

Mediation: The Alternative to Contested Divorce

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Marriages do not end because spouses are getting along too well. And, a marriage that ends in dispute many times leads to a legal battle that only increases the amount of conflict and stress felt by all parties. Unfortunately, Arizona divorce law is designed to be adversarial in nature. When one spouse is pitted against the other in an adversarial proceeding, the parties many times overlook the possibility of reaching common ground and mutually acceptable positions.

A contentious divorce is not only emotionally difficult, but it can also put a financial strain on the parties. Attorney fees are not inexpensive, and history shows us that divorces can become costly when the parties are unwilling to work with one another. For instance, according to Forbes Magazine, Michael Jordan's divorce was estimated to cost more than \$150 million, which is believed to be the most expensive celebrity divorce in history. It seems that this type of divorce causes everybody to lose.

An alternative to litigating a divorce lies in the mediation process. A mediator is a neutral third-party who facilitates a negotiation between the spouses. Couples can use the mediation process to resolve any issue traditionally resolved in a contested divorce proceeding, such as child custody, visitation, child support, alimony, and division of assets. The difference is that mediation affords the parties an opportunity to reach mutually acceptable agreements without undertaking a potentially expensive court battle.

During mediation, couples meet together with a mediator to discuss the pending dissolution. A good mediator remains impartial throughout the proceeding and provides each party with the information they need to reach their goals and objectives. An experienced family law mediator will help the parties keep realistic and reasonable expectations. He or she will also advise the parties as to the strengths and weaknesses of their respective positions. A successful mediation typically requires both parties to make concessions, but importantly, it allows the parties to be masters of their own destinies. Parties to mediation are free to retain their own attorney to represent them throughout the mediation, but they are not required to do so.

Ultimately, the mediation process allows couples to retain a greater degree of control over the outcome of their dissolution. Rather than battle the issues out in court, all the while paying attorney fees, parties to mediation are encouraged to work with one another towards common ground.



Timothy Durkin joined JacksonWhite in 2010, and quickly established himself as a highly effective family law attorney with the perfect balance of assertiveness and compassion. Tim is often complimented for his dedication to professional service, as he works closely with his clients to keep them informed, listen to their needs and involve them in the decision making process.

Tim handles all types of family law, including divorces, paternity actions, child custody, child support, relocation and jurisdiction issues, adoptions, termination of parental rights and parental severance actions, title 8 guardianships, spousal maintenance cases, division of marital property and debts, pre-nuptial agreements, post decree modifications and enforcement of custody and divorce orders, mediation services, grandparent visitation cases, and domestic violence issues. He is licensed to practice law in all Arizona State Courts, as well as the United States District Court, District of Arizona, and serves clients throughout the Phoenix metro area. To read more about what former clients are saying about hiring Tim, or to set up a free consultation, please visit

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