REPORT OF MEDIATION WORK GROUP
Almost all in the room agree that the current system of adversarial divorce is broken:

REASONS CITED:

- Money (current system creates conflict and there is no incentive to end the conflict)
- Adversarial (win/loose)
- Family problems are more complex than right/wrong approaches
- Courts Teach Fighting (Courts have no ability or skill in teaching cooperation)
WHAT IS NEEDED?

- Need to distinguish mediation from other settlement processes
- Need to better define mediation
- For High Conflict Personalities, need highly skilled mediators
- Mediators need extensive training in family and children’s issues
- Need more mental health professionals who are not hired guns for the court but serving families in transition and solving problems
- Need a societal change in thinking movement
IF MEDIATION IS A DESIRED SOLUTION, THEN NEED:

- System or safeguards when a crime is committed (spousal abuse/child abuse)
- Better uniform description of the mediation process
- Reform costs money and dollars are needed to create reform
NEEDS

- Mediation should be short and time limited
  - Deadlines
  - Perhaps involve other experts such as trustees to oversee the ongoing use of money in some high conflict cases.

- Need standards for mediators—Outside policing of mediators
- Need a degree in mediation
- Need mandatory laws with teeth to force people to table
- Need to eliminate court involvement and cottage industry
SOLUTIONS

- Think more about marital contracts and formalized requirements for issuance of a marriage license
- Societal change about who the gatekeepers of divorce should be
- More PR about the benefits of mediation
- Licensing and Certification
- Create and entirely new (blended) profession that addresses families in separation
SOLUTIONS

- Better packaging of mediation
- $ 
- Involve the church and other religious organizations
- Introduce mediation in the schools
- Have a national approach
- Produce more non-lawyer mediators
Recognize divorce is a family problem, not a legal problem

Make mediation paid for by government or provided by government employees (ND)

Research

PDR

Parenting classes and divorce education classes

Privatization schemes
- Create a collection of divorce stories with a message of hope like AA “Big Book”
- More “non-lawyer” mediators
- Publicize dangers of adversarial court and benefits of mediation
QUESTIONS & ANSWERS

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- Thank you!