

Suggested ROADMAP for the MEDIATION PROCESS

Both of you wants to be treated fairly. Careful preparation and good communication can facilitate fairness and help us remember the human and emotional elements as well as the legal ones. We have developed the 5-Stage Roadmap below with the hope that it will build relationships through this process that help , rather than hinder, agreement. These elements provide a checklist, an organized way of preparing for our meetings. By thinking about the elements, each of us will come into the each meeting well equipped to help produce the best outcome for both of you and for your family.

The Roadmap varies depending upon several factors, including your needs, your situation, whether you have children, and their ages and [special] needs. This Roadmap assumes Dr. Dryer as the Co-Mediator facilitating the emotional half of the process, along with all issues related to children, including the Parenting Plan. My attorney Co-Mediator facilitates the legal and financial half of the process, NOTE: We expect numerous bumps along the road of this process. However, the more easily that you both find Common Ground, the less it will cost you in time, money, stress, and emotional angst.

STAGE ONE: COMMIT TO PROCESS AND ASSEMBLE THE TEAM

1.0 CONSULTATION: Frame described and set up

A. Co-MEDIATORS

- 1.1 Clients meet and review “alternative resolution” options: describe med collaborative divorce.]
- 1.2 Clients hire Co-Mediator Psychologist, and Co-Mediator Attorney. Other possible members of Team described. e.g. Child Specialist, Financial Specialist, Business/ Professional License/ Property Evaluator

B. FRAME

- 1.3 In-take forms, Participation Agreement and Confidentiality Release signed. Roadmap reviewed. Discuss financial arrangements for entire process.
- 1.4 Clients meet with both Co-Mediators, separately and/or together. Understand legal rights and responsibilities.
- 1.5 Each Client referred to his/her own [Review] Attorney for legal advice, as needed. [Mediators “inform”: do not offer legal “advice.”]

C. CLOSURE on STAGE 1. Co-Mediators [or Team] conference call to assess case, develop overall timing, review issues.

STAGE TWO: COMMUNICATE and GATHER INFORMATION RE: Children & Finances

*An outcome is better if it is reached with full understanding. This requires good communication from both of you, between the Co-Mediators, and any other Team members, along with a thorough foundation of data collection. **

A. FAMILY FACILITATION: CHILDREN and ONGOING COMMUNICATION

- 2.1 Co-Mediator Psychologist meets with clients. Determine if Child Specialist is needed. Begin to develop a sense of priorities.
- 2.2 Review “Rules of the Road” re: behavior boundaries and clear communications, review negotiation skills, as needed.
- 2.3 Begin to develop Parenting Plan.

B. FINANCES

- 2.4 Clients meet 2 or 3 times w/ Co-Mediator Attorney to provide all necessary financial information.
- 2.5 Determine, undertake and complete any additional appraisals or assessment work. Assemble all financial information for a complete financial picture.

C. CLOSURE on STAGE 2: Team conference call to decide configuration of meetings during next Stage 3.

Discuss any issues that have developed.

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STAGE THREE: IDENTIFY UNDERLYING INTERESTS and CONCERNS

Both of you would like an outcome that meets each of your underlying interests - what your values are, what you need and care about. The end result should be the best possible way for you both to deal with your differing interests. The more choices or options of the possible agreements we can put on the table, the more likely we are to find the one that can best reconcile your interests.

- A. CLIENTS MEET separately and /or together with Co-Mediators. Goals:
 - 3.1 Develop options to consider,
 - 3.2 Review implications of the different possibilities.
 - 3.3 Review possible solutions explored during brainstorming.
- B. CLOSURE on STAGE 3: Team conference call to discuss financial and parenting decision making processes. Decide major themes and possible problem areas for Stage 4.

STAGE FOUR: MAKE DECISIONS

*The quality of an outcome is also measured by the quality of the promises that are made. These commitments are likely to be stronger if we have thought, in advance, about the specific promises that we can realistically expect, and make during the negotiations and when reaching a final agreement. **

- A. FINANCIAL PACKAGES.
 - 4.1 Clients meet with Co-Mediator Attorney to present several financial packages. Identify how each possible solution serves each client.
 - 4.2 Clients meet to conclude financial plan and to finalize any open issues and procedure needed to implement plan, e.g. refinancing or marketing house, stock transfers, pension transfers, etc., as applicable.
- B. PARENTING PLAN
 - 4.3 Clients meet with with Co-Mediator Psychologist to finalize Parenting Plan.
- C. REVIEW ATTORNEYS:
 - 4.4 Obtain and discuss comments from Review Attorneys.
- D. REVIEW BILLING.
 - 4.5 Resolve any billing issues, retainer refunds.
- E. CLOSURE on STAGE 4: Team conference call to inform all Team members of outcome and to identify recommendations for couple for future. Team debriefing.

STAGE FIVE: FINALIZE and IMPLEMENT the PLAN

*The final agreement you reach should seem better than any alternative away from the table. Before you sign any agreement, we should have a good idea of what other choices you could make so that you can enter into the agreement in good conscience. **

- A. FINAL DECISIONS.
 - 5.1 Co-Mediators will draw up the Agreement,
 - 5.2 Decide whether to divorce immediately if clients meet October 2010 new No-Fault Law's requirements
 - 5.3 Draft of property settlement/ Separation Agreement sent to each client's Review Attorney.
 - 5.4 Clients meet to sign final Agreement and any ancillary paperwork e.g. pension, deeds, titles, etc.
 - 5.5. Team provides any recommendations.
 - B. CLOSURE on STAGE 5: Team conference call. Final Team debriefing.
 - C. Case statistics gathered: not billable to clients.
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