

COURT TRIAL VS. MEDIATION

Voluntary mediation will save your estate thousands of dollars in costs and attorney fees. Both parties must agree on a mediator and to mediate their disputes.

The greater your differences the more you need mediation. "Just do it", says a famous company.

The mediator is suppose to be a neutral person experienced in the divorce laws and process. It is usually a retired judge experienced in divorce or a divorce attorney. If you have attorneys they will work out who is to act as a mediator. Do not accept a mediator who has no divorce law experience.

The goal of the parties is to reach a mutually acceptable agreement on the issues mediated. In order to reach this agreement you must have facts and evidence to present to the mediator. These facts or the evidence must come from either a voluntary exchange of information or through the discovery process. Do not attempt to mediate issues that require evidence that you do not have or your attorney does not have. For example, valuation of an asset that requires a forensic account or other expert to appraise.

With possession of facts and evidence parties can mediate issues they cannot resolve without an attorney. An attorney should be retained before either party signs any agreement.

Before hiring a mediator find out his background, education, training and fees. Generally, each party pays their half of all mediation fees unless one of the parties does not have sufficient assets to pay the mediator and wants to mediation to go forward.

If you cannot afford an attorney Mr. Radoff will be happy to prepare the necessary documents for you to represent yourself and provide you with the legal advice you need in any court in California.

For more information order Mr. Radoff's Divorce Checklist now!
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