

DIVORCE MEDIATION TRAINING

Presented by Marta J. Papa

Day 1	Time Period
1. Overview of Mediation	8:30 – 10:00 am
2. Conflict Resolution Theory	
a. Negotiation Theory v. Mediation Theory	
b. Positional Bargaining v. Interest-Based	
Break	10:00 – 10:15 am
c. Role of the Mediator v. Role of the Attorney	10:15 am – 12:00 pm
d. Video – “Mediation: It’s Up to You” (by Academy of Family Mediators)	
Lunch Break	12:00 – 12:30 pm
3. Overview of the Mediation Process	12:30 – 2:00 pm
a. Legal Issues in Mediation	
b. The Initial Consultation (Client Handbook)	
c. Set Agenda	
d. Financial Discussion	
e. Parenting and Child Support Plan	
f. Property Division Discussion	
g. Tax and Miscellaneous Issues	
h. Interviewing Techniques	
i. Video	
EACH STAGE OF THE PROCESS IN MORE DETAIL	
4. The Initial Consultation	2:00 – 3:00 pm
a. Mediator’s Opening Remarks	
b. Determining the Goals of each Party	
Break	3:00 – 3:15 pm

Day 1

Time Period

- c. The “Ground Rules” for Mediation
 - d. Video: “Civil War” (by Elizabeth Manley)
 - e. Video: “Initial Mediation Consultation”
(by Marta J. Papa)
 - f. Role Play
- 3:15 – 5:30 pm

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Day 2	Time Period
5. Set Agenda of Issues to be Resolved a. Find Areas of “Common Ground” b. Define the Areas in Dispute c. Discuss the Issues in each Disputed Area	8:30 - 10:00 am
Break	10:00 – 10:15 am
6. Finances a. Gathering the Financial Information of both Parties b. Review of the Documentation	10:15am – 12:00 pm
Lunch Break	12:00 – 12:30 pm
c. Look for Areas of Agreement d. List Areas of Disagreement and Explore all the Possible Options e. Help each Party Clarify their Needs f. Discuss Possibility of Maintenance g. Video: “Mediating Financial Issues” (by Marta J. Papa) h. Role Play	12:30 – 3:15 pm
Break	3:15 – 3:30 pm
7. Different Strategies and Techniques Used in Mediation to Help Parties Negotiate a. Principles of Counseling b. Basic Negotiation Skills c. Power Imbalances: How to Deal With Them d. How to Empower the Underpowered Spouse e. Conflict Management Techniques f. Use of Caucus	3:30 – 5:30 pm

Day 2

- g. Video: “Debbie and Michael” (by John Haynes)
- h. Discussion of Video

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Day 3	Time Period
8. Parenting Plan	8:30 – 10:00 am
a. Child Development Theory (Wallerstein & Kelly)	
b. Articles on the Effects of Divorce on Children & Adults	
c. Psychological & Emotional Aspects of Divorce:	
1. On Children	
2. On Parents	
d. Emotional Stages of Divorce	
e. Reactions of Children to Divorce	
f. Signs of Stress in Children	
g. Issues and Needs of Children in Dissolution	
 Break	 10:00 – 10:15 am
h. Discuss Goals and Needs of Each Party	10:15 am – 12:00 pm
i. Discuss the “Best Interest of the Child”	
j. Brainstorm Custody and Visitation Options (Basic Plan)	
k. Video: “Mediating a Parenting Plan” (by Marta J. Papa)	
 Lunch Break	 12:00 – 12:30 pm
l. Help Couple Negotiate a Plan (Parenting Plan Checklist)	12:30 – 2:45 pm
m. College Expenses	
n. Role Play	
 Break	 2:45 – 3:00 pm

Day 3

Time Period

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| 9. Child Support | 3:00 – 3:30 pm |
| a. Statutory Guidelines | |
| b. Video: “Creative Options for Mediating Support” (by Academy of Family Mediators) | |
| c. Live Demonstration of Mediating Support | |
| 10. Screening for and Addressing Domestic Violence | 3:30 – 5:30 pm |
| a. Written Screening Profile to Detect: | |
| 1. Spousal Abuse | |
| 2. Child Abuse | |
| 3. Substance Abuse | |
| 4. Mental Illness | |
| b. Mediating Disputes Involving Domestic Violence | |
| c. “Mediation Triage: Screening for Spousal Abuse in Divorce Mediation” (by Girdner) | |

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Day 4	Time Period
11. Property Division	8:30 – 10:15 am
a. Gathering and Assembling Documentation of all Property they own (Including Pension Plans)	
b. Discuss Differences between Marital and Separate Property	
c. Discuss Needs/Goals of each Party	
Break	10:15 – 10:30 am
d. Brainstorm Options	10:30 am – 12:00 pm
e. Help Couple Negotiate Plan that Meets their Needs	
f. Record Decisions (Schedule III)	
Lunch Break	12:00 – 12:30 pm
g. Video: “Mediating Property Division” (by Marta J. Papa)	12:30 – 2:30 pm
h. Role Play	
12. Tax Issues and Maintenance	2:30 – 3:00 pm
a. Child Care Cost Deduction	
b. Child Dependency Deduction	
c. Head of Household Deduction	
Break	3:00 – 3:15 pm
d. Filing Status	3:15 – 4:00 pm
e. Tax Consequences of Child Support and Maintenance	
13. Mediating Tax Issues	4:00 – 5:30 pm
a. Demonstration	
b. Role Play	

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Day 5	Time Period
14. Ethics in Mediation	8:30 – 10:00 am
a. Mediator Neutrality	
b. Confidentiality of Information Received During Mediation Process	
c. ABA Standards of Practice (Ethics)	
d. AFM Standards of Practice (Ethics)	
e. Dual Representation Prohibition (Attorney v. Mediator)	
f. Conflict of Interest	
g. Legal Advice v. Legal Information	
Break	10:00 – 10:15 am
15. Different Approaches in Mediation	10:15 am – 12:00 pm
a. Facilitative Approach	
b. Directive Approach	
c. Legal Approach v. Therapeutic Approach. “The Promise of Mediation” by Bush & Folger	
d. Different Kinds of ADR and Selecting the Right One for the Right Case	
Lunch Break	12:00 – 12:30 pm
e. Video (Good Morning America)	12:30 – 2:30 pm
f. Co-Mediation	
g. Marketing your Practice	
16. Reference Material and Resources	2:30 – 3:00 pm
a. Sample Memorandum of Understanding	
b. Overall Decisions Checklist	

Day 5

Time Period

Break

3:00 -3:15 pm

- c. Suggested Reading List
- d. Association for Conflict Resolution
- e. Professional Liability Insurance

3:15 – 5:30 pm

17. Course Evaluation