

DIVORCE RESOLUTION SERVICES

Arbitration, Mediation & Collaborative Representation

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Understanding Divorce Arbitration

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If you are facing divorce, you may be feeling a lot of uncertainty. This short article is intended to provide information and resources to help you make an informed decision about what type of divorce process is best for you.

What is Divorce Arbitration?

Arbitration is one of many processes used to resolve disputes between divorcing parties. Divorce Arbitration is often used when couples have reached an impasse or stalemate in their divorce negotiations and wish to resolve the issues without going to court. Divorce Arbitration is a type of adversarial (or traditional) divorce trial, but instead of couples resolving disputes in trial in a public courtroom, disputes are resolved in a private setting before an arbitrator. This setting is called an arbitration hearing or an arbitration trial and is scheduled at a time and place convenient to all parties, unlike a court trial, which is scheduled subject to a trial judge's availability.

In Divorce Arbitration, the divorcing couple and their respective attorneys choose an Arbitrator who is presented with the specific issues preventing resolution. In Arbitration, divorcing couples also define what procedure will be followed and how long the Arbitrator will have to render a decision. After a hearing, the Arbitrator renders a decision (called an award) on the specific disputed issues. Unlike a court trial, the Arbitrator's decision, in most cases, cannot be appealed.

Divorce Arbitration can be used in connection with the Adversarial process where the arbitration takes the place of an in-court trial or, in Collaborative Divorce or Divorce Mediation when an impasse has been reached.

Benefits of Divorce Arbitration:

- Divorcing couples select the Arbitrator who will arbitrate their issues.
- Divorcing couples have the option to select an Arbitrator who has specific experience in an area of interest, for example, taxes, real-estate value or management, etc.).
- Divorcing couples define the specific issues to be addressed by the Arbitrator.

- Divorcing couples pick the day, time and location of their hearing.
- Divorcing couples enjoy privacy, confidentiality and a less formal setting in Arbitration.

For Whom is Divorce Arbitration Appropriate?

- Divorce Arbitration is appropriate for couples who wish to avoid the time, expense and emotional distress associated with a trial in court.
- Divorce Arbitration is best for parties who, for personal reasons, seek or need privacy and confidentiality while resolving issues.
- Divorce Arbitration is appropriate for couples with and without children.

Important Considerations:

Unlike Divorce Mediation, where a mediator assists a divorcing couple in seeking resolution, an Arbitrator makes the final decision, much like a judge in a court. This can be helpful for couples that have reached an impasse on a specific issue like who will pay for a particular expense.

More Information:

- To learn more about and compare and contrast Divorce Arbitration, Collaborative Divorce or Divorce Mediation visit: www.divorcingoptions.com
- Massachusetts Collaborative Law Council: www.massclc.org
- North Shore Collaborative Divorce: www.northshorecollaborativelaw.com
- International Academy of Collaborative Professionals: www.collaborativepractice.com

Anthony C. Adamopoulos has over 25 years of arbitration experience. He has received specialized arbitration training from the American Academy of Matrimonial Lawyers, the American Arbitration Association and the Chartered Institute of Arbitrators. He is a graduate of: The Center for Dispute Settlement, Washington, D.C. where he received Advanced Mediation Training and the Harvard Law School Program of Instruction for Lawyers – Mediation Workshop; Negotiation Workshop.

This article is not intended as professional advice and should not be construed as such.

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