

Alternative Dispute Resolution in Divorce

When both parties in a divorce want to reach an amicable resolution, doing so is relatively simple and straightforward. The couple can reach agreement at the breakfast table, reduce it to writing and court filing forms and be done. However, when there is animosity, usually accompanied by assets and kids, reaching agreement can be more complicated.

Offline, couples have, depending on where they live, hundreds of ADR professionals willing to help them avoid court. Whether mediators, financial neutrals, collaborative lawyers or others, each of these professionals offer traditional in person meetings to help. Success of traditional ADR is dependant on individual party attitudes. If one party is trying to win or has a perceived power, success will be limited.

Online ADR offerings for divorce today are limited. The two most successful are Wevorce.com and CommonSenseDivorce.ca. Both offerings are good at what they do but are limited in how they go about it. Both utilize a combination of online/offline approaches but are limited to the professionals that have already contracted with their service and are not suited to support ADR as part of the a litigated divorce. There are other geographically limited (for certain metro areas of States) sites.

Courts, professionals and, most importantly, families are negatively impacted by the adversarial divorce process and have struggled for years seeking solution. SplitSmart is being designed to support the most litigated divorce while enabling professionals (mediators, lawyers, judges, etc..), as needed/requested to assist or augment the process. SplitSmart is a solution to simply allow for greater self determination between the parties and for the parties to gain outside assistance when needed.

Steps toward self determination:

- Disconnect and deal with financial and kid/parenting issues separately
- Ensure financial transparency between the parties
- Mitigate or prevent any discovery games between the parties
- Structure process for itemizing kid/parenting issues and articulating respective positions.
- Self guided online DR process until no longer productive, then online mediator assist, then output to support traditional mediation

The Assignment

1. What are the biggest inhibitors in achieving successful outcomes in divorce mediation?
2. Evaluate pros/cons for current ADR online offerings. Wevorce.com, CommonSenseDivorce.ca and regional ones like SplitSimple.com
3. Evaluate the online ADR divorce market and determine what needs are not currently being met in the marketplace.

4. Research various initiatives in State Courts to mitigate heavy caseloads and high conflict divorces. What are the impediments to Family Courts going online?

For questions, please contact Carl Roberts at croberts@splitsmart.net.

Thank you!

Carl Roberts

croberts@splitsmart.net

CEO/Founder - SplitSmart