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## MEDIATION

What is it: Mediation is a method where I act as a neutral third party to help the two of you come to an agreement. I use a process called facilitative mediation where you are guided through the issues you need to address. In divorce the issues would be things like property division, parental access, and support.

If you have already come to a simple agreement on these issues, my job becomes one to memorialize your agreement into the proper documents. There may be terms you were not aware you needed to decide. I will bring those to your attention. An example would be who gets the dependency exemption for the kids.

Who is there, and what is my attorney's role: My preference is to mediate with just the couple, not the attorneys. Attorneys are there to fight for their client to 'win' more favorable terms in their agreement. While their legal advice to you is needed, the place for their advocacy is in the courtroom, not at the mediation table. At the mediation table we explore what is important to you and your family. What were the values you held as parents and partners, and do those still apply. I never 'lock' you into any mediated agreement until you have time to talk to your attorney about it.

What happens at the meetings: I am different than most mediators in Tulsa. I keep the two of you in the same room so you really hear what the other has to say. I think that is important for resolution. Most mediators separate the two of you into 'caucus' mediation. In that kind of mediation, you tell your attorney what you want, the attorney tells the mediator, and the mediator tells your spouse. Can you imagine some of the miscommunications that occur? And since most intentions are conveyed by nonverbal messages, how will you take the offer? The offer would probably be taken with hostility, knowing that you feel a need to protect yourself.

~~Attorney~~

~~Mediator~~

~~Collaborator~~

Divorce is one of the major stressors you will ever experience in your life. Your emotions are raw. This adds to the probability that you will hear things defensively. If the two of you are together, we can explore what someone means behind the words they say.

I also have a different theory than most mediators in that I do not believe in strong arm negotiations. Threats of "you better take this now, or you will be sorry" are not allowed, especially when they involve children. Threats like, "I will go after custody if you try to increase my child support", will not be happening at my mediation table.

The process: To accomplish the mediation, we have a series of meetings. If you need to do a quick interview with me on the phone before you make the initial appointment, then I would be happy to do that. I prefer to talk to both spouses at the same time, but know logistically that may not be possible.

One meeting might do it, or we may need more. It is a function of how complicated your issues are, how much information both of you have to help you make informed decisions, and how far you have moved through your emotional divorce. This latter is often neglected, but is a factor for why people resist making final decisions. I totally expect one or both of you to show problems in this area. You would not be human if you didn't.

If there is information that is needed to make a full and complete decision, I may give out homework assignments. Some of those documents may be the ones on my [Information Gathering Check List](#) that you will find on the "Additional Information" page under "Worksheets".

Final Agreement: If both of you are unrepresented by counsel, I offer the service of creating the documents you will need to make the agreement suitable for filing in court.

The court expects you to complete certain things before you can take your divorce. I have put together a step by step guide to assist you in completing those things and to also assist you in filing your documents. You may choose to seek the advice of an attorney to be

fully advised of your legal rights before you sign any document I have drafted on your behalf.

You may choose to have me draft your final documents even if you are represented by an attorney. I would encourage you, however, to have your attorney review each document I have drafted before you sign.

How much does it cost: My hourly rate is \$265 per hour. I require a \$1,500 retainer for most mediations. For mediations only, I do bill against the retainer. Some cases go over the retainer and some do not. If the retainer is spent, I ask that it be replenished. Any unused portion of your retainer is refunded to you when your case is finished. See the [Mediation Agreement](#) for details.

Other information: A good way to prepare for mediation is by reading the book: *No-Fight Divorce* by Brette McWhorter Sember, JD

Getting started: The first step to beginning the mediation process is to schedule an appointment. Remember that all first time mediation sessions are scheduled for 2 hours. I require that both parties attend the mediation session. If one party is out of state, he/she may appear via phone conference as long as the other party is present in my office. You can also complete and forward to me, the [New Client Intake form](#) which you will find under “New Clients” on the “Additional Information” page.

What to bring: To help you prepare for your mediation, I have created an [Information Gathering Check List](#) which is located on the “Additional Information” page under “Worksheets”. You may use this list as a guide to help you gather documents to bring. You only need to bring documents that are specific to your case and the issues to be discussed at mediation. You should also bring any documents that have been filed with the court.

As your mediator, I do not represent either of you. I am not your attorney. I cannot give legal advice to either of you. To fully understand your legal rights you should consult with an attorney before signing any agreement or document.

~~Attorney~~

~~Mediator~~

~~Collaborator~~