

ANTHONY C. ADAMOPOULOS'

DIVORCE RESOLUTION SERVICES

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Understanding Divorce Mediation

By: Anthony C. Adamopoulos

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 Mediation?

Mediation is a process in which you and your spouse negotiate directly with one another with the help of a Mediator. A Mediator does not have the power to make decisions like a judge or arbitrator; instead the Mediator guides you and your spouse to a divorce agreement that is acceptable to each of you. The Mediator concentrates on determining each party's "interests", as opposed to "positions" or "entitlements". For example, you may feel entitled to the family van. However, your spouse wants the van to start an income producing home-based business. You, realizing that you may pay less support if your spouse has an income, may give up the van. Here, your spouse has the basic interest of being a self-employed income earner and you will benefit from that interest.

Your Mediator will usually meet with you and your spouse in a conference setting at least once; then there may be individual meetings between a spouse and the Mediator. Sometimes, divorcing couples reach an impasse or cannot come to resolution through Mediation. In that case, they may choose to convert to traditional Adversarial Divorce or use Divorce Arbitration for remaining unresolved issues.

Benefits of Divorce Mediation:

- Divorce Mediation saves the cost, time, and emotional distress associated with Adversarial Divorce.

- Divorce Mediation fosters open communication, encourages respect and helps to protect future working relationships between future former spouses.
- Mediation focuses on problem solving and the resolution of issues from a client-driven and client-controlled perspective.
- Mediation focuses on the best interests and concerns of each spouse and children.

For whom is Divorce Mediation Appropriate?

- Divorce Mediation is appropriate for short term marriages.
- Divorce Mediation is best for couples who trust each other to tell the truth and who can work together to negotiate a settlement.
- Divorce Mediation is appropriate for couples with or without children.
- Divorce Mediation can help build communication skills for couples that wish to maintain a functional and civil relationship after divorce.

Important Considerations:

- By law, a Mediator cannot give legal advice.
- During Mediation, an attorney for a spouse acts in an advisory role, not as an advocate.
- During Mediation, a spouse's attorney need not attend every Mediation session.
- Each spouse should have an attorney who is experienced in the practice of Mediation. Not all divorce lawyers are experienced or able to work well in the non-adversarial Mediation format. .

More Information:

- To learn more about and compare and contrast Divorce Mediation, Collaborative Divorce, Divorce Arbitration, or Adversarial Divorce visit: www.divorcingoptions.com
- Massachusetts Collaborative Law Council: www.massclc.org
- Massachusetts Council on Family Mediation : www.mcfm.org

- International Academy of Collaborative Professionals:
www.collaborativepractice.com

Anthony C. Adamopoulos has over 25 years of mediation experience. He is a member of the Massachusetts Council on Family Mediation and a graduate of its Family Mediation Institute. 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.