

INDICATORS THAT MEDIATION IS APPROPRIATE* (FOR DIVORCING COUPLES)

Mediation works successfully for many divorcing families. We have found that while cooperative couples more readily choose to mediate, families with high degrees of conflict need mediation even more due to the high costs of litigation, which often provokes additional conflict. We have developed the following indicators to help clients confirm their decision to attempt mediation. An absence of many of the indicators does not make successful mediation impossible. However, it does mean that disputes may be more difficult and costly to settle.

Please place an "X" by each condition that exists in your situation:

1. The grieving process is ongoing or complete for both parties.
2. The attorneys retained by the parties are experienced in and supportive of mediation.
3. There are no acts of hiding assets.
4. There are no acts of denying access to the child(ren).
5. Both parties agree to total accessibility to documentation regarding assets, liabilities, and income.
6. There is no history of violence or abuse.
7. The parties have a history of cooperative and successful problem solving on some issues.
8. The parties are capable and willing to communicate with each other and with the mediator in a reasonable and civil manner.
9. There is some pressure to settle because of time, high attorneys costs, or unpredictable outcome.
10. There are adequate resources to find a compromise (limited resources tend to create more competitive relationships and striving for win/lose outcomes).
11. The parties' desire for the settlement of the dispute is high.

** Adapted from Professor John H. Wade, School of Law, Bond University, Gold Coast, Queensland, Australia.*