



Lorie L. Whitby, Mediator
509 West Court Street
Paragould, AR.72450
870.236.9894
lwhitby@paragould.net

Thank you for allowing The Mediation Center to help you work to resolve your dispute. For most participants in mediation, this is the first time they have ever been involved with mediation. I would like to provide some introductory information to help you familiarize yourself with the process.

WHAT IS MEDIATION?

Mediation is a process by which disputants attempt to find mutually acceptable solutions to their dispute with the assistance of a neutral third party. It is both voluntary and confidential.

The primary goal of the mediation process is for the disputants to reach an agreement that will satisfy the needs and interests of both sides, and thus will stay in effect without the need for outside enforcement. The mediator assists the parties in reaching an agreement that they consider fair, equitable and in their best interest, while at the same time maintaining their self-esteem.

A secondary goal of mediation is to bring about an improved relationship between the parties which will enable them to deal with future differences constructively.

Mediation is a goal directed, problem solving, helping intervention. Mediation is not therapy or marriage counseling. Mediation does not focus on personal insight or growth, but on agreements about the future.

WHAT MAKES A CASE APPROPRIATE FOR MEDIATION?

- Relationships are strained but must continue.
- Miscommunication is apparent and a skilled, neutral would facilitate communications.
- The presence of a third party would change dynamics.
- The parties may be willing to settle or re-evaluate their positions.
- Confidentiality is important.
- Parties are interested in retaining control of the outcome.
- Time factors may be a consideration.

GOALS OF DIVORCE MEDIATION

- Regulate the conflict so as to minimize physical or psychological damage to either party and to the children involved.
- Help the parties identify their real interests.
- Resolve the issues with both parties getting as much as possible of what they need.
- Promote post-divorce cooperation.
- Educate and empower the parties to be able to resolve future issues as they arise
- Promote post-dispute cooperation for future problem solving.

MEDIATION IS AN OPPORTUNITY TO:

- Increase understanding and awareness of the conflict.
- Promote recognition of different points of view.
- Change negative patterns of communication.
- Establish measurement of 'fair'.
- Open the possibility of forgiveness and healing.
- Establish trust in the mediator, process, agreements and eventually in the relationship.
- Mediation is NOT therapy, counseling or a time for legal advice.

BASIC GROUND RULES

In order for mediation to be effective, there are a few common sense ground rules that must be followed. Remember that the mediation process is confidential. Adherence to these rules will help find the best resolution possible to your dispute.

1. Good faith efforts are required by everyone. Mediation is a tool to help you preserve the dignity of your family, even if the family is broken by divorce or other reason. If you have children with each other, the fact that you live in different households does not mean you stop being a family to your children.
2. Always think of the impact of your decisions on your children. The mediators at The Mediation Center want to help you create a resolution that shows mutual respect and cooperation. If its more important for you to get back at the other side rather than jointly decide how to best parent your children, then mediation is not for you.
3. Be prepared to talk about your concerns. Know what you need or at least know how you feel. It is hard to talk about our feelings, but in order to put your children first or in order to get past the dispute and start working on a resolution, it will be critical to talk about the problems.
4. If you are asked or have been asked by the other side to provide written information pertaining to financial data or other items that would have an impact on the case and you refuse or make unreasonable excuses, then the other side will likely assume you do not intend to mediate in good faith. Mediation could very well then become a waste of your time.

WHY MEDIATE?

Mediation can be scheduled much faster than a court case. You can resolve your problems and get about the rest of your life. Litigation can take months, and the emotional upheaval brought about by prolonged litigation comes at a high cost, both financially and emotionally.

Mediation sessions are conducted by trained mediators. The Mediation Center employs Lorie L. Whitby, a skilled and trained mediator who has spent 12 years as a domestic relations attorney. Who better to help you resolve your dispute than someone who knows the impact of divorce and custody on families?

You should consult an attorney prior to mediation to be sure you understand your legal rights and responsibilities. However, by choosing to mediate rather than litigate, you are saving yourself the cost of prolonged litigation. Paying an attorney for 2 or 3 hours of advice and the drafting of the necessary legal documents plus paying one half the cost of mediation is likely going to be much cheaper than the thousands of dollars needed to fight in court.

Here's why: Let's say you pay an attorney \$400 to review your case, discuss the relevant law and draft the final documents needed for court. Then you pay your ½ of mediation fees, approximately \$400. That is \$800.00 to get your problems resolved quickly, privately, and by yourselves. Contested litigation in northeast Arkansas will involve the posting of approximately \$2000 in lawyer retainer fees, plus any additional fees at up to \$200 per hour. You will take time off work at least 2 days for court hearings, and you will be limbo for many months while you wait for your court date. It is possible you could then be ordered into mediation anyway. These figures are offered for example only, but we think you will find them very close to the real costs involved.

Finally, court means judges. A judge who knows nothing about your family other than when he or she learns in less than a day in most cases will decide how to solve your dispute. Mediation allows you to control the outcome and lets you solve your own disputes in a manner that makes sense for your family and your children.

We look forward to the opportunity to help you resolve your disputes. Please let us answer any additional questions you may have about the process.

The Mediation Center