

MEDIATION
DIVORCE
GUIDE



 **Johnson & Smith, LLP**

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A Peaceful Divorce by Design



Dan Johnson



Martha Smith

Your divorce settlement is important. And how you get there matters a lot.

Our Collaborative Divorce service makes a difference

When Dan Johnson began practicing family law in the early 1990s, he knew there had to be a better way to help clients than taking their cases to court. “Divorce litigation cost a lot of money and dragged cases on for months,” he recalls. But he soon learned about Collaborative Divorce — an alternative method of dispute resolution outside the adversarial system. Johnson and his partner, Martha Smith are both seasoned collaborative attorneys who are trained to resolve divorce cases using this process. With their Collaborative Divorce service, you can get through your divorce with less stress, expense, and conflict.

A high rate of out-of-court settlement

Today, the law firm of Johnson & Smith has a stellar reputation in Los Angeles County for resolving the vast majority of its cases through collaborative family law. “In Collaborative Divorce, you and your spouse retain your own separate attorneys who will work together with settlement as the only goal,” Smith explains. “The best part is: both attorneys sign an agreement stating that they will resign should the process break down and you want to litigate. So everyone is committed to finding a non-adversarial solution.”

Serving you with top-rated legal skills

Johnson and Smith are highly respected by not only clients but also other divorce lawyers and judges. Johnson is a Fellow of the American Academy of Matrimonial Lawyers and has an AV

rating in *Maximale-Hubbell*. Smith is a past-president of the California Bar Association, is listed in *Best Lawyers in America*, and has been profiled in *Newsweek* and *The Los Angeles Times*. Both have represented numerous celebrities in their divorces.

Financial and child-custody expertise

“I also have training in asset valuation,” Johnson adds, “which is extremely valuable if your divorce involves significant property issues. And if your case warrants it, we will bring in a financial advisor. Furthermore, Martha has experience as a child advocate, so we cover different aspects of your divorce.”

“Come to us for peaceful divorce resolutions,” says Smith. “We can help you design a divorce settlement agreement that is best for the future of you and your family.”

Contact us today to book a free initial consultation and start designing your peaceful divorce.

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Divorce can be a stressful, prolonged, expensive, risky and confrontation-filled experience. However, it doesn't have to be that way when both spouses choose mediation instead of litigation.

In this **Mediation Guide**, you'll find articles, book excerpts, advice and more to help you understand some of the benefits and limitations of this out-of-court dispute resolution method. Together with other resources and experts, use the information here to help you decide if mediation is the best way forward for you, your children, and your future.



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The Mediation Alternative

Mediation can be a viable alternative to standard divorce litigation. Here's what you need to know.

By Brad Marcoux

WHILE death and taxes may be the only guarantees in life, acrimony and financial woe almost always accompany an adversarial divorce. It isn't surprising, really: after all, the legal system by its very nature pits people against each other, seeming to offer the possibility of only one "winner" and little opportunity for compromise. The search for a way to make the process of divorce less painful has led many to mediation — also known as "assisted negotiation" and it is a form of alternative dispute resolution.

Unlike traditional divorce proceedings, mediation takes the approach that individuals who were once able to organize their lives together can also arrange to live them apart. It's a different way of viewing divorce, and one with many advantages. But there are a few concerns that need to be addressed before you can be sure that mediation is for you.

What is it?

Mediation is a negotiated agreement between divorcing spouses on the issues of children, finances, and property. The key word here is "agreement" — you and your future ex create an agreement that both of you can live with. The mediator is simply there to keep you on track, assure negotiations are fair, and

make suggestions when roadblocks are encountered.

The focus for both parties is on controlling their own divorce, not on giving control to a judge. Unlike in litigation (in which the lawyers speak on behalf of their clients), in mediation mediators act as advisors while the spouses speak for themselves based on their own individual needs and priorities.

The stages

While mediators handle each case differently depending upon their personal style and their training (an attorney-mediator might handle things very differently than a therapist-mediator) there are generally a few common stages. An initial meeting with you and your spouse is arranged to assess the dynamic between both of you, explain what you can expect, and discuss costs. Some mediators may also have you fill out a questionnaire or come in individually, based on what kind of relationship you currently have with your spouse and the mediator's personal preferences.

Once this initial stage is complete, you'll set meeting times (usually weekly, but you can arrange any schedule that suits you), ground rules (no degrading or insulting language), and goals (usually

regarding support, asset division, and visitation).

Next, information-gathering begins: your mediator will need documentation for property, assets, and debts, as well as tax returns, bank and pension statements, and any other paperwork relating to your marriage and finances. Based on the initial assessments and this documentation, a decision is made as to whether financial, legal, or emotional experts need to be consulted, and the actual process begins.

While individual cases vary, most cases can be resolved in a couple of months.

The big plus

This short duration highlights one of the most appealing aspects of the process: although mediators generally charge between \$150 and \$450 per hour — about the same as a lawyer — the speed can make it tens of thousands of dollars cheaper than fighting it out in court.

There are other advantages as well: since you're the one who is crafting your own agreement, you can arrange for all of your concerns to be addressed to your satisfaction before the process ends.