

5 KEYS TO A SUCCESSFUL MEDIATION

1. Preparation

Set an appointment to consult with your attorney in advance of mediation to discuss options and the general process. On the day of mediation come prepared with a current documents. Particularly important are:

- ✓ Financial Affidavit;
- ✓ Verification of income (tax returns and pay-stubs);
- ✓ Verification of expenses (mortgage and credit card statements);
- ✓ Daycare receipts including summer care;
- ✓ Health insurance costs breakdown (for you alone vs for you and your spouse vs you and your children);
- ✓ Current school schedules;
- ✓ Planned vacation dates;
- ✓ Car titles; and,
- ✓ Real property deeds.

2. Flexibility

There are 2 ways to approach mediation.

Will you be open minded and willing to listen to ideas “outside the box?”

Or are you entrenched in an immovable position? Clearly defining for yourself minimum expectations is important but of even greater importance is the ability to adapt and be open and flexible to new ideas. Often times these new ideas are not what the ultimate solution is but they can very important to narrowing down areas of disagreement and in ultimately forming a plan that will work for both parties. Remember that what you think may be most important to the other side may not actually be most important.

3. Creativity

Brainstorming ideas is critically important. One of the most wonderful advantages of mediation, as opposed to litigation, is the ability to agree to things the Court could not otherwise order. This allows parties to take ownership of their lives and empowers them to formulate specific solutions to their dispute. During the mediation process most, if not all of the time, you and your attorney will be in a separate room from your spouse and his or her attorney. These “separate caucuses” as well as the confidentiality you have during mediation ensures a free flow of ideas.

4. **Patience**

It is understandably difficult for many parties to believe that their longstanding disagreement can be solved in a matter of hours. But here is where patience in the process is important. Allowing each side to express their full thoughts and reasoning is critical. That opportunity often is the impetus needed for conclusion.

5. **Motivation & Insight**

Remember that if a solution is reached, you can move forward with life. The costs you incur during the litigation process is measured not only by attorney's fees and Court costs but the "costs" that litigation takes on your life like weakening efficiency at work, worsening health conditions and often weakened or strained relationships with children or friends as a result of the stress you are under. Keeping the goal of resolution in mind is paramount to getting to the end.