

# **MEDIATION – RESOLVING CONFLICT WISELY**

## **The Family Mediation Process**

I am a lawyer experienced in divorce and family law and trained in mediation, offering divorcing, separating or other couples a fair process in which they can discuss and decide for themselves, with professional help, arrangements for their children, support and property division. The husband and wife jointly hire me to act not as the attorney for either or both, but as a neutral mediator. During a series of meetings, the couple and mediator work out a mutually satisfactory plan covering the children's living arrangements, the financial needs of each member of the family, the home and other assets of the parties. Orderly communication occurs between the parties so that each party's needs and concerns are expressed and determined without intimidation or unwanted interruption by the other party. Both parties are encouraged to consult with a lawyer or other advisor at any time. The process is designed to reduce the adversarial element often encountered in a divorce proceeding, and also to save time and money.

Once a separation or divorce agreement is reached, I will prepare a proposed draft for the husband and wife to review with their lawyers before signing it. The completed and signed agreement is enforceable and, if part of a divorce, may be presented to the court for approval.

## **The Requirement of Commitment**

The Mediation process will work only if the husband and wife are willing to make a good faith effort to reach agreement. There is no legal obligation to agree; any commitment to the process and its result comes voluntarily from the people involved.

## **The Benefits of Mediation**

The mediation process can be significantly less expensive and less painful for the family than the protracted battles that are often part of divorce or other family litigation. When children are involved, studies indicate divorce agreements mutually agreed upon by the mother and the father are usually far better for the children than those imposed by court order. The structured mediation process allows the husband and wife to establish their own goals and, with my help, design an agreement that most appropriately suits the needs of their particular situation.

## **The Cost of Mediation**

Our firm charges \$350.00 an hour for my services as a mediator, including writing your agreement. Most (but not all) couples take about ten to fifteen hours of a mediator's time to complete their agreement. A retainer is requested at the outset, to be applied against billed time and expenses. If more hours are needed, we submit additional bills; if the mediation ends in less time, we reimburse money not earned or spent on necessary expenses.

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## **SOME OBSERVATIONS ABOUT MEDIATION\***

- The family usually knows better than anyone else what is best for its members.
  - When spouses can decide for themselves, there is a reduction in feelings of frustration, anger, and helplessness.
  - When spouses can talk and listen to each other, each feels less threatened by the other.
  - Self-determination, rather than orders imposed by a court, reduces conflict and increases the chance for compliance with a plan developed by the parties themselves.
  - When parents can reduce their conflict over any issue, their children benefit directly.
  - People will change during and after the divorce. A plan worked out by them can be more flexible in adapting to their changed circumstances.
  - By hiring a mediator to help them work out an agreement, parents can save themselves time, money and frustration.
- \* Based on material of The Association of Family and Conciliation Courts, and reports from experienced mediators.

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## **DIVORCE MEDIATION**

### **Is it for you?**

Do you worry that . . .

- ❖ You cannot afford to get divorced?
- ❖ The amount of support will be unfair?
- ❖ Too much of your money will go to attorneys?
- ❖ You cannot communicate with your spouse?
- ❖ Your children will suffer?
- ❖ You do not know what is fair?
- ❖ You need more knowledge concerning finances?
- ❖ You won't get accurate legal information?
- ❖ Tax consequences will not be considered?
- ❖ You will end up with a court battle?
- ❖ It is going to get worse?

If you answer "yes" to one or more of these questions, then mediation is for you. Mediation has been found to help in every one of these areas. In fact, studies show that divorce mediation results in increased personal adjustment and significant financial savings both during and after the separation and divorce.

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## WHO WE ARE . . .

**PUSATIER, SHERMAN, ABBOTT & SUGARMAN** is a law firm which provides comprehensive legal services to a variety of clients in such +-areas as personal injury, accidents, medical malpractice, matrimonial and family law litigation, matrimonial and family law mediation, bankruptcy, real estate, social security disability, business and corporate law, wills and estates and criminal law.

The firm was founded in 1976 on the philosophy of reliability, prompt service and dedication to our clients' best interests in formulating effective and creative solutions to their problems.

## ABOUT OUR MEDIATOR . . .

**STEVEN R. SUGARMAN** grew up in the Town of Tonawanda and attended St. Lawrence University before attending law school. He graduated from U.B. Law School in 1985. Since 1988, he has practiced exclusively in the area of matrimonial and family law, representing individuals in Supreme and Family Court litigation and in negotiating various settlement agreements. He has been appointed by many different judges to serve as a lawyer for the children in custody and visitation disputes.

Steve is an accredited divorce and family law mediator, having received over one hundred hours of mediation training. He is an Advanced Practitioner member of the Association for Conflict Resolution and belongs to the New York State Council on Divorce Mediation. The vast majority of Steve's practice consists of mediation cases.

Steve is a member of the Erie County Bar Association, where he is Chair of the Alternative Dispute Resolution Committee and member of the Matrimonial and Family Law Committee. He has lectured in several continuing education programs for lawyers on various issues in divorce and family law as well as in mediation. Steve teaches different mediation courses as an adjunct professor at the UB Law School where he is the director of the Mediation Clinic. He has also conducted intensive mediation training programs for various groups. Steve renders pro-bono legal services for indigent people, including victims of domestic violence at Haven House in Buffalo.

Steve is married and has three daughters.