

MEDIATION PROCESS

Court Ordered mediation is a process of disputes resolution without the involvement of Court time or serious Court Administration. The local Court rule is that a case demanding more than two hours of Court time requires the parties to attend mediation. (the rule is rarely not implemented)

The mediators are trained in the techniques of mediation and are very experienced family law lawyers. The mediator does not take sides in a case. The mediator reviews submissions listens to all parties, all counsel, and will attempt to bring the parties to an agreed resolution. The mediation is not binding, as in arbitration, unless the parties come to an agreement and it is reduced to a written form then it is binding.

Either party may leave the mediation process at any time. The statutes just require a good faith effort to find a resolution. In cases of high conflict over custody and \or property division it is not unusual that a case does not resolve at mediation. However, there can be partial resolutions, for example the children's issues might be resolved but the property division remains unsolved. Likewise, property issues may be resolved but the issue of educational maintenance may not be resolved.

Further at mediation the parties may agree on the list of assets and liabilities and place values on the assets and amounts on the debts. Likewise, the parties may not agree on either of those issues.

The family law Court is the final decision maker if issues are not resolved at mediation. The Court will tell parties that at mediation they have the chance to resolve their own issues; if the Court hears the case the Court will resolve the issues and the resolution will not necessarily be satisfactory to either side.