**MISCONCEPTIONS ABOUT MEDIATION**

1. **If my spouse and I aren’t talking to each other, mediation won’t work.**

**Reality:** Mediation provides the opportunity to successfully resolve family issues in ways that the couple hasn’t done before. By guiding and facilitating dialogue, gathering information and clarifying issues, the mediator can guide the couple through the entire process.

1. **If I go to court and the judge hears my case, I will get a better result than in mediation.**

**Reality**: It’s natural for each person to feel that he/she has been wronged and that the judge will make it right. Some clients “just want to be heard” and that every judge will be fair and complete when it comes to his/her decision. Mediation, however, allows each person to say things that they may never get the chance to say in court. It allows for complete decisions to be made about issues that are important to you. Judges always forget at least one important detail. Every judge also has personal biases he/she brings to the bench. Many judges are hardened by constant bad behavior and most judges do not view the courtroom as a place of punishment.

1. **If I use a divorce mediator, I won’t be able to use a divorce lawyer.**

**Reality:** You really should have a divorce lawyer and a mediator. Informed parties make better agreements and your divorce lawyer should be reviewing and/or drafting any agreements reached in mediation.

1. **If I mediate my divorce, my spouse will get away with not disclosing financial information to which I am entitled.**

**Reality:** Prior to mediating both parties must sign a mediation agreement. This agreement generally provides for full disclosure of assets, debts, income and expenses.

1. **I thought you only go to a mediator if you want to reconcile your marriage.**

**Reality:** Mediation is not marriage counseling. People come to mediators for the purpose of obtaining a divorce with less pain than occurs in litigation. In a litigated divorce the judge decides what is fair; in a mediated divorce the couple decides what is fair.

1. **Why isn’t my lawyer referring me to mediation?**
2. Many rule out mediation because they believe it is inappropriate in certain kinds of cases as a matter of policy. This is disingenuous because at some point settlement of every kind of case has to be discussed and negotiated.
3. Some lawyers believe you are incapable of making good decisions for yourselves.
4. Some lawyers believe that your rights won’t be protected or they will be compromised in mediation.
5. Force of habit. Many lawyers are set in their ways and afraid of trying something new.
6. Attorney fees are at risk. You may not pay them as much.