

The Long and Costly Divorce

Always on the lookout for new and value-added services on behalf of our clients, Caring for Clients recently interviewed Oscar Dal Bello, Senior Negotiator with Fairway Divorce Solutions (FDS) in Toronto. FDS is focussed on helping couples through Fairway's Independently Negotiated Resolution™ process. It is a fixed fee alternative to the traditional approach to divorce.

CFC: What are the various divorce options out there?

OD: There really are only a few options when facing divorce.

- A couple can develop their own agreement and file it with the courts (this is appropriate for clients with no assets, no children and few or no issues in dispute).
- A couple can use lawyers to negotiate an agreement. Each person will require their own lawyer. The lawyers will try and negotiate an agreement out of court and if they cannot, they will let a judge make the decision in court. In general, this is a highly antagonistic process and creates an adversarial relationship with a couple.
- A third option is to use collaborative lawyers that will work in a non-adversarial way to assist couples in arriving at their own agreement. Again, you need two lawyers, one for each spouse, which greatly increases the cost.
- Finally, a couple can use mediation.

CFC: How does mediation work?

OD: Mediation is a process whereby couples engage with an unbiased third party mediator to come up with their own independently negotiated resolution plan. Mediation provides numerous benefits to its users.

CFC: Such as?

OD: The one that gets most people's attention is the lower cost, which is typically much less than half the cost of using two lawyers.

CFC: Saving money is always a good thing. What other benefits are there? You know the expression, "cheap is dear".

OD: Saving money is just the start. In our experience, there is a whole list of intangible benefits. The top ones are:

- It gives clients control over the process – they can move as quickly as they like without having to meet the timelines of a judge or lawyer
- Provides faster resolution

- Reduces conflict
- Uses a non-adversarial approach, thereby reducing stress
- Provides a higher degree of confidentiality (anything said in court is public knowledge – nothing said in mediation will need to be reported!)
- Is easier on the children and does not destroy relationships – the same relationships you will need in the future to provide care and support for your children.

CFC: Does the Fairway style of divorce mediation work for everyone?

OD: For our non-adversarial approach to work, the best situations are where both parties have accepted the reality of separation or divorce and are both willing to participate fully and in good faith. We will not engage a client where there has been serious physical or psychological abuse by one of the parties. And finally, we need to be assured that both parties are able to communicate with the mediator and express their interests and concerns without fear.

CFC: So a lawyer doesn't play a role at all?

OD: Once we have helped the couple agree to the terms of their separation, including a parenting plan, they each present the agreement to their own lawyer, who can finalize the divorce. This part of the process is not particularly time consuming since all of the negotiating has been done.

CFC: Thanks for your time Oscar. FDS looks like a viable alternative for divorcing couples.

OD: My pleasure. Feel free to go to our website www.fairwaydivorce.com