

With so many marriages ending in divorce, enlightened judges and lawyers recognize that courts are not the best forum to resolve the issues raised when a marriage ends. Mediation provides a process in which control is retained by the divorcing couple – not the lawyers, not the courts.

Couples may participate in mediation with or without independent legal representation. Individuals are encouraged to seek the advice of their own attorneys, financial professionals and child development specialists.

#### **Mediation:**

- ⚖️ permits the two people who have the most knowledge and highest stake in the outcome to control the divorce.
- ⚖️ offers a private and confidential setting in which all issues are discussed and resolved, unlike courtrooms which are open to the public and court files which are available on the Internet.
- ⚖️ assists in controlling the costs of divorce.
- ⚖️ encourages divorcing couples to give high priority to the needs of children.

Most importantly, mediation starts the family on the road to healing. Couples learn cooperative behavior to help meet the challenges of the future.

what is  
mediation?

frequently  
asked  
questions

#### ***Doesn't the state already require mediation?***

Yes, but not until too late. Often mediation doesn't begin until after lawyers have been engaged, the case has been brought to court and it's almost ready for trial. With voluntary mediation you start talking about your future right away, before retainers are paid and positions are hardened.

#### ***Is this like counseling?***

Elaine Silver is a lawyer and mediator, not a mental health counselor. Mediation is goal-oriented; the focus is on helping you reach agreement on re-shaping your family and financial situation as your marriage ends.

#### ***What about children?***

Mediation makes sense for all couples, especially couples with children. In mediation parents learn that even though no longer

married, they can still responsibly raise children together. Children do best post-divorce when their parents cooperate.

#### ***Is there a judge involved at all?***

Once you and your spouse have settled your differences, the mediator prepares a Marital Settlement Agreement. You take the Agreement to court. Then you are officially divorced.

#### ***Don't certain things have to be "ordered" by the court?***

You are not divorced until the court enters a judgment dissolving your marriage. With mediation, the court approves your agreement instead of the court's solution.

#### ***Don't most attorneys prefer going to court?***

Most responsible attorneys counsel their clients to avoid court and reach agreement. No attorney can control or predict the outcome or financial and emotional costs of court battles.

#### ***Is mediation less expensive than a court battle?***

Mediation is almost always less expensive because you control the time you spend. You don't have to wait in court while other cases are heard. You have as much or as little time as you need with the mediator to explore all the issues. Appointments are scheduled at your convenience. Elaine Silver even meets evenings and weekends so that you don't have to lose time from work.

#### ***Why isn't everyone taking the mediation approach?***

Once people learn the advantages of early voluntary mediation, and understand the costs, hardships and loss of privacy of the traditional court model, they almost always choose mediation. Mediation with Elaine Silver starts families on the road to healing.

● silver  
= divorce  
● center

Law Office of Elaine T. Silver

Certified Family Mediator