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Mediation Barriers

We asked several divorce mediators in Southern California how to recognize and overcome some of the most common barriers to a successful mediation. Here's what they had to say. **Edited by Jeffrey Cottrill**

Barrier #6:

Lack of Preparation

In order to achieve a lasting agreement in mediation, it is essential that both parties make knowledgeable decisions. Otherwise, second thoughts and regrets will continue to plague them down the line, undermining their agreement and their future relationship, especially if they have children together. And in the worst-case scenario, an agreement could be set aside by the court if one party demonstrates that they lacked relevant information.

Divorcing couples need to have a common understanding of what their asset and debt picture looks like, for example, before making any decisions about those assets and debts. Even if, during the marriage, there was a division of labor in which one had greater understanding of their finances, that imbalance needs to be righted before decisions in mediation are made. While it may seem cumbersome to share statements and other documentation, or to

take the time to value a pension, for example, it is time well spent. It is also important to have a common understanding of what each would be legally entitled to and responsible for.

Only with all this knowledge and understanding are the couple able to consider their options carefully and make conscious, informed choices. They can weigh various alternatives and craft an agreement that fits their particular situation – making decisions that feel fair and comfortable, though not necessarily bound by “the law”. Lack of knowledge and information breeds rigidity. Once both people are informed, they can relax and think creatively, and afterwards they can “let it go” rather than stewing over what they

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would have done if they had only known.

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