

Family Law Mediation: Coping with Angry Parties

Mediation Goals:

1. Fair division of debts & assets
 2. How to share parenting
- ** How to reach an agreement that will be honored long term

Motivation to truly engage:

- Keep attorney fees to minimum
- Avoid uncertain outcome if left to Judge to decide

Peace-making through mediation works towards resolving the anger/pain/fear of the parties - Empathy

Listening in Mediation = Positive Re-statement (high volume is not always anger)

Mediation Technique Goals

1. Change Perception of the Problems
 - a. Reframe (summarize in positive terms)
 - b. Explore Needs: ask why, what do you mean by that, how will that help (no theological debates or general principles)
 - c. Focus on future
 - d. Encourage educating self thru outside sources
 - e. Breakdown problem in smaller parts
 - f. Point out progress made
2. Change the Nature of their Negotiations
 - a. Caucus if need be – agreement to confidentiality?
 - b. Listen & ask questions rather than talking at people
 - c. Bring conversation back to practical problems
 - d. Slow down – let hot issues sit and leave for discussion next time
 - e. Intervene /interrupt unproductive exchanges
 - f. Watch own tone of voice, body language and facial expressions
 - g. Switch subjects to give time to process info

3. Change their Perception of Themselves
 - a. Empower/reaffirm their authority & competence to make decisions
 - b. Equalize interaction / intervene if one party is doing all the talking
 - c. Comfort: feelings of anger, powerlessness & anxiety
 - d. Provide perspective
 - e. Respect their decision
 - f. Act impartial
 - g. Point out areas of mutual interests, what they agree on
4. Change the Perception of the Solutions
 - a. Generate options: “some people have ...”, “might want to consider”
 - b. Share knowledge & insight based on professional experience if needed
 - c. Assumptions by parties/ projections of future facts should not guide their decision making today
 - d. Diplomatically point out pitfalls of a solution they may suggest if it is a problem

Don't show impatience. Careful to not favor one side vs the other – neutrality is important in building trust in the system.