

# 7 Benefits To Using Divorce Mediation



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# WELCOME

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From firsthand experience, I know the stress and emotional and financial damage that litigation in general – and divorce specifically – can do to a family. I've practiced law and worked as a certified mediator for more than four decades, and I've come to believe strongly in collaborative divorce and mediation as a superior alternative to litigation. Divorce doesn't mean you stop being in each other's lives, and mediation can help make that ongoing relationship a positive one.

I earned my law degree from Boston University School of Law and served as Assistant Attorney General in Massachusetts. After giving birth to my two children, I opened my own practice, and have been proudly serving families as a solo practitioner ever since.

I am a firm supporter of mediation in divorce cases. In my role as Director of Legal Research and Writing at Northeastern University School of Law, I coach the Mediation Team, and I continue to offer professional mediation to couples seeking divorce both in my private practice, as well as performing many *pro bono* mediations for the Community Dispute Settlement Center in Cambridge, Massachusetts. This experience and training has taught me that while there are no magic words that can make divorce easy or simple, mediation does improve outcomes. It can be faster, more affordable, and carry much less emotional scarring – especially for young children – than a needlessly expensive and hostile litigation.

I'm dedicated to helping families navigate the rough waters of divorce. The work I have committed myself to is about listening, guiding and helping people come to the most mutually beneficial and emotionally safe resolution of their issues possible, and I bring that commitment to all of my clients.

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One of the most overused and incorrect “statistics” you’ll hear is that 50% of all marriages end in divorce. This is a gross misstatement of the actual facts. Although in any given year there are usually two divorces for every marriage recorded, that doesn’t result in a 50% divorce rate overall because the people getting married that year are not the same ones who are divorcing. The statistic does not take into account the millions of existing marriages where couples are *not* divorcing.

Still, people change, lives change, and divorce does happen. When it does it can be a devastating experience for the entire family, with collateral damage extending to extended relatives and even co-workers and friends. The aggressive and hostile manner of many divorces, focused as they are almost exclusively on punitive litigation and endless battles on every detail of the separation, only compounds the emotional impact and extends the damage to every facet of formerly shared lives: financial, personal, familial, and even careers.

The fact is, there’s a better choice. Divorce Mediation is almost always going to be a superior way of resolving even the emotionally-difficult matter of dissolving a marriage and going your separate ways.

## Mediation and Expense

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On the most practical level, divorce mediation is much less expensive than litigation. While attorneys can be a part of the mediation process (and certainly should be) the costs associated with mediation are much lower than court costs because there are fewer fees, less time invested, and much less paperwork and document preparation.



A couple can hire one mediator rather than two separate attorneys to work through their issues. With a neutral mediator, couples can share information and talk directly with each other to resolve their differences, rather than channeling every communication through expensive legal counsel. Considering the financial damage that divorce can wreak on a family, saving money on the process is a powerful reason to choose mediation over litigation.



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## Mediation and Time

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No doubt the decision to end the marriage took a lot of time and thought. Many people work hard for months or even years to find middle ground and salvage the relationship, only to come to the painful decision to divorce and then discover they have months or even years to go in court processes before they can finally put the painful event behind them and concentrate on a new start.

Mediation is almost always a faster process by an order of magnitude, sometimes resolving the issues at hand in a matter of days. Without the complex court calendar to deal with, divorce mediation can schedule sessions as often as both parties wish, and progress can be rapid because you don't have to follow the complex rules of presenting a case in court.

## Mediation and Children

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Divorce can be incredibly difficult on young children. Even adult children sometimes struggle with the emotional fallout of suddenly having to “take sides” or deal with their parents’ anger and resentment. Litigation fans those flames because it is an essentially hostile process that requires each side to target the other and seek weaknesses.



Mediation is a friendlier and kinder process. Children see their parents at least working together as they always have, and it can be easier for them to understand a divorce when it's clearly the decision of both partners.

## Mediation and Control

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Entering a courtroom means you're leaving the final decision on all aspects of your divorce up to the judge. This includes financial arrangements and decisions regarding custody, parenting time, and child support.

Mediation keeps control over these aspects in your hands, allowing you to decide together what the best route would be. When it comes to your children, being able to protect them from the worst case scenarios and give them as much of a normal life as possible is key in having a healthy and happy family once the dust has settled – and mediation is your best chance at this sort of control.



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## Mediation and the Shape of Divorce

Connected to that sense of control is the ability to craft creative and bespoke agreements that fit your family's needs ideally – not the requirements of a court or a judge who may not see things the way you do. Even in the bitterest divorces there are always a few issues the partners agree on, and mediation allows you to build on these shared points as opposed to centering on the things you don't agree on. This allows you both to have a fair say in the shape of the way forward. In a courtroom you can only express your desires and try to prove your points – the ultimate decision is out of your hands.

## Mediation and Your New Relationship

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In many marriages, especially when there are children involved, you will have to maintain some sort of relationship with your former spouse going forward. Whether it's just discussions about how to raise the children or if you share a lot of mutual friends and business connections, you'll have to deal with your former spouse in some sense. Mediation can serve as the foundation of that new partnership by showing you that you can sit in a room and speak cordially, plan sensibly, and part at the end of the day as friends.

## Mediation and Privacy

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Finally, for both yourself and your children, mediation protects your privacy. Divorce proceedings in court are a matter of public record except in special circumstances, whereas mediation keeps all details totally private. People involved in mediation sessions cannot testify about them even if the mediation fails and you wind up in court anyway. Especially for the children, the privacy considerations of mediation can be of monumental importance.

Divorce is never happy – but it can be manageable and civil, leaving room for future rapprochement and salvaging the innocent childhood of your children. When considering a divorce, mediation should be your first strategy – it can save time, money, and distress.

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