

UNDERWOOD

Mediator Services



Alternatives to Litigation: Mediation and Collaborative Law

Litigation—the process that has a judge or jury determine the outcome of the case if the parties do not settle—is often lengthy, expensive, and unpleasant. Unless the parties choose otherwise, it is the method by which family law disputes are resolved. Parties *can* choose otherwise, however. Besides informally settling their differences in litigation, parties can use mediation or collaborative law to control their own fates and the fates of their children. Our family law attorneys have regularly represented clients in mediation. Both Chris Wrampelmeier and Titiana Frausto are trained in collaborative law.

A judge can order the parties to attend mediation or the parties can choose to mediate their case on their own. In mediation, the parties jointly employ (or the judge appoints) a neutral third party skilled in negotiation, often a family law attorney, to facilitate a settlement between the parties. In mediation, the parties usually stay in separate rooms, with the mediator going between them, exploring ways to resolve the parties' differences. If the parties reach and sign a written agreement in mediation, that agreement is binding on the parties and the court.

Besides representing clients in mediation, Chris Wrampelmeier serves as a mediator at the request of parties or by appointment of courts. Chris is board certified in family law and has practiced exclusively in that area for over twenty years. In 2008, he completed his mediation training at the Center for Public Policy Dispute Resolution at The University of Texas School of Law. Family law mediation is a specialized form of mediation. It calls for a mediator who knows the Family Code and the other areas of law pertaining to the particular suit, practices the art of negotiation, possesses a tremendous amount of patience and willingness to listen, and understands that mediation can be a chance to preserve or improve the relationship of the parties so they can cooperate better in the future, particularly if they have children.

Collaborative law is a process in which the parties agree not to try any disputed issues to a judge or jury. Parties can opt for the collaborative law process when they file a suit or even during an ongoing case. The

parties agree to cooperate in gathering and sharing information needed in the case. They frequently jointly hire a collaboratively trained financial expert and/or a mental health expert (known as allied professionals) to help the parties and their attorneys. Each party must have a collaboratively trained attorney. (We maintain a list of those attorneys.) There is a specific process to collaborative law that leads with remarkable success to settlement. The collaborative law process requires far more involvement from the parties than in litigation. The parties, their attorneys, and allied professionals all gather together in a series of meetings, giving clients far more control over their case. Usually a collaborative law cases take less time and costs less money than similar litigation cases. If the parties sign a collaborative law settlement agreement, that agreement is binding on the parties and on the court. The entire collaborative process is confidential, so the parties keep their private lives private.

Related Attorneys

- Christopher Wrampelmeier