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## 5 Myths About Divorce Mediation by Arianna Jeret

As our court system's burdens increase and divorce mediation steadily gains popularity, an air of mystery remains around this valuable process. Here are a few commonly held myths about divorce mediation, and the realities you should know.

### **Myth #1: I need the mediator on MY side!**

The Reality: The titles "Mediator" and "Arbitrator" are often confused. An arbitrator hears both sides of a case outside of a formal courtroom and makes binding decisions. Mediation is vastly different in that the process is essentially owned by the couple. A mediator has no power to over the decisions reached. If either divorcing spouse is uncomfortable with an aspect of the agreements being developed, it is their right to disagree and keep searching for solutions. My personal mediation mantra: "What can you both comfortably live with so you can agree and continue to move forward?"

### **Myth #2: I "googled" the law, so I KNOW what I should get.**

The Reality: Most people enter their divorce overwhelmed by confusion and fear. Internet research is an inexpensive and easy to reach for anxiety reducer (I admittedly love it myself), but searches for family law information can bring a false sense of security in relation to certain entitlements. Some may find one attorney's legal opinion and mistake it having found their "rights". One of the great beauties of U.S. law is that it remains open to interpretation and expansion based on new cases and changing opinions. There is simply no way to ever *know* what an outcome would be in court.

### **Myth #3: The only good mediators are attorneys or former judges.**

The Reality: While the field of mediation is seen as the domain of lawyers and retired judges, there are many areas of professional training that have as much to bring to the table. No mediator - attorney or otherwise - may offer legal advice. A mediator must be able to think strategically, communicate effectively, navigate emotional landmines, and re-direct attempts at manipulation. Training in a wide variety of fields, including business, psychology, and social work, add tremendous value to the depth of the field of mediation.

### **Myth #4: If my mediator is a man and I am a woman, he will naturally side with my ex (and vice versa).**

The Reality: A former client's friends had told him the following: "You have a female mediator? You are going to lose everything!" In any profession, if you are good at what you do, you are good at what you do. It is a mediator's responsibility to remain neutral. At the end of the day, your mediator does not live in your shoes. For a mediated agreement to have sustainable outcomes, it must work for both individuals - not for the husband or the wife only, and certainly not for the mediator.

### **Myth #5: Couples with a high net worth should never mediate their divorce.**

The Reality: There are three areas to be determined in divorce: 1) the parenting plan, 2) the division of assets and debts, and 3) child support/alimony. No matter the size of the bank account, communication and personality dynamics remain the critical issues in the development of mutually beneficial solutions. The key is to find a mediator with training, integrity and experience, as well as the humility to bring in outside experts (i.e., parenting coordinators, attorneys specializing in relevant areas outside of family law, and wealth managers) when necessary, to address the complex issues that might otherwise fuel an expensive "Battle of the Experts" in court. No one has so much money that it should be wasted on increasing conflict.

If you are considering divorce mediation and any of these issues or others remain a question for you, ask the mediators you interview for their opinions. A mediator worth his or her weight in salt will appreciate that you put your concerns out there honestly, and will respond to you in kind. The most important criteria in the selection of a mediator and a divorce process is that all involved feel comfortable with their choice.

Trust is everything.