.
- We want to keep our issues and arguments private and confidential.
- We want to discuss difficult issues and topics in a safe, informal environment.
- We want to minimize the stress of divorce.
- We are willing to be honest with each other throughout the negotiations and to focus on the future, not vent about the past.
- We want to make our own decisions about the future of our children.
- We want a wide range of creative and individualized choices available to us for resolving issues.
- We are willing to compromise on some issues—even though it might be hard to do—in order to achieve a solution we both consider fair.

Mediation might be the better choice if:

- We can discuss our issues, even difficult issues, together to make a decision about our future.
- We have already discussed how we want to restructure our family and divide property but still have some outstanding issues to resolve.
- We want to think about all the what-ifs and prepare contingency plans for our family's future so that we can avoid post-divorce disputes.

The collaborative process might be the better choice if:

- Our financial and personal issues are complicated and there are many gray areas to explore. Each of us wants representation and specific legal advice from a skilled attorney to help us understand the ins and outs of the governing laws and to best express our needs and wants.
- One or both of us do not trust ourselves to speak up adequately during such an emotional and vulnerable time.
- One of us has always had more financial or personal power in the partnership.
- One of us needs support to avoid being overly accommodating of the other.