

Five Tips To Selecting a Mediator

1. Training: Although anyone can open an office and call themselves a Mediator (there are no formal requirements) a well-qualified one should have at least 80 hours of advanced study and training in: communications, negotiation, mediation, emotional intelligence and conflict theory.

2. Needs: All couples and families are unique and can have very different needs. So when retaining a Mediator, you should choose one that knows what you need and has the training, ability and sensitivity to help and advise you and your family properly. There are, however, several general areas that all families must deal with, such as:

- a. *Problems Communicating:* Most if not all couples, at some point, have trouble communicating resulting in misunderstandings; many times through no fault of either party. This leads to serious problems, particularly when difficult issues go unresolved over a long time. A good Mediator can re-open communications, and often clear up and prevent further misunderstandings and distrust.
- b. *Emotions:* Divorce and separation can cause a huge range of intense feelings such as: betrayal, jealousy, resentment, anger, grief, fear and anxiety, that can impede a fair and just solution. The mediator you choose should have the skills to recognize and deal with intensely felt emotional issues, with sensitivity and competence in order to facilitate a meaningful mediation.

3. Style: There are different styles of mediation. Some mediations can be flexible and others more formal. The Mediator may guide the process by asking pertinent questions but not provide their opinion or suggest answers, and instead let the participants provide the answers that may lead to the resolution of the issues between them. Other mediations can be more direct, where the Mediator would assess the situation, direct the process and give an opinion as to what they believe is the best path and what the Court might do if the dispute continues to litigation. Thus you need to decide whether you want the Mediator to facilitate the process and help you work it out, or have the Mediator evaluate your situation and give you opinions as to what to do. Decide what style of mediation best fits your needs and ask your potential Mediator what they can provide.

4. Fees: There is a wide range of fees depending on the Mediator's experience and training and whether or not they are also an attorney or a retired Judge (they usually charge more). Find out whether it is by the hour, or a flat fee.

5. Is it a Fit?: No matter what style of mediation is used, the Mediator must be a good listener with the skills to understand and deal wisely and sensitively with the concrete and the emotional issues that may arise. The parties need to feel safe and heard, and that they can trust the Mediator to be fair and honest.