

Divorce Mediation: What is it; why it works; why it's better for you.

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Has California arrived in Connecticut? The long-prevalent California practice of settling marital disputes through mediation is being used, it would appear, with a far greater degree of frequency in Connecticut than was the case a few short years ago. This trend is not surprising, considering the clear benefits of mediation over the traditional litigation route. These include cost-savings, the opportunity for the parties to design their own divorce, and the concomitant prospect of remaining friends thereafter.

Divorce mediation involves the expeditious and economical resolution of divorce-related issues that might otherwise be mired in costly litigation, sometimes lasting several years. Mediation has as its core confidential settlement discussions between the spouses in front of an impartial professional, preferably a lawyer experienced in matrimonial law and practice.

The mediation process is appropriate for all litigants, regardless of their economic status or the complexity of the issues they are struggling to resolve. Mediation allows the parties, not a court, to control important decisions affecting the lives of spouses and children. It greatly minimizes the emotional turmoil and acrimony a litigated divorce generally brings and can be concluded, usually, at a fraction of the cost of litigation. It is no wonder, then, that former Chief Justice of the United States Supreme Court, Warren Burger, remarked, "The notion that people want black-robed judges, well-dressed lawyers and file-paneled courtrooms as the setting to resolve their disputes is not correct. People with problems, like people with pains, want relief, and they want it as quickly and inexpensively as possible."

Why Mediation works:

An important factor, perhaps the most important, is the role of the mediator - or rather, his or her various roles as analyst, catalyst, critic, definer, interpreter, summarizer and synthesizer. One or the other of these functions is more or less important depending on the needs of the parties.

As an analyst, the mediator helps the disputants view their problems in new ways, encouraging them perhaps to examine the conflict from the other spouse's viewpoint. The analyst looks for shared commitments and interests (e.g. children) that transcend the dispute. The mediator as catalyst initiates better communication among the parties, making possible the disclosure of important information, such as finances.

As a critic, the mediator may raise issues in areas that may otherwise have been taken for granted, and could help the disputants recognize better their differences and their potential affect on the other person. The definer role requires the mediator to bring order to chaos. He or she can define conflict in a way more meaningful or understandable to both parties. The interpreter simply attempts to remove the acrimony and emotion by expressing the view of the disputants in ways they cannot or will not.

As a summarizer and synthesizer, the mediator tries to assure that there is an understanding among the spouses, which he or she then incorporates into a well-balanced agreement.

Choose the roles:

A good mediator chooses whichever of the above roles is necessary to keep communication working between the parties. The ability to recognize when the disputants are about to fall into dysfunction, and to intervene appropriately and quickly with the necessary approach can make the difference between success and failure.

As practicing attorneys, we guide the parties through the entire process: from the commencement of the action to the final hearing granting the divorce. Divorce mediation, not litigation, is the sensible way to alleviate the horrific experience of a divorce.

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