

REPORT OF MEDIATION WORK GROUP

Solutions

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**Erickson
Mediation
Institute**

THE PROBLEM

- 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/lose)
 - 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

NEEDS

- **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**

NEEDS

- 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 gate keepers 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

SOLUTIONS

- 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 ed classes
- Privatization schemes

SOLUTIONS

- 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

■ Erickson Mediation Institute

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■ Thank you!