

# Smartsettle for Separating Couples More than Mediation

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(with credit to [Leanne Harder](#) for portions of this article)

Mediation is a non-adversarial process where a neutral third party (mediator) assists two or more others to negotiate issues of importance to them. Parties may also be advised by lawyers or other professionals.

Smartsettle is a tool used by human mediators or facilitators to enhance the mediation process. Smartsettle is used to model the conflict, represent preferences and facilitate the exchange and comparison of proposals. Situated in a powerful computer on the Internet, Smartsettle is perfectly neutral, ultra secure and puts parties in control of a timely process that maximizes mutual benefits.

Using Smartsettle is a different kind of mediation. In high-value cases parties may choose to become trained and use the system without human intervention. In lower value cases a skilled facilitator assists the parties in modeling their problem and representing their preferences. Smartsettle essentially learns how the parties become satisfied and is then able to make intelligent suggestions that quickly lead the parties to an optimal solution for themselves and their children.

## **Consider the best interests of your children**

The Smartsettle process is designed to protect the interests of your children. Mediated parenting plans provide a way for you to craft a plan that works for everyone instead of a judge making a plan that may not work for you or your children. A parenting plan that puts your children's needs first can be negotiated simultaneously in the context of a comprehensive separation agreement.

## **Save money**

The cost of a typical mediated separation agreement ranges from two to six thousand dollars depending on the level of complexity and degree of cooperation between the parties. An alternative adversarial process involving only lawyers usually starts at twice that much and can easily escalate to much more with arguments over the smallest details, especially if the case ends up in court.

## **Save time**

Researchers found that mediated disputes are settled in about half the time compared to adversarial disputes and that there was greater compliance with mediated agreements. In complex situations, Smartsettle can help parties reach agreement even sooner by eliminating the tedious negotiation dance that characterizes ordinary negotiations.

## **Stay in control**

Mediation allows the parties involved to maintain control over what the solution to their dispute looks like. Smartsettle gives the parties even greater control where the role of the human neutral is more like facilitation than mediation. Using Smartsettle, parties can minimize difficult conversations. A skilled facilitator will assist the parties craft a Single Negotiating Framework that represents interests of all family members, particularly the children. Anything that is controversial is tabled for Smartsettle to solve later so that the process is not bogged down with divisive arguments. In this way, difficult conversations are transformed into productive ones.

In contentious family court disputes, parties invest extensive time and money that takes away from any financial or other benefits they might gain from a court order. *You have a choice.* You can give a judge the power to decide what is best for your family or you can decide together. Although courts make decisions with the best of intentions they must do so within limited legal parameters. It is rare that a court decision benefits all involved, particularly the children, more than a mediated settlement.

## **Achieve more satisfaction**

In numerous studies, mediation participants are more satisfied with mediation than those who use an adversarial process involving only lawyers or court (Ellis & Stuckless, 1996). According to Vujnovic (2008), “clients who participate in mediation shortly after separation and before they became involved with lawyers and the court process, reported higher rates of agreement.” In high-value negotiations Smartsettle can help participants attain even more satisfaction with an optimization process that uncovers hidden value – often ten to twenty percent more for each party – which may even cover the cost of mediation.

## **Make wise use of legal advice**

The Smartsettle process encourages separating couples to seek legal advice (**preferably unbiased**) during the process – not at the end after they think that a settlement is reached. The proper role of a lawyer is not to rubber-stamp a mediated agreement but rather to give professional advice on what is fair and legal.

## **Minimize stress**

Mediation allows you to minimize the time it takes to divide assets, and develop parenting plans. By reducing the time needed to develop a plan and creating a stronger agreement, you will minimize the stress you experience during your separation. A stronger agreement means that all family members and **particularly your children will benefit.** You’ll reduce the need to return to court later. Mediated settlements often include how you will resolve issues that come up in the future such as new partners, changes in children’s needs, moves, etc.. A mediator can help you to reduce stress and develop a strong plan.