

Trial vs. Mediation

Discovering what is best for you

Mediation

Mediation is typically the first step in a divorce or child custody case. A mediator (third party individual) goes back and forth between each party and attempts to make agreements on each issue that needs to be discussed. This ranges from finances, possession schedule, extra needs, property division, and more. A mediation is only possible if the parties are willing to negotiate with each other and sacrifice aspects for others.

The mediator goes between parties as the middle man to prompt agreement. Mediation can be advantageous as it is up to each party to discuss their priorities and no decision has to be reached if one not found. Additionally, this process is a lot cheaper than using a judge and does not require court fees and court process. However if parties do not find a mutual agreement, nothing is decided and the process will continue on to court

Trial

A trial is when each party attends court and a judge decides the outcome between both parties. This typically occurs if an agreement can not be found during mediation. Each attorney will present their case then the decision will be left up to the judge to divide up assets, provide a possession schedule, etc. While this process does cost more in the end compared to a mediation, it is the right option if you are looking for a definitive answer and not willing to settle for an agreement with your partner. While the judge will always offer a definitive answer, it might not always be the answer you are looking for. Therefore, settling in a mediation might benefit you as you can still negotiate more to your advantage wherein trial there is no further negotiation after the judge makes a decision.