



Reasons to Resolve Matters Using Mediation

1. **The Parties, Not a Stranger, Are the Decision-makers.**
 - a. *The Parties, Not a Stranger to Them, Make the Decisions*
 - b. *The Parties Can Choose Who the Neutral Person Involved Will Be*
 - c. *The Parties Choose the Process and Degree of Formality to Be Followed*
 - d. *Role of the Neutral is to Provide Education, Equality and Empowerment*
 - e. *Adults Are Treated with Respect; They Identify Own Issues; Apply Own Values*
2. **The Parties Retain Ownership of the Issues.** The parties can fully and directly participate in the process of defining and resolving the issues. They can dialogue *directly* with all counsel, each other, and the mediator – none of which can happen in court.
3. **An Agreed Resolution Gives the Parties Finality of Outcome.** Mediated outcomes are final and not subject to appeal. Litigation uses a “win-lose” paradigm, creating a “loser,” and giving that person the right and incentive for further litigation by post-trial motions, appeals, petitions to modify, motions to set aside the judgment and endlessly onward. The results are uncertainty, suspicion, and non-predictability.
4. **Confidentiality of Process; Privacy of Personal and Family Information.**
 - a. *Court proceedings are recorded and documents are scanned to go on the Internet.*
 - b. *In mediation what you say in the room is confidential; the only documents that need appear on the Internet are the final orders – not nasty declarations that revealed intimate personal, medical or financial details of your life or children.*
5. **Protects Children from Loss of Friends, Support System.** Conflict and fighting impairs the dignity and respect of each party and it alienates friends and family who are called to testify on behalf of one side or the other. It can destroy the parties’ ability to work together in the future and drives away friends and neighbors who must testify on behalf of one party against the other. They draw away and cease to support the family.
6. **Uncertainty and Unpredictability of the Court Outcome.** The only certainties of court proceedings are that (1) the resolution will only come at great cost; (2) the decision will be made by someone less informed about your family than you are; and (3) the criteria applied are historical and serve the interests of the court and legislature, **NOT** your family. Court decisions are based on laws and court cases other than your own.
7. **Increased Efficiency/Reduced Costs of the Mediation Process.** In mediation, parties frequently stipulate to the use of neutral experts. Both sides can work simultaneously on different aspects of the settlement in different rooms; while office staff drafts final papers at the same time, as well. If there is uncertainty as to factual information, this can be resolved by a simple telephone call or checking of values on the Internet. In litigation, to the contrary, competing forensic experts must be hired to testify, thus incurring twice the expense. In court, only one person may speak at a time and all must listen – you can’t work simultaneously.
8. **Difference in the Core Values Applied In Mediation and Litigation.** The goal of mediation is to find a resolution that respects and balances the needs and resources of each party and which fosters and protects the best interests of the children. In court, the overriding goal is consistency, which is called “precedent,” “due process,” “equal protection of the law,” but it is really “homogenized justice” – a one-size-fits-all solution that really fits no one well, because no two families are alike. You deserve your own decisions.