

The Benefits of Divorce Mediation

How the mediation process can diffuse the conflict and improve communication in your divorce.

by Judge Michele F. Lowrance

There is a worldwide epidemic of divorce. The world rate is 50% -- and it's even higher for [second marriages](#) in the United States. Couples often experience divorce as a required nightmare and fear that it will leave an indelible stamp. When the first moment crashes in on you, and you know divorce is inevitable, you inevitably feel lost and frightened. Sure, you have heard rumblings about [mediation](#), but you ask yourself, "Isn't that a little risky? Couldn't I lose some strategic edge?" Or, "I never could communicate with him/her; why should I think I could do that now?" From the bench, as I witness the anguish of the litigants, I always ask myself: why in the world didn't they consider mediation?

It is not hard to spot someone going through a divorce. The [pent-up emotion](#) is easy to observe: they appear to be splitting at the seams. But the adversarial [court system](#) was not built to house these emotions, and [divorce attorneys](#) are not trained to reduce this kind of suffering. Yet people justifiably expect this kind of relief from the divorce lawyers, and the courts and are frustrated and disillusioned when their agony seems endless. But there is hope, and relief is available through mediation and Alternative Dispute Resolution.

Mediators are specially trained to diffuse highly charged controversy where they can soften calcified emotions and remove blocks to agreement. In the adversarial process, family-law attorneys must enhance disagreements and positioning as they continually repeat them to each other and then cultivate them for court. Mediation encourages [emotional expression](#) in ways that are productive; in the adversarial process, the only avenue for this kind of expression is usually anger. Communication often freezes between the parties as they battle through their attorneys' voices and become afraid that they may say the wrong thing. Without communication, no one has an opportunity to explain themselves or their reasoning or even to apologize or admit that they may be wrong. Mediation encourages ongoing communication, because they know as I do breakdown in communication is the first step toward disaster.

It appears that the court system rewards blame and accusation. There is a misperception that a trial might validate your position and give you relief and closure. The best closure you can get is the one you craft for yourself, not the one I create from only a snapshot of your life. The mediation process allows you to be the architect of your life and that of your family going forward. You will have learned a new language of compromise and how to navigate adversity with your former spouse. The trickle-down benefit to the [children](#) is immense. The children observe their [parents](#) skillfully deal with each other, even if they didn't before. They learn that conflict is part of life and doesn't mean they are going to lose a parent. In choosing mediation, you will endorse a positive, often benevolent, process rather than fusing your future to a potentially destructive life experience.

Judge Michele F. Lowrance has been a domestic-relations judge in [Illinois](#) for more than 13 years. She wrote Visitation Guidelines for Cook County and produced and chaired the state-wide judicial conference, "How to Tell if People Are Lying". She has made numerous TV and radio appearances and produced and hosted a talk-radio show. She is a regular guest lecturer at Chicago Divorce University, the Chicago Bar Association, the University of Chicago, and Northwestern University.
