

Tips To Help You Present Yourself And Your Position To The Mediator

1. DO NOT BE LATE:

If you are late, your case will be delayed and your irresponsibility, even if unspoken, will likely be noted.

2. DRESS APPROPRIATELY:

It should be obvious: t-shirts with crude sayings or pictures as well as large displays of cleavage do not present well at mediation. At mediation you want to present yourself as a mature, responsible parent who is child centered.

3. HAVE A SPECIFIC CUSTODY AND VISITATION PLAN:

It is essential that you have a specific and logically reasonable plan for custody and visitation to present to the mediator when asked. Specific: "I want 50/50", for example is not specific. (Such comments also betray an unwarranted concern about timeshare as it relates to support and the natural power struggles that go on between divorced and divorcing parents). Logically reasonable: Children do well with predictable routines and established patterns of custody and visitation will generally be respected by the courts. When making a visitation order, the parents' work schedules and the children's schooling and other appointments and activities must be taken into account. The child's age is also taken into account. With young children whose memories are yet undeveloped, it is advisable to keep the time of either parent away from the child short. Once a child gets older (generally 12) they're opinion may be an important factor in determining an appropriate custody and visitation order. The more specific and logically reasonable your plan is the more likely it is to be accepted by the mediator and by the court.

4. LISTEN TO THE OTHER SIDE:

Unless you listen to the other side, you will not be able to present a specific and logically reasonable plan for custody and visitation because your plan will not factor in important facts only available to you through the medium of listening to the other side.

5. WHAT TO DO WHEN VERBALLY ATTACKED:

Mediation appears to be a time when people who once loved each other enough to have children together attack each other about the past. To the extent that such attacks bear upon the a specific and logically reasonable custody and visitation plan, such attacks are valid. For example, if the accusation is that the other parent is using illegal drugs, then obviously this is relevant to custody and visitation issues. When attacked stay focused on the task at hand and address the attacks with the objectives of mediation in mind. However, simply dragging up old issues that have no real bearing on today's custody and visitation issues are irrelevant and disrupt the task at hand--viz. to come up with a specific and logically reasonable custody and visitation plan.

6. BE CIVIL AND DIPLOMATIC:

I like the word diplomatic because as you and I both know it would be entirely natural and in some cases understandable to be rude and disrespectful. Also, diplomacy involves civilized communication and conduct in spite of ongoing hostilities. **DON'T ENGAGE IN DISRESPECTFUL CONDUCT.** Such conduct is beneath your dignity and will hurt you in mediation. I once had a client who called his ex wife an "f*#ing c*nt" in front of a mediator. He may never see his kids while they are still minors without having to pay for a professional supervisor. Disrespectful conduct toward your children's mother or father, whether overt or covert in front of the mediator or in any context whatsoever undermines you and your relationship with your children. Do not give in to the argument that the other parties' bad conduct justifies you in doing so also. Two wrongs do not make a right and nobody wins when the case dives into this paradigm of blame and general disrespect.