

GOING TO COURT IS THE ONLY WAY TO ENSURE YOU'LL GET YOUR FAIR SHARE

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Lawyers and judges who know the court system realize that court is not the place to solve family issues. Courts are based on a ward model in which ex partners fight each other to produce a winner and a loser. Court starts by each party taking an extreme position, knowing that the results come down somewhere in the middle. Inflammatory letters and court affidavits increase anger and hurt and can destroy your ability to co-parent your children after the divorce is over. Although most family cases settle, they do so after much money has been spent and emotional trauma endured. Often settlements are reached while everyone is under stress, on the court room steps. If a judge decides the case, she may have only limited information and limited time and doesn't know you or your family.

People who want to keep control over the decisions made about them and their family, who want a good relationship with their partner, who want to protect their children from emotional damage and who want a solution that is customized to their family, will want to consider either mediation or collaborative law as an alternative to court.

In both mediation and collaborative law, from the outset all efforts are made towards settlement. You and your ex, now the lawyers or the judge, create the settlement. Negotiations are respectful and open, rather than secretive and adversarial. You have time to think and make good decisions. Settlements are customized to suit your suitable family.

What most people mean when they say they want their fair share is to be sure they are not taken advantage of by their ex, that they receive an equal share of their family property. Have workable co-parenting arrangements for their children and support arrangements that will provide comfort and balance in their two households. A mediation or collaborative law process that seeks to achieve a win win solution, and preserve relationships between family members, is much more likely to leave everyone satisfied than the risk or trauma of going to court.