

7 BENEFITS TO

Using Mediation Rather than Litigation

A GUIDE FOR THE PERPLEXED



Sabra Law Group

Sabra R. Sasson

646-472-7971 | www.new-york-divorce-mediation.com

WELCOME

Hello and welcome.

Since 2004, I have been providing services in the area of divorce – as mediator, collaborative divorce attorney, and as a consulting attorney for mediating couples.

I understand the pain of a litigated divorce, the strategizing, the prepping for the numerous court appearances, the lack of trust, and the uncertainty of the outcome. I have also facilitated and witnessed the cooperation of couples and parents getting divorced in mediation who are involved and choose the outcome of every aspect in their divorce, the division of assets and making the tough decisions relating to their children, including support. The latter often results in feelings of pride in each of the participants and confidence in their decisions and ability to co-parent, where children are involved. The agreements reached in mediation have a higher likelihood of success and adherence, than ones reached in litigation.

Getting divorced can be scary, and is fraught with uncertainty and trepidation. If children are involved, it can be even more challenging.

Making the decision to get divorced is a difficult one. A more difficult, yet not widely addressed decision, involves the choice regarding the method of divorce. Many couples are unaware that there are different ways to get divorced, from deciding on your own together and filing the papers on your own, to “lawyering up” and litigating the divorce in court; and there are the in-between options such as mediation or a collaborative divorce. The chosen method of divorce will have significant bearing on the outcome and impact upon you and your family. Understanding the options available, knowing your particular circumstances and deciding the kind of outcome you want, will help you to decide the best method for you. This eBook is intended to provide you with information to assist you in making the best decision for you and your family.

Should you have additional questions about anything in this eBook, or would like to explore your options further, please contact the office and we will set up an exploratory meeting with you.

I welcome the opportunity to assist you during this difficult transition.

In service,



Sabra Sasson

Sabra Law Group, PLLC
315 Madison Avenue, Suite 901
New York, NY 10017
T: 646-472-7971 F: 212-937-4645
E: sabra@sassonlaw.net
W: www.new-york-divorce-mediation.com



Legal battles are stressful and determining the proper path to take can add to that stress. When you are unfamiliar with settling legal disputes and you hear only the negative aspects of the legal process, things get scary. Litigation takes a long time and is expensive. It also tears relationships apart – which can make co-parenting after divorce difficult or nearly impossible and can make your divorce take more time to resolve than it needs.

Luckily, there are alternatives to litigation and many times, these alternatives accomplish exactly what you desire: your legal dispute is settled in a timely, cost-effective manner without destroying the lives of those around you. Mediation is an example of a tool you can use to settle a legal dispute in the best way possible.

What are the benefits of choosing mediation over litigation?

1 Speedy and Less Expensive

Mediation takes less time and because of that, it costs less. Litigation is expensive. Even before you reach the courtroom, you pay attorneys to build your case and fight for what you want. There is a tendency for those involved in litigation to not be forthcoming with information because they are adversaries. This stretches the process out even longer. Disputing parties are also at the mercy of the court system when it comes to litigation and the timing of the courts. By using mediation to settle a dispute, you are taking control of the timeline and therefore, the checkbook.

2 Private and Confidential

Mediation keeps everything private. Settling disputes in court means everything is a matter of public record. The general public is even welcome to sit in the courtroom and listen to the proceedings if they so desire. Your divorce proceedings and related matters, with some exceptions, are open to public view. However, where the parties desire to keep their personal affairs private, they may choose other methods for divorce. In mediation, the only people present for the discussions are those approved by you. Furthermore, the discussions held during mediation do not leave the room. And the documents filed in court can be prepared in a way that protects privacy



concerns, but this requires the cooperation of the parties. Even in the rare instance mediation is unsuccessful, anything said during the process cannot be used against you at a future date.

3 Preserves the Relationship

Mediation is especially effective for preserving relationships. This can be important in personal and business disputes. If business associates share a mutually beneficial relationship, mediation allows them to resolve the current dispute without damaging that long-term relationship. For personal relationships, mediation creates a cooperative approach (even where that does not seem to be possible) and makes it easy to settle problems without a bitter dispute. Protecting family ties is important and mediation provides a tool by which to settle disputes without destroying respect or compassion in relationships and instead replacing your current model with a new one that works for the modified relationship after the dispute is resolved.



4 Reduces Court Back-log

Mediation keeps cases out of court and can be scheduled during the participant's convenience (days, times and frequency). In addition to the benefits disputing parties enjoy in mediation, it also means those who must go to court can experience an efficient process. If you are frequently involved in disputes you can appreciate how important this is. When you can settle disputes outside of the courtroom, it is important to do so. If and when litigation is necessary, you can have as speedy a process as necessary and allow others to do the same.

5 Less Intimidating

The idea of walking into a courtroom and sharing your personal experience with complete strangers and the general public is intimidating. Court is also a formal process and requires you behave in a certain manner. Someone else is in charge of the process, which can be downright frightening, especially when you are dealing with emotional issues.

Mediation sessions are held in a private environment. If necessary, emotions can be shared without concern for who sees or hears the discussion. It is a less formal environment in which people are free to share their thoughts and feelings concerning an issue. Despite this informality, a skilled mediator ensures the discussion stays focused. More effective than an argument in your living room, but less formal than a court appearance, mediation offers the best of both worlds.

6 Control of the Process and Resolution

Mediation places control of the process and outcome in the hands of the disputing parties. This is especially beneficial when you are resolving issues involving your business, personal finances, or family. The last thing you want to do is hand over control to a total stranger, but this is exactly what occurs when disputes are litigated. Mediation puts the control back into the hands of those who are most affected by the resolution, who can select the dates, times and frequency of sessions as well as contribute to the outcome.



7 Opportunity to Deal with Emotions

Mediation puts a personal spin on disputes. Sometimes people get involved in the battle of litigation and the focus is on winning and losing. Litigation fosters feelings of resentment and revenge, while mediation allows you to look at things from the human side. You are able to share your feelings and get your concerns out in the open. This can be extremely therapeutic and can make people more open to negotiation and compromise. Mediators foster a safe environment in which people can communicate openly and honestly. This creates a strong base for resolving disputes which can carry into the future and help them deal with issues that arise down the road.

Are you involved in a legal dispute or considering divorce? Do you believe mediation might help you settle it without having to take the issue into the courtroom? Sabra Law Group, PLLC, can help. Sabra Sasson, an attorney and divorce mediator, works with clients during every challenging state of a relationship, whether it is new or on the verge of ending.



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Sabra uses her skills as an attorney and mediator to guide her clients through conflict and toward agreements they can live with. She takes a pragmatic and proactive approach to getting clients where they want to be – whether it is a stronger relationship and clarity with their significant other or spouse, a quick separation agreement, or a fast and inexpensive divorce.

To learn more or to schedule a consultation, contact **Sabra** at **646.472.7971** or by email at sabra@sassonlaw.net and visit her website for more information at www.new-york-divorce-mediation.com.

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