

## **What Mediation Is:**

Mediation is a process in which an neutral attorney assists in resolving a dispute between the parties. It is a non-adversarial approach to conflict resolution. The role of the mediator is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and generate options that meet the interests or needs of all relevant parties in an effort to resolve the conflict.

Each party meets with his/her attorney in a separate room from the other party/attorney. The mediator will go between the rooms to negotiate a settlement.

Unlike arbitration, where a private attorney acting as a judge listens to the arguments of both sides and makes a decision, a mediator assists the parties to develop a solution themselves. Although mediators sometimes provide ideas, suggestions, or even formal proposals for settlement, the mediator is primarily a "process person," helping the parties define the agenda, identify and reframe the issues, communicate more effectively, find areas of common ground, negotiate fairly, and hopefully, reach an agreement. A successful mediation effort has an outcome that is accepted and owned by the parties themselves.

The mediator remains neutral between the parties. That means the mediator does not provide advice to either party, or act as a lawyer for either party. The mediator does not have the ability to decide anything.

What the mediator can do, though, is to point out to each spouse the strengths and weaknesses in his/her case and the risk associated with litigating an issue(s).

**It is important to remember that anything that is said in front of the mediator can be disclosed in the other room if the mediator believes that the information will assist the parties in resolving the issues. If there is information we want kept confidential, we must specifically ask that the mediator keep it confidential.**

People often ask, "[Does mediation really work?](#)" In a word, yes. Mediating couples are more likely to be satisfied with the process and the results, likely to take less time and spend less money, and are less likely to go back to court later to fight about something.

When considering a divorce in North Carolina, mediation can be a highly effective route, particularly given the specifics of your case. Here's why you should consider settling through mediation:

### **Cost-Effective**

Mediation typically involves lower costs compared to traditional litigation. In a case where the wife is unemployed and may face financial difficulties, this is a crucial factor. Mediation involves a neutral third party who helps both spouses reach a mutual agreement. Since the process is less formal and generally quicker, legal fees and court costs are minimized. This means both parties, especially those with limited financial resources, can avoid the high expenses associated with a prolonged court battle.

### **Speed and Efficiency**

Your goal is to resolve the matter quickly. Mediation can expedite the process significantly compared to going through the court system. Court proceedings can be time-consuming, with numerous delays and procedural steps. Mediation allows you to address the issues directly and come to an agreement faster, which aligns perfectly with the husband's desire for a swift resolution.

### **Control Over Outcomes**

In mediation, you have more control over the outcome of your divorce compared to a court decision. You and your spouse can negotiate terms that are mutually agreeable and tailored to your unique circumstances. This flexibility is beneficial in ensuring that the agreement reflects both parties' needs and is more likely to be fair and sustainable in the long term.

### **Less Adversarial**

Mediation fosters a collaborative rather than a confrontational environment which can help to lessen unnecessary conflict.

### **Potential for Better Future Relations**

Since mediation encourages communication and compromise, it can help maintain a more amicable relationship between you and your spouse. This is especially valuable if you have children or need to continue interacting in the future. A cooperative settlement can make post-divorce interactions smoother and more respectful.

## **Practical Issues:**

Mediation continues only for so long as everyone wants it to. Please note, mediation often lingers into the evening after dinnertime. Come prepared with a snack to keep you sustained and have childcare arrangements for minor children. The mediator will provide lunch, but not dinner.

Please dress comfortably in business casual attire. Please bring a sweater or a jacket in the event the room is cold.

If you do not have the date, time and address of the mediation please contact our office to obtain.

Mediations are not an easy process; it is important to be well-rested for your mediation. You will likely be processing emotionally and intellectually on the day of mediation in order to resolve the matter.

There may have been a Mediation Agreement included with this document. Please read it carefully and know that your attorney agrees with the document. If you have any questions about the Agreement, please let us know. If the mediator asks for a retainer to be paid prior to the mediation, please take care of paying that retainer as requested prior to the mediation to avoid having the mediation cancelled.

## **Summary**

By choosing mediation, you are likely to achieve a fair and timely resolution that meets both parties' needs while minimizing the emotional and financial strain often associated with divorce proceedings.

If you have any questions or concerns after reviewing this information, please contact my office.