

# The Vacca Insider



## Why Court Should Be a Last Resort for Divorcing Clients

When people think divorce, they think court. They picture a judge hearing every detail of their lives and ruling on every feature of their future. But court can and should be a last resort for your clients who are divorcing.

Here are eight reasons why:

### 1. You Lose Control

When you take your divorce to court, the judge makes all the decisions about issues that will affect you and your family for years to come. If instead you use mediation or the collaborative divorce process to set the terms of your divorce, you keep control of the process and the results.

### 2. You Have No Flexibility

In divorce law, statutes and legal precedent set standards for everything from dividing retirement accounts to establishing the visitation schedule for summer vacation. When spouses work together to develop the terms of their divorce, they are not bound by legal guidelines and can come up with their own creative solutions, so long as they do not violate public policy.

### 3. You Lose Privacy

Divorce in court is a public process. Details of your personal life will be aired in court. By contrast, divorce resolved through mediation or collaborative processes remains private.

### 4. You're Only Looking Back

When a court rules on divorce terms, the judge looks at what happened in the past, and the future often receives scant consideration. In a collaborative divorce process, spouses can anticipate the needs they expect and the future they want and develop terms to make their goals a reality.

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### 5. No One Really Wins

Litigation is a battle, pitting each side against the other. Even if one party technically wins on a particular issue, the fight to get that win can be so costly in terms of emotions and legal fees that both parties lose in the end. With a non-adversarial process like mediation or collaborative divorce, parties find solutions they can both live with, and both come away with the win.

### 6. You Waste Time and Money

Divorce in court is a slow and costly process. The focused negotiations with a mediator or through collaborative divorce attorneys, on the other hand, help couples resolve outstanding issues with a minimal investment of time and money.

### 7. You Can't Compromise

With the litigation process, parties stake their legal positions and fight to “win” each point. By contrast, in a collaborative divorce or mediation, each party can explain their priorities and explore options that allow them each to gain some of their objectives.

### 8. Results Focus Only on the Short Term

When the court sets the terms, the judge issues decisions based on the immediate situation. If instead you and your spouse develop your own terms, you can look ahead to create the future you want, leading to a durable agreement and longer term satisfaction.

Vacca Family Law Group helps spouses find peaceful solutions so they can divorce without court. We'd love to talk to you about how we can be of service to your clients who are facing or trying to prevent divorce.

If you know someone who needs a highly experienced family law attorney and mediator, have them contact Andrea at [avacca@vaccalaw.com](mailto:avacca@vaccalaw.com) or they can schedule a free consultation online at [vaccalaw.com/vip](https://vaccalaw.com/vip).