

### Summary of Counseled Mediation™: A More Effective Way to Mediate

#### Problems In Mediation

- Parties often come to the mediation table uninformed of their rights, or how the legal system works.
- If one party is more forceful or outspoken than the other, the other can feel or be intimidated.
- Client's lawyers are not kept involved throughout the process. They only see clients at the beginning and at the end to review the PSA.

#### Problems With Collaborative Law

- In the process of collaborative divorce, if the parties fail to reach an agreement, the lawyer has to abandon their client, when they've already done the groundwork for the case.
- The clients are forced to find other representation. This is a waste of money, to have a new lawyer working on the background of a case.
- In the lawyer model, no one person is in charge. In the team model, one person is in charge, but there are more people to keep informed, to coordinate scheduling, to meet, all of which takes more time and more of your money.

#### Counseled Mediation™

- Counseled mediation is a process aimed at a more effective negotiation, where parties are kept informed of their legal rights.
- Lawyers participate, lending their clients support, advice, and to help ensure a fair settlement.
- The mediator works as the coordinator for the proceedings, coming up with creative, flexible solutions that aren't available in a court room setting.

#### Where Counseled Mediation™ is Different from Collaborative Law

- Counseled Mediation™ doesn't contractually limit the lawyers' involvement. The Collaborative process contractually limits the lawyers' involvement. In Counseled Mediation™ the lawyers are not forced to give up their clients if the mediation process falls through, saving time and money for all parties.
- Cost of lawyer model: Over \$10,000; time: over 6 months; Team: over \$20,000; time: over 9 mos .
- Cost of Counseled Mediation™ is about \$2,000; time: under 3 months

#### The Lawyer's Role

In counseled mediation, the lawyer is fully integrated into the mediation process. As legal adviser, the lawyer is an active participant, kept informed of the proceedings through the whole process. They are there to protect the interests of their client, and promote productive agreements.

#### Increasing Lawyer Involvement in the Different Methods

- Mediation- Lawyer input only occurs at the beginning and at the end to review the PSA.

- Counseled Mediation™ - Clients agree that the lawyers and mediator will talk as needed.
- Collaborative Lawyer Model- Lawyers present for all negotiations; adding cost and scheduling delays.
- Collaborative Team Model- Lawyers take back seat to coaches and financial planners, adding more costs and further delays.