

## Can Mediation Work in a Communication Breakdown?

Often couples heading towards divorce dismiss mediation as an option for one simple reason: Mediation implies communication. Some divorcing couples cannot stand to be in the same room with each other and cannot communicate in any effective way. The damage is too severe and there is too much 'water under the bridge,' so to speak. Couples in such a distressing and emotionally charged scenario think mediation is impossible due to their inability to communicate.

This belief is due to a core misconception about the mediation process. Mediation is not about locking people into a room and insisting they talk out all of their problems – mediation is not therapy. Mediation is actually ideal for couples who have trouble communicating; amicable divorces wherein the couples still communicate easily can often be worked out between the parties without much trouble. Marriages ending in icy silence often end up in the courts – but litigation is designed to prevent communication, making things even worse. Mediation is designed to benefit people having difficulty communicating with each other for several reasons.

First, mediation is designed to remove the emotional element and teach people how to work towards mutual goals. Divorcing couples usually have messy, integrated lives – children, property, mutual friends – and will usually be involved in each other's lives for decades to come. A litigated divorce insulates them from each other and leaves them, post-divorce, with no ability to communicate, spelling disaster for those coming decades. Mediation teaches couples the skills they will need to work through the many decisions that lie in store for them.

Second, mediation is much more structured than people assume. The popular idea of two people screaming at each other while a harried mediation attorney takes frantic notes is far from the reality. Experienced Mediators know to set up ground rules:

- That each person gets to speak without interruption,
- That politeness and respect be maintained at all times,
- That everyone concentrate on facts instead of feelings, and
- That all discussions be focussed on the future, and not the past.

These ground rules remove much of the antagonistic and emotional nature of the discussion, and couples who could not have a conversation before find it easy to negotiate under the canopy of mediation – and these ground rules can be carried forward into their post-divorce communications.

Mediation is not a magic bullet, but it is a powerful process. A trained mediation attorney can discuss how mediation makes your future communication easier while guiding you to a mutual solution today.