

Alternatives To Court

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Litigation can be scary and expensive, emotionally as well as financially. But you do not necessarily have to go to Court to resolve issues in a divorce. The first step in determining how best to proceed is to discuss your options with experienced counsel who specialize in family law. Family law is a unique area of the law, and only those lawyers with experience have the level of knowledge and sophistication to evaluate your options with you.

Often, cases can be resolved by negotiation through counsel. But there are other options available, and since divorce can be complex and complicated, one should consider all of them.

Mediation is often used in family law, even if the parties are already engaged in litigation. Trained mediators facilitate agreements. They do not impose their position on either of the parties. Rather, a good mediator will challenge both parties not to expect their “best day in Court.” Reality often sets in, and parties recognize the pros and cons of their positions. Mediation often leads to an agreement, which can be incorporated into a Judgment of Divorce.

Many attorneys who specialize in family law are now trained to handle cases in a collaborative process. This process permits the parties to evaluate their goals and explore options in a joint meeting setting.

Another option is arbitration, where an arbitrator more or less substitutes for a Judge. However, unlike in a Court situation, the parties are able to select their arbitrator, determine what issues will be presented, set time limits, and control the amount of evidence that must be formally presented. In addition, there is some degree of privacy that is not typical in divorce situations.