

THE DIVORCE MEDIATOR

CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC.

THE TROLLEY BARN • 10 WALL STREET • NORWALK, CONNECTICUT 06850 • (203) 854-9394

STATE-WIDE DIVORCE MEDIATION ASSOCIATION DEBUTS

Connecticut's first statewide Divorce Mediation association, the Connecticut Council for Divorce Mediation, held its inaugural meeting on October 18, 1995 in Rocky Hill, Connecticut.

The meeting, which was attended by more than 80 divorce mediators from throughout Connecticut, was chaired by Walter Marcus, the co-president of the newly formed council. Marcus introduced Judge Joseph Steinberg who described current and future efforts to make mediation the process of choice in any divorce proceeding. Judge Steinberg has already initiated a statewide Special Masters program in which teams consisting of an attorney and a mental health professional, mediate difficult custody cases that would otherwise go to trial.

The goals of the Connecticut Council include building public awareness of Divorce Mediation, developing standards of training and continuing education for divorce mediators as well as ethical standards, and creating a statewide referral system.

The Council will be sponsoring its first annual conference on June 7, 1996 in Farmington, Connecticut. The President of the Academy of Family Mediators, a national organization of divorce mediators, Diane Neuman, J.D., will be the keynote speaker.

CO-MEDIATION FINDS FAVOR

The Center for Divorce Mediation offers one of two husband and wife co-mediation teams in Connecticut with an attorney and a psychologist working together. Couples contacting the Center are offered the choice of a single mediator or co-mediation. Although co-mediation is somewhat more expensive due to the presence of two professionals, it can be extremely cost-effective in the long run.

We have noted that co-mediation is often selected by couples in which the emotional problems of one of the partners, either pre-divorce and/or exacerbated by the divorce, are prominent, when custody issues exist, or when couples have been in couples therapy. For couples with psychological issues, partners are appreciative of the greater understanding of dynamics that a therapist brings to divorce mediation. When custody issues exist, couples often request the input of the psychologist-mediator regarding children's reactions to divorce and the potential impact of various custody arrangements on children. Some couples select co-mediation because they prefer the balance of a male and a female mediator. A major benefit of co-mediation for all couples is the modeling the mediators provide. Couples see how to disagree constructively and resolve conflicts. Assertiveness is encouraged in all mediation but can be modeled in co-mediation.

Mary Marcus and Wally Marcus will be presenting a workshop entitled "Co-Mediation: Who, What, When and Why?" at the New England Family Mediators Gathering II on June 1, 1996 in Westford, Massachusetts.

February 1996

Dear Colleagues:

The CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC. is pleased to send you this fourth 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 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

ROLE OF THE CONSULTING ATTORNEY

The Center for Divorce Mediation, like many mediators, requires that couples meet with a consulting attorney prior to signing the divorce agreement. The role of the consulting attorney is to educate the client as to his or her legal rights, help the client to evaluate the options before him or her, and to review the legal paperwork to make sure the client's rights are protected and the agreement is fair and reasonable.

Clients are often concerned with the cost of the consulting attorney and that the attorney will make the process adversarial. We advise them that the cost and climate of the divorce can be controlled if the client clearly defines the role of the attorney.

The attorney should help the client evaluate options, think clearly about future needs, and separate present emotions such as anger and guilt from the legal realities

of sufficient child support, alimony and division of assets. When parties have a realistic appreciation of their legal rights, clients can intelligently approach and settle the complex issues of their divorce. The attorney may also offer additional options that meet the client's goals and that the client can bring back to the mediation sessions. These options may be key to settling the case. Finally, when the mediator drafts the final documents, the attorney's task is to review them carefully with the client, making sure that they reflect what the client agreed to, that they represent a fair and reasonable settlement and that the client fully understands them. When the client has an attorney who does his job well, the client is able to mediate the divorce successfully and achieve a fair and reasonable settlement at a reasonable cost.

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-President of the Connecticut Council for Divorce Mediation, 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.

Mary G. Marcus, Ph.D. 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.

**CENTER FOR DIVORCE MEDIATION &
ALTERNATIVE DISPUTE RESOLUTION, INC.**

**The Trolley Barn
10 Wall Street
Norwalk, CT 06850
(203) 854-9394**

Free one-half hour consultation

DID YOU KNOW?

- A divorced spouse is entitled to the same social security benefits as a spouse if the marriage lasted for 10 years.
 - Both spouses may be entitled to \$125,000 capital gains exemptions if the parties' house is sold after the divorce.
 - Both divorced parties may use the more favorable Head of Household filing status if they satisfy the criteria.
-