

Expectations of Professionals and Clients in Divorce Mediation or a Collaborative Divorce Process

In every communication, aside from the actual content of the message, each message has two parts: Behavior and Attitude. Your behavior refers to the verbal and nonverbal actions you take. It is said that 85% of what we convey is conveyed nonverbally. Your attitudes are extensions of your feelings, intentions and belief systems. Your attitudes will be reflected in both your verbal and nonverbal behavior when you communicate. Any exchange with your partner will reflect your underlying attitude about yourself, as well as your partner. We ask all participants to be at their highest and best selves during meetings. Expect Team/Mediation Professionals to help you, as well as each other to hold this high standard. To keep communication constructive, and the process moving forward, we ask participants to use the following 10 ways to discuss topics in Mediation or Collaborative Meetings:

PERSONAL EXPECTATIONS

1. Be Respectful. Be respectful to everyone in meetings. Use first names for everyone - avoid using "he" or "she" to talk about someone that's in front of you.

2. Focus on Problem-Solving. Consider all options without being attached to your own favorite idea for resolution. Be willing to hear other possibilities from your spouse/others. Solicit feedback (e.g. "What do you think?") and avoid hammering your view over and over. Some examples of how to honor your experience while still being respectful and focused on problem-solving:

"I want to do right by you. I'd like to discuss this further before we make decisions."

"I feel resistant to what you're saying, but I'm willing to hear you out and think about what you've said."

"Let's work to come up with a solution. Here's one idea about what could work. What do you think?"

3. Be Responsible: Speak For and About Yourself. Use "I" statements. As you speak for or about yourself, use "I," "me" or "my." Avoid "getting into your partner's head" – avoid describing about your partner's feelings, motivations, etc. Focus on *your* thoughts, feelings and behaviors. When you speak for yourself, take responsibility for your own statements – for what you say and how you say it. Taking responsibility for your feelings, needs and choices gives *you* control over your life in every meaningful situation. When you speak clearly for and about *yourself*, your message is easier for others to hear and accept, and they are less likely to be provoked, defensive or otherwise discount your thoughts, feelings and desires.

4. Listen without Interruption. You will hear more options and be less reactive to what's said, if you focus on what's actually being said, instead of thinking about how you'll respond while the other person is speaking. Take notes, to help yourself stay focused. Listen with the intention of understanding, and prepare to convey that understanding *before* you submit your own personal response. Summarize what the person says, or ask questions about what's said to avoid your getting defensive or reactive during meetings. *If you feel yourself getting reactive, SPEAK SLOWLY* – it's very hard to be upset if you slow your speech down. 99% of the time, if your mind flips to judging the person or his/her message, you *will* get angry. Once you're reactive, it's biologically impossible to reason and carefully consider the options, so *you will no longer be an effective advocate for yourself*. Professionals will intervene to help you regulate your emotions if this happens. Each of you will have time to say what you need to say. This is one of the benefits of Mediation and of the Collaborative Process.

5. Avoid Judging, Accusing, Blaming, Criticizing, Sarcasm, Complaining or Inflammatory Language about Your Partner. All of the former can be conveyed in tone and nonverbally – you needn't judge directly to judge. The minute you use such communication, you make it impossible for your partner to validate or affirm your interests, and extremely difficult for your Team to do anything but help you clean up the mess and redirect you to get the process on track. Judgmental language will provoke resistance and defensiveness. Avoid "you" statements – they indicate you're speaking for another, instead of asking or allowing the person to speak for him/herself. Avoid "always" and "never" statements – they tend to be global judgments about a person (e.g. "You *never* listen." "You're *always* condescending."). If you find yourself being judgmental, here are some remedies:

- **Avoid engaging or focusing on whatever you imagine is in the other's head!** e.g. You see your partner scowl when you're talking, and start feeling hurt, sad and then mad as you imagine all the ways s/he's been disrespectful. "Turn your mind" immediately to deliberately focus on the problem you're both trying to solve. ONLY engage the content of what's at hand.
- **Observe and describe observable "facts."** e.g. "I noticed you just frowned. Is there something you'd like to say?"
- **Ask for genuine clarification about anything you literally "see" or "hear"** e.g. "You're saying I'm arrogant and selfish. Does that mean you don't like my idea and that you'd like to offer another that considers us both?"
- **Transform your judgment/complaint into a neutral "wondering" out loud, and/or a reasonable, clear request.** e.g. You *think*: "You have no intention of doing that. You never do what you say." You actually say: "I wonder what it would look like for either of us to follow through with that. What would the steps be? Conditions?"

6. Be Effective. Before you say or do anything, *learn to ask yourself*: "Will this be effective in *the long run* to advance my goals and desires?" Intense emotions (especially those fueled by judgments) may drive you to show your hurt, anger, pain to/against the other. Consider that such expressions will not be effective in the long run to further your objectives.

PROCESS EXPECTATIONS

7. The Collaborative/Mediation Process is Voluntary. If something is not working for you: a) respectfully raise it as *your* concern ("I" statement), b) offer a constructive solution, c) make a clear request and d) solicit feedback (e.g. "What do you think?"). PLEASE ask your Collaborative/Mediation Professional(s) for help doing so if you can't on your own, for any reason. Tell your Professionals to ensure your concern is addressed. Ask for clarification, *whenever you need it*. Each partner is empowered to impact the outcome by having the right to disagree with anything that isn't acceptable to him/her.

8. Commit and Recommit to the Collaborative/Mediation Process. *Be willing* to commit to meet regularly, and to prepare fully for meetings by completing tasks. You will likely often *not feel like it*. Some of the tasks are tedious. Others may evoke difficult emotions. *Be willing to plow ahead anyway*. Remind yourself that a litigated divorce is *much more stressful and expensive!*

9. Be Patient with Each Other & Collaborative/Mediation Professionals. Delays may happen even with everyone acting optimally and in good faith. Be willing to assume that everyone is doing the best they can - If not because "it's factually true," then because it's more effective for you in the long run. When results don't happen quickly enough for someone, partners are tempted to jump to their own answers. This doesn't work. If it did, you wouldn't need professionals.

10. Trust the Collaborative/Mediation Process. The strength of Mediation and the Collaborative Process is that typically follow clear, containing stages and steps: Commitment, Information, Interests & Priorities, Choices, and only then, Resolution. Sticking to this process is what facilitates mutually acceptable, high quality solutions that amicably sustain restructured family relationships. Clients and Professionals alike are tempted to think they know best what will work. Coming back to the process is what will get us all to the finish line.

At some fundamental level, *fear* and *faith* are nothing more than *choices*. During a divorce/separation, *fear* is often rampant. There is so much a couple can't know, especially at the beginning, about the future. As humans, we tend to act as if fear will help us anticipate or prepare more effectively – we have the illusion that being afraid gives us some measure of control over unknown outcomes. Instead, we suffer in anticipation of what we cannot know. *Faith*, is a state of being – it doesn't mean that you "know" or completely "believe" that the unforeseeable future will be exactly as you hope it will be. *Faith* has to do with accepting what you can't change, changing what you can and practicing "turning your mind" to envision clearly a viable, serene, satisfying future. *Courage* is being afraid and doing what there is to do anyhow. It takes courage to trust, to have "faith" while keeping your eye on what's effective in the long run.