

DIVORCE AND FEAR

Facing divorce brings up a lot of emotions, and a BIG one is fear! Fear can drive a person to decide that hiring an attorney – getting your own “hired gun” – is the only way to get through the divorce and get the most protection.

Usually, hiring an attorney to represent you in your divorce results in three outcomes:

1. Greatly increasing the animosity between you and your spouse,
2. Paying huge legal fees to your attorney.
3. Dragging out your divorce for well over a year or two – or even three.

Is there a safe alternative to hiring your own attorney? Is there another way to get divorced that will serve to protect your financial interests and your legal rights, that will cost significantly less than litigation and will result in your divorce happening in your time frame rather than in the time frame of the court system?

Sure. That safe alternative is mediation. How will mediation protect you? What if your spouse handles all financial matters? What if you don't understand the finances? That can make you feel that you won't “get the best deal,” you will be taken advantage of, you will end up with less than you would have gotten if you had hired an attorney. Here is why mediation is safe:

- A good mediator will make certain that you and the mediator, as well as your spouse, have ALL the financial information.
- A good mediator will make certain that you understand ALL the financial information BEFORE you make any decisions about what you want or what you think is fair.
- A good mediator will make certain that you understand all your legal rights BEFORE you make any decisions or begin any discussions.
- A good mediator will help you think through the consequences of all choices you are thinking of, and will present other choices to you that likely neither you nor your spouse have thought of.
- A good mediator will notice if you have difficulty asking for what you think is fair and will help you to frame your proposals to your spouse in a way that “wraps” your proposal with the rights that you have under California community property laws.
- A good mediator will help you to work out a parenting plan that works for your children as well as for you and your spouse.
- If you have been a stay-at-home parent or if you earn considerably less than your spouse, a good mediator will help you and your spouse develop a

spousal support plan that will enable you to get the training and/or degree that you need in order to become more financially stable in the future.

- A good mediator will help you think about every decision you make not only in its immediate consequences but also considering how that decision will affect you five or even ten years into the future.

Finally, a good mediator will strongly urge you [and your spouse] to take your draft agreement to a family law attorney for review and advice BEFORE you sign anything. That reviewing attorney will look at your draft agreement solely from your perspective and may have some suggestions for changes. Usually there are very minor, if any, changes requested by my clients after they have seen their reviewing attorneys. That is because, by the end of the mediation process, my clients understand what their rights are under California law and what trade-offs they have made in order to get what they wanted.

Mediation is safe! Mediation is far less costly than litigation. Mediation helps you to get more of what you want. Mediation helps you to be a better co-parent if you have children. Mediation helps you to focus not just on getting through your divorce but also building a future that provides enough financial security so that you can move forward safely.

Mediation is truly the safe and sane way to get divorced.