

Using Mediation to Best Resolve Things

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By Lee Jay Berman

Once upon a time a family was torn apart. It happens every day - divorce is all too common a phenomenon. This particular family was made up of a husband, a wife and two daughters, ages three and five. He was a professor, she was a surgery nurse. Just like most folks in their forties, they had a house, individual retirement accounts, some stocks, some love and some anger. This couple came to The Mediation Alliance to handle their divorce. They chose our popular co-mediation model where they met twice with a pair of our mediators: one is a family law attorney and the other is trained in psychology. After some rational, intelligent conversation and some give-and-take facilitated by the mediators, they agreed on everything from how to divide their belongings to parenting the girls and support issues. The attorney/mediator prepared their marital settlement agreement exactly the way that they had decided it, as well as all of their other court documents.

Some people still choose to get divorced the old fashioned way. They fight over everything. This method requires lawyers and courts. One such couple had \$30,000 in community property. When they finished fighting, her legal bill alone was \$40,000. This old way can be devastating, not only on the savings account (which was intended for travel, college education and retirement), but also on the soul. An adversarial war only escalates the anger, the tears and the hatred, to say nothing of the children and what it does to their lives.

The couple who came to The Mediation Alliance spent less than \$1,500 for the whole process, and more importantly, they do not hate each other. They can be civil and friendly to each other. Their divorce was not a nightmare, it was a cooperative, collaborative effort of which they both can be proud. Most importantly, they decided the outcome. They retained control of their own lives.

Imagine how proud the girls will be as they grow up, that their parents still talk and act civilly toward each other, while the divorced parents of many of their friends do not speak to each other and will have to be carefully seated separately at graduations and weddings. So much of this can be avoided by deciding to take proactive steps to resolve a divorce using mediation instead of fighting.

So many people tell me they wish mediation had been around when they got divorced. Though it may have been around, it was not well known. Now that you know about it, you might cut this article out and fax it to someone you know who is going to get divorced and save him or her some money and some agony. They will thank you.



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