

# THE DIVORCE MEDIATOR

CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC.

THE TROLLEY BARN • 10 WALL STREET, • NORWALK, CONNECTICUT 06851 • (203) 854-9394

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## MEDIATION VIDEO TAPE

The Center for Divorce Mediation has recently donated a video tape entitled, *Mediation: It's Up to You* to the Weston, Westport, Wilton and Norwalk Public Libraries. The tape is a public education video, introducing Divorce Mediation. After summarizing the essential qualities of the Divorce Mediation process, the video tape presents three segments of a mediation. In addition to needing to solve issues around the parenting of their son, the couple is faced with challenging issues concerning running a jointly owned business and the division of income from that business. The video tape goes behind the scenes of the mediation with interviews of participants and the mediator. The viewer experiences the mediation from a variety of perspectives, learning more about the process from each.

We advise prospective clients to view the tape either at home or at our office to obtain more information about Divorce Mediation. Should you wish to view the tape, we are happy to provide you with a copy.

## DIVORCE DATABASE

The Center for Divorce Mediation & Alternative Dispute Resolution, Inc. has recently announced the development of Divorce Database. In most divorce case clients asked what has happened in similar divorce cases. Although mediators, lawyers, and court officials have "rules of thumb" or guesses based on experience about what may happen, none of these estimates are based on real data. Divorce Database provides clients with answers to their questions based on actual cases decided in court. The clients decide the range of information they would like. For example, a couple with the husband age 40 and the wife age 39, married for 18 years, with two children, and family income of \$75,000 per year might want to see all the cases with parties with a similar background. Divorce Database will easily provide the client with the high, low and average amount and term of alimony or other information the clients want in all the cases that meet their criteria in Stamford Superior Court for 1994.

This information is a useful tool for more amicably resolving cases. Without alimony guidelines, couples often engage in prolonged and expensive negotiations characterized by gamesmanship. With actual information about similar cases, clients are much more willing to agree. They do not see the point in spending a lot of time, money and emotional energy fighting over issues when the results are predictable.

February 1995

Dear Colleagues:

The CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC. is pleased to send you this third issue of THE DIVORCE MEDIATOR.

The CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC. has developed this newsletter to share information and ideas related to Divorce Mediation. We want to share what we know as well as invite your questions, thoughts and comments. This exchange of ideas will allow us to continue to grow and learn from each other and better serve couples who have made the difficult decision to end their marriage.

Wally Marcus and Mary Marcus

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## TRENDS IN DIVORCE MEDIATION

Walter Marcus will make a presentation at the Connecticut Bar Association's March 3, 1995 statewide continuing education program, "Family Law Issues for the 90's." In addition to reviewing the process of Divorce Mediation, he will discuss future trends in Divorce Mediation.

Marcus sees more and more couples choosing Divorce Mediation for many reasons. Educational programs have made people more aware of Divorce Mediation. Couples see mediation as a faster process because of the perceived court backlog. Mediation is seen as less costly. Clients are moving away from fault and anger as a basis of their divorce and as a result are dissatisfied with the negative quality of an adversary divorce. Mediators are better able to deal with discovery, power imbalances and domestic violence. The quality of mediators is improving with more emphasis on training and certification. Judges and respected family attorneys are advocating mediation or are mediating themselves.

He also sees more court mandated Divorce Mediation programs in response to public demand. However, this

may require reallocation of court resources.

There is also a change in the roles of attorneys. Attorneys are being brought into the mediation sessions when the parties can afford it. This further reduces any power imbalance, provides instantaneous legal advice, less confusion in the communications of proposals and the ability to make swift decisions. There is an "unbundling" of the legal services provided by attorneys in divorce cases and a division of attorneys' roles. More and more there are Mediator Attorneys, Consulting Attorneys and Adversary Attorneys. In addition non-attorney mediators and particularly therapists are handling custody questions while attorneys handle financial issues.

Finally, he sees increased use of computers in Divorce Mediation. The use of document assembly, self calculating financial affidavits and computer programs which analyze the couple's finances and especially the tax consequence, help to reduce the cost of Divorce Mediation as well as standardize results with less confusion and argument over proposed solution.

### THE DIVORCE MEDIATORS

Walter Marcus is an attorney who has practiced Family Law for 20 years. He is a Practitioner Member of the Academy of Family Mediators, Co-Chair of the Stamford Norwalk Regional Bar Association Family Law Committee, former Chair of the Connecticut Bar Association Divorce Mediation Committee and member of the Executive Committee of the Family Law Section of the Connecticut Bar Association. When co-mediation is requested by couples, Walter Marcus co-mediate with Mary G. Marcus, Ph.D. She is a Clinical Psychologist who has had a private practice of individual, couples and family therapy for 15 years. Dr. Marcus is a member of the Academy of Family Mediators, the American Psychological Association, the Connecticut Psychological Association, and is Chief of the Section of Psychology at Norwalk Hospital.

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Free one half hour consultation

### BOOKS WE RECOMMEND

We recommend the following to clients who ask us for books on mediation: *Divorce Book* by Ferro; *Divorce & New Beginnings: An Authoritative Guide to Recovery & Growth, Solo Parenting, & Step Families* by Clapp; *The Divorce Decisions Workbook, A Planning and Action Guide* by Engel & Gould; *Getting to Yes*

by Fisher & Ury; *How It Feels When Parents Divorce* by Kremetz; *The Kids' Book of Divorce* by Rofes; *Mom's House, Dad's House: Making Shared Custody Work* by Ricci; *Surviving the Breakup* by Wallerstein & Kelly; *Uncoupling: Turning Points in Intimate Relationships* by Vaughan.