For Your Family’s Sake – Collaborate and the Role of the Collaborative Mediator

The Aikin Family Law Group

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www.AikinLaw.com
Welcome and Overview
“Family Court is a highly adversarial process that rewards combative thinking and behavior. That is why people with Borderline Personality Disorder and Narcissistic Personality Disorder are attracted to the court system.”

Bill Eddy
What are the three ancient healing professions?
Preach the Word
“Effective Collaboration”
The Collaborative Law Process

INTERDISCIPLINARY TEAM
The Collaborative Law Process

Roadmap to Resolution

7 Steps to Success
The Collaborative Law Process

**Step 1**
Understand and Agree to the Process

A. Sign the Participation Agreement
B. Agree to the Rules
PLAY NICE
The Collaborative Law Process

Step 2
Discuss Interests and Goals
Interest-Based Bargaining
The Collaborative Law Process

**Step 3**

Deal with any interim issues
The Collaborative Law Process

**Step 4**

Gather Information

A. What is needed?
B. Assign Tasks/homework
C. Review Information
D. Work through differences
The Collaborative Law Process

**Step 5**
Creatively problem-solve

A. Identify Issues
B. Brainstorm Options
C. Evaluate Outcomes
The Collaborative Law Process

Step 6
Negotiate Agreement
A. Compare outcomes with their goals
B. Eliminate options that don’t meet either party’s goals
C. Narrow options to those that most closely meet goals
D. Jointly determine which options come closest to meeting each of the couple’s goals
NEGOTIATE TO WIN - WIN
The Collaborative Law Process

**Step 7**

Finalize Agreement - Signing
Mediation...
Participation Agreement

Prior to termination of the collaborative law process, or to further facilitate the collaborative law process, we agree to participate in mediation in good faith with a mediator who has received training in the collaborative process.
“Please Pass The Butter”
The Collaborative Mediator

- Collaboratively Trained
- Honors the Team
- Does the homework
Mediation Techniques

- Facilitative Mediation
- Evaluative Mediation
- Transformative Mediation
Facilitative Mediation

- Facilitative Mediation is designed to facilitate the conversation so that clients can come to an agreement.
In Evaluative Mediation the role of the mediator is to evaluate the dispute through the lens of existing law.
Transformative Mediation

- In Transformative Mediation the mediator’s focus and role is to identify opportunities to assist the clients in gaining empowerment and recognition to effect deeper change and resolution.
“There is one thing stronger than all the armies in the world, and that is an idea whose time has come.”

Victor Hugo